

Rules

RULE

Department of Agriculture and Forestry Office of Agriculture and Environmental Sciences

Termite Bait and Baiting Systems (LAC 7:XXV.117 and 141)

In accordance with provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the Department of Agriculture and Forestry, Structural Pest Control Commission, has adopted regulations regarding minimum specifications for use of termite bait and baiting systems.

The Department of Agriculture and Forestry deems the implementation of these Rules and regulations necessary to provide for uniform minimum treatment specifications for baits and baiting systems. There are several different bait and baiting systems available for use by licensed pest control operators (PCO). These Rules insure that PCO install, monitor and treat structures for subterranean termites to at least a minimum set of requirements. These Rules also allow the department to regulate baits and baiting systems consistently and insure that the state's citizens are getting the services for which they are paying.

These Rules comply with and are enabled by R.S. 3:3203.

Title 7

AGRICULTURE AND ANIMALS

Part XXV. Structural Pest Control

Chapter 1. Structural Pest Control Commission

§117. Obligations of the Licensee

A. The licensee must keep the bond and general liability insurance required under §107.D in full force and effect at all times.

B. The licensee must renew the permit for operation for each business location annually prior to June 30.

C. The licensee must apply for a registration certificate for each employee under his supervision within 30 days after the employee is hired and must comply with all other requirements pertaining to registration of employees set forth in §113.

D. The licensee must follow label and labeling requirements in all applications of pesticides not specifically covered in §141.

E. The licensee shall be responsible for training the employee in the kind of work which he will perform.

F.1. The licensee must maintain his commercial applicator certification in current status by:

- a. attending a continuing educational program for recertification approved by the Louisiana Department of Agriculture and Forestry;
- b. recertification at least once every three years;
- c. a minimum of six hours of technical training which shall include but not be limited to the categories of general pest control, termite control, wood destroying insect report (WDIR) inspector and commercial vertebrate control;
- d. a minimum of six hours of technical training for the category of fumigation.

2. A licensee attending an approved recertification seminar must attend the entire approved program; otherwise the licensee shall not be recertified at this approved seminar.

3. Time and location for each licensee certification can be obtained by calling or writing to the Louisiana Department of Agriculture and Forestry.

4. A minimum of six hours of technical training for the category of fumigation.

5. A licensee attending an approved recertification seminar must attend the entire approved program, otherwise the licensee shall not be recertified at this approved seminar.

6. Time and location for each licensee certification can be obtained by writing to the Louisiana Department of Agriculture and Forestry.

G. The licensee must be available to provide direct supervision over all employees registered under his license on a regular, ongoing basis.

H. The licensee must report all termite contracts and all wood-destroying insect reports and pay all required fees as set forth in §119 hereof.

I. Any person applying pesticides for a fee and the licensee must maintain records according to LAC 7:XXV.117.I, at the physical address listed on the place of business permit of all applications of pesticides on a record keeping form or in a format approved by the director of Pesticide and Environmental Programs of LDAF. These records must be retained for a period of two years after the date of the pesticide application for ship and commodity fumigation, general pest control and commercial vertebrate control and a period of two years after the expiration of applicable contracts for termite and other wood destroying insect control. The licensee must make a copy of these records available to any employee of the Louisiana Department of Agriculture and Forestry for inspection at a reasonable time during normal working hours.

1. Records for Licensee(s) applications of pesticides for wood destroying insects shall contain the following information:

- a. place of business name, address, and number;
- b. licensee name, address, and certification number;
- c. customer name and address;
- d. location of application;
- e. product/brand name;
- f. EPA registration number;
- g. restricted/general use pesticide;
- h. application date and time;
- i. target pest;
- j. type of application (pre-treat, post, spot);
- k. size of area treated (square feet or linear feet);
- l. mixture concentration;
- m. total amount of emulsion applied;
- n. applicator and certification number.

2. Record keeping for licensee(s) in the general pest and commercial vertebrate phases shall contain the following information:

- a. place of business name address, and number;
- b. licensee name, address, and certification number;

- c. customer name and address;
 - d. location of application;
 - e. product/brand name;
 - f. EPA registration number;
 - g. restricted/general use pesticide;
 - h. application date and time;
 - i. pest treated/type of application;
 - j. mixture concentration (percent);
 - k. applicator and certification number.
3. Records for licensee(s) in the fumigation phase shall contain the following information:
- a. place of business name, address, and number;
 - b. licensee name, address, and certification number;
 - c. customer name and address;
 - d. location of application;
 - e. product/brand name;
 - f. EPA registration number;
 - g. restricted/general use pesticide;
 - h. application date and time;
 - i. pest treated;
 - j. type of application (ship, structure, commodity);
 - k. size of area treated (cubic feet);
 - l. rate applied;
 - m. total amount of product applied;
 - n. applicator, certification number.
4. Records for licensee(s) using Bait and Baiting Systems shall contain the following information:
- a. place of business name, address, and phone number;
 - b. licensee name, address, and certification number;
 - c. customer name and address;
 - d. physical address of contracted structure;
 - e. product\brand name;
 - f. EPA registration number;
 - g. restricted\general use pesticide;
 - h. linear feet of perimeter of the treated structure(s);
 - i. date each monitoring stations installed or inspected;
 - j. date each ground bait station installed, inspected or replaced;
 - k. date each above ground bait station installed, inspected or replaced;
 - l. number of monitoring, ground and above ground bait stations inspected during each inspection;
 - m. name and certification\registration number of person inspecting;
 - n. inspection diagram.
- J. The licensee must renew each category in which he is licensed annually by June 30.
- K. The annual fee for licensed pest control operators shall be \$5 for each category in which the pest control operator is licensed.
- L. The licensee must report to the Louisiana Department of Agriculture and Forestry all termite contracts, termite perimeter applications and wood destroying insect reports completed each month on the form provided by the Louisiana Department of Agriculture and Forestry. The reports listed above are due in Division of Pesticides and Environmental Programs office in Baton Rouge on or before the tenth of the month following the contract or application.

- M. The fee per termite contract and wood-destroying insect report is \$5 per and/or inspection report issued and is due on or before the tenth day of each month.
- N. The licensee must have provisions for spill control including materials and tools on every vehicle transporting pesticides.
- O. Signage of Vehicles
1. General. A motor vehicle being operated by a place of business that is engaged in the transport or application of pesticides must be marked as specified below:
- a. magnetic or removable signs may be used;
 - b. size, shape, location and color of marking. The marking must contain the following:
 - i. appear on both sides of the vehicle;
 - ii. be in letters that contrast sharply in color with the background;
 - iii. be readily legible during daylight hours;
 - iv. lettering must be a minimum of two inches in height;
 - v. be kept and maintained in a manner that retains the legibility of the information required by §117.O.1.c;
 - c. nature of marking. The marking must display the following information:
 - i. the name or trade name of the place of business operating the vehicle.
- P. The only phone numbers that shall be used in any advertisement shall be the place of business permit phone number or the licensee's home phone number.
- AUTHORITY NOTE: Promulgated in accordance with R.S. 3:3302 and R.S. 3:3306.
- HISTORICAL NOTE: Promulgated by the Department of Agriculture, Structural Pest Control Commission, LR 11:323 (April 1985), amended by the Department of Agriculture and Forestry, Structural Pest Control Commission, LR 15:954 (November 1989), LR 21:930 (September 1995), LR 23:855 (July 1997), LR 29:1062 (July 2003).
- §141. Minimum Specifications for Termite Control Work**
- A. - I. ...
- J. Requirements for Baits and Baiting Systems
1. Any licensee or any person working under the supervision of a licensee, who applies baits and/or baiting systems, shall be certified in the use of the baits and baiting systems, by the manufacturer of the product, prior to any application of the bait or baiting system. Manufacturer certification and training programs shall have approval of the agenda prior to the program by the Louisiana Department of Agriculture and Forestry. Manufacturer shall notify LDAF in writing of the licensees and technicians certified.
2. All baits and baiting systems applications shall be contracted and reported according to R.S. 3:3370 and LAC 7:XXV.119.D and pay the fee as described in LAC 7:XXV.119.E.
3. Bait and baiting systems shall be used according to label and labeling.
4. Bait and baiting systems' ground monitoring stations shall be used to detect the presence of subterranean termites in the soil.
5. Ground bait delivery shall begin when the presence of subterranean termites are detected in the monitoring

station or if the label allows. Ground bait stations may be used as monitoring stations and inspected as required in LAC 7:XXV.141.J.

6. Above ground bait stations may be used according to their label and labeling when the presence of subterranean termites are detected in the contracted structure.

7. Ground monitoring and bait stations, used as monitors, shall be inspected monthly, not to exceed 35 days, from the date of installation or last inspection. When there is no termite feeding on any bait or monitoring station for 90 days from the date of installation or last inspection; monitor as required in LAC 7:XXV.141.J.9.

8. When there is termite feeding on any bait and/or monitoring station(s) at the contracted structure; all above ground bait stations and ground monitoring and bait stations shall be inspected monthly, not to exceed 35 days from the date of installation or last inspection and such inspections shall continue until there is no termite feeding on any bait and/or monitoring station, in any station, at the contracted structure for 90 days from the date of installation or last inspection; When there is no termite feeding on any bait or monitoring station for 90 days from the date of installation or last inspection; monitor as required in LAC 7:XXV.141.J.9.

9. When there is no termite feeding on any bait or monitoring station for 90 days from the date of installation or last inspection; monitoring shall resume at regular intervals, not to exceed 90 days from the date of the last inspection; when termites are detected again, monitoring and/or baiting shall follow the requirements set forth in LAC 7:XXV.141.J.8.

10. Monitoring and ground bait stations shall surround the contracted structure and shall not be more than 20 feet apart, where soil is available unless the label requires stations closer and/or does not allow for "where soil is available."

11. Monitoring and ground bait stations, where soil is available, shall be no further than 20 feet from the slab or pier's outside perimeter except for non-structural wood elements including but not limited to trees, stumps, wood piles, landscape timbers and detached fences.

12. Records of contracts, graphs, monitoring, and bait applications shall be kept according to LAC 7:XXV.117.I.

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

14. All monitoring and bait stations shall be removed by the pest control operator from the contracted property within 30 days of the termination of the contract. In the event the bait and baiting system manufacturer stops the use by the pest control operator of their bait and baiting system; all monitoring and bait stations shall be removed by the pest control operator from the contracted property within 90 days of the stop use notification.

15. The commission hereby establishes a pilot program for the use of bait and baiting systems and shall include but not be limited to the following:

a. all baits and baiting systems products shall be subject to the pilot project for a period of a minimum of one year. The Structural Pest Control Commission shall

reevaluate the products in the pilot program prior to the end of the first quarter of every calendar year;

b. pilot project bait and baiting system products shall, upon approval of the commission, be listed in the *Louisiana Register*;

c. pilot project bait and baiting system products are subject to all regulations in LAC 7:XXV.141.J;

d. baits and baiting systems may be used as a stand-alone termite treatment only with written approval by LDAF;

e. baits and baiting systems may be used as a supplement to traditional ground termiticide treatments.

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

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Structural Pest Control Commission, LR 11:330 (April 1985), amended by the Department of Agriculture and Forestry, Structural Pest Control Commission, LR 15:958 (November 1989), LR 20:644 (June 1994), LR 21:931 (September 1995), LR 23:1285 (October 1997), LR 29:1063 (July 2003).

Bob Odom
Commissioner

0307#087

RULE

Economic Development Office of Business Development Business Resources Division

Workforce Development and Training Program (LAC 13:III.Chapter 3)

The Department of Economic Development, Office of Business Development, Business Resources Division, Louisiana Economic Development Corporation, pursuant to the authority of R.S. 51:2312 and R.S. 51:2331 and in accordance with the Administrative Procedure Act, R.S. 49:950, et seq., has amended the Rules for the Workforce Development and Training Program. The Rules have been amended to recognize the state's commitment to Cluster Based Economic Development; to recognize statutory changes made by Acts 2001, No. 9; to eliminate the use of sponsoring entities in the Workforce Program; to provide that LEDC may cancel funding if the project takes more than a year to get started; to require a business plan, with financial statements and projections, with the application; to provide that the benefit to the state should not take longer than two years to be realized; to eliminate the limit of \$500,000 for a single grant; and to provide for other administrative changes.

Title 13

ECONOMIC DEVELOPMENT

Part III. Financial Assistance Programs

Chapter 3. Workforce Development and Training Program

§301. Preamble and Purpose

A. Workforce Development and Training is vital to support the state's commitment to Cluster Based Economic Development, and the state's long-term goals as set forth in Louisiana: Vision 2020, which is the master plan for economic development for the state of Louisiana.

B. The purpose of the program is to enable the development of and provide customized workforce training programs to existing and prospective Louisiana businesses as a means of:

1. improving the competitiveness and productivity of Louisiana's workforce and business community; and
2. assisting Louisiana businesses in promoting employment stability.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:2312 and 2331, et seq.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Economic Development Corporation, LR 23:43 (January 1997), amended by the Department of Economic Development, Office of the Secretary, LR 23:1641 (December 1997), LR 25:242 (February 1999), LR 25:1665 (September 1999), LR 26:241 (February 2000), amended by the Department of Economic Development, Office of Business Development, Business Resources Division, LR 29:1064 (July 2003).

§303. Definitions

Applicant The entity or company requesting a training award from LED and LEDC under this program.

Award Funding approved under this program for eligible training activities.

Company The business enterprise undertaking the workforce training project, and the successful applicant receiving or granted an award under this program.

Contract A legally enforceable award agreement between DED, the awardee and a sponsoring entity LEDC and the successful applicant-company governing the terms and the conditions of the training award.

Full Time Permanent Job Can employed position requiring the employee to work a full 40-hour work week, and which is not a temporary position.

LED The Louisiana Department of Economic Development.

LEDC The Louisiana Economic Development Corporation.

Net Benefit Return to the State The determination of whether or not the value to the state is equal to or exceeds the amount of the award to the company.

Percentage of Achieved Performance Objectives as Provided in the Contract Can average of that portion achieved by the company of the full time permanent jobs created or upgraded, and that portion achieved by the company of the annual salary levels to be reached, as provided in the contract. The two portions are to be added together, and the total figure is then divided by two, in order to yield the average percentage.

Preference The discretionary granting of an advantage or priority to one applicant or application over others; allows extra consideration to be given to one applicant or application over others, with regard to the availability of funding.

Program The Workforce Development and Training Program.

Project The workforce training endeavor that will enhance the qualifications and productivity of a company's workforce, its employees and prospective employees, for which LED and LEDC assistance is requested under this program as an incentive to influence a company's decision to maintain or expand its Louisiana operations, to increase its capital investment in Louisiana, or to locate a facility in this state.

Secretary The secretary of the Louisiana Department of Economic Development, who is, by law, also the president of the Louisiana Economic Development Corporation.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:2312 and 2331, et seq.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Economic Development Corporation, LR 23:44 (January, 1997), amended by the Department of Economic Development, Office of the Secretary, LR 23:1641 (December 1997), LR 25:242 (February 1999), LR 25:1665 (September 1999), LR 26:241 (February 2000), amended by the Department of Economic Development, Office of Business Development, Business Resources Division, LR 29:1065 (July 2003).

§305. General Principles

A. The following general principles will direct the administration of the Workforce Development and Training Program:

1. LEDC shall serve as the single review board for this Workforce Development and Training Program which is to be administered by LED;

2. training awards are not to be construed as an entitlement for companies located or locating in Louisiana;

3. awards must reasonably be expected to be a significant factor in a company's location, investment, expansion and/or training decisions;

4. awards must reasonably be demonstrated to result in the enhanced economic well-being of the state and local communities;

5. evaluations for the enhancement of existing Louisiana businesses that are adding locations within the state will be conducted with the same procedures and with the same priority as the recruitment of new businesses to the state;

6. the anticipated economic benefits to the state will be considered as a requirement in making the award;

7. awards will be coordinated with the existing plans and programs of other government agencies whenever appropriate;

8. a train-the-trainer approach will be adopted whenever appropriate in order to strengthen the institutional capacity of public and private sector training providers; and

9. award funds shall be utilized for the approved training project only.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:2312 and 2331, et seq.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Economic Development Corporation, LR 23:44 (January 1997), amended by the Department of Economic Development, Office of the Secretary, LR 23:1641 (December 1997), LR 25:242 (February 1999), LR 25:1665 (September 1999), LR 26:242 (February 2000), amended by the Department of Economic Development, Office of Business Development, Business Resources Division, LR 29:1065 (July 2003).

§307. Program Descriptions

A. This program provides two types of training assistance for companies seeking prospective employees who possess sufficient skills to perform the jobs to be created by the companies. The training to be funded can include:

1. pre-employment training for which prospective employees are identified and recruited for training with the knowledge that the company will hire a portion of the trainees;

2. on-the-job (and/or upgrade) training for employees that is needed to bring the employees up to a minimum skill and/or productivity level.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:2312 and 2331, et seq.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Economic Development Corporation, LR 23:44 (January 1997), amended by the Department of Economic Development, Office of the Secretary, LR 23:1642 (December 1997), LR 25:242 (February 1999), LR 25:1665 (September 1999), LR 26:242 (February 2000), amended by the Department of Economic Development, Office of Business Development, Business Resources Division, LR 29:1065 (July 2003).

§309. Eligibility

A. An eligible applicant is an employer that seeks customized training services to provide training in a particular industry.

B. The following types of businesses are ineligible for the award of workforce development funds: Retail Businesses; Trucking Companies; Lodging or Hospitality Enterprises; Assisted Living Enterprises, Retirement Communities, or Nursing Homes; and Gaming or Gambling Enterprises.

C. Employees to be trained must be employed in Louisiana, except for projects locating at Stennis Space Center in Mississippi. Employees to be trained for projects at Stennis Space Center must be Louisiana residents.

D. A company shall be considered ineligible for this program if it has pending or outstanding claims or liabilities relative to failure or inability to pay its obligations; including state or federal taxes, or bankruptcy proceeding, or if it has pending, at the federal, state, or local level, any proceeding concerning denial or revocation of a necessary license or permit, or if the company has a previous contract with the Department of Economic Development or LEDC in which the company is in default and/or is not in compliance.

E. Companies must be in full compliance with all state and federal laws.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:2312 and 2331, et seq.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Economic Development Corporation, LR 23:44 (January 1997), amended by the Department of Economic Development, Office of the Secretary, LR 23:1642 (December 1997), LR 25:243 (February 1999), LR 25:1665 (September 1999), LR 26:242 (February 2000), amended by the Department of Economic Development, Office of Business Development, Business Resources Division, LR 29:1066 (July 2003).

§311. Criteria

A. General (these apply to all training programs administered under these Rules)

1. Preference may be given to applicants in industries identified by the state as targeted or cluster industries, and to applicants locating in areas of the state with high unemployment levels.

2. Employer(s) must be in full compliance with Louisiana unemployment insurance laws.

3. If a company does not begin the project within 365 days of application approval, the LEDC, upon the recommendation of the secretary of LED, may cancel funding of the training project, or may require reapplication.

4. The number of jobs to be retained and/or created as stated in the application will be adhered to and will be made an integral part of the contract.

B. Pre-employment, Upgrade and On-the-Job Training

1. Applicants must create at least 10 net new full-time permanent jobs in the state, unless upgrade training is involved. Upgrade training must be provided to a minimum of 10 full-time permanent employees.

2. Participation in pre-employment training does not guarantee students a job upon completion of their training.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:2312 and 2331, et seq.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Economic Development Corporation, LR 23:45 (January 1997), amended by the Department of Economic Development, Office of the Secretary, LR 23:1642 (December 1997), LR 25:243 (February 1999), LR 25:1666 (September 1999), LR 26:242 (February 2000), amended by the Department of Economic Development, Office of Business Development, Business Resources Division, LR 29:1066 (July 2003).

§313. Application Procedure

A. LED will provide a standard application form which applicants will use to apply for assistance. The application form will contain, but not be limited to, detailed descriptions of the following:

1. an overview of the company, its history, and the business climate in which it operates;

2. the company's overall training plan, including a summary of the types and amounts of training to be provided and a description of how the company determined its need for training;

3. the specific training programs for which LED and LEDC assistance is requested, including descriptions of the methods, providers and costs of the proposed training;

4. a fully developed business plan, with financial statements and projections; and

5. any additional information LED or LEDC may require.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:2312 and 2331, et seq.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Economic Development Corporation, LR 23:45 (January 1997), amended by the Department of Economic Development, Office of the Secretary, LR 23:1642 (December 1997), LR 25:243 (February 1999), LR 25:1666 (September 1999), LR 26:242 (February 2000), amended by the Department of Economic Development, Office of Business Development, Business Resources Division, LR 29:1066 (July 2003).

§315. Submission and Review Procedure

A. Applicants must submit their completed application to LED. Submitted applications will be reviewed and evaluated by LED staff. Input may be required from the applicant, other divisions of the Department of Economic Development, LEDC, and other state agencies as needed, in order to:

1. evaluate the importance of the proposed training to the economic well-being of the state and local communities;

2. identify the availability of existing training programs which could be adapted to meet the employer's needs;

3. verify that the business will continue to operate during the period of the contract; and

4. determine if the employer's training plan is cost effective.

B. An economic cost-benefit analysis tailored to the applicant's request shall be conducted by LED to determine the net benefit to the state and/or local community of the

proposed training award. The net benefit return to the state shall not exceed two years.

C. Upon determination that an application meets the general principles, eligibility requirements, and criteria for this program, LED staff will then make a recommendation to LEDC; and LEDC will then review and either approve or reject the application.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:2312 and 2331, et seq.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Economic Development Corporation, LR 23:45 (January 1997), amended by the Department of Economic Development, Office of the Secretary, LR 23:1643 (December 1997), LR 25:243 (February 1999), LR 25:1666 (September 1999), LR 26:243 (February 2000), amended by the Department of Economic Development, Office of Business Development, Business Resources Division, LR 29:1066 (July 2003).

§317. General Award Provisions

A. Award Agreement

1. An award agreement or contract will be executed between LEDC and the successful applicant-company. The contract will specify the performance objectives expected of the company and the compliance requirements to be enforced in exchange for state assistance, including, but not limited to, the time required for job training, job creation, and the achievement of employee salary levels to be reached by the company.

2. LEDC will disburse funds to the company as provided by the award agreement or contract.

3. LED will oversee the progress of the training and reimburse the company on the basis of cost reports certifying the amount expended by the company for the training of employees for which reimbursement is sought, submitted by the company on a form provided by LED. LED may request the company at any time and from time to time to submit additional or supporting information.

4. Funds may be used for training programs extending up to two years in duration.

5. Contracts issued under previous Rules may be amended to reflect current regulations as of the date of the most recent change, upon request of the company, the recommendation of LED, and approval of LEDC.

B. Funding

1. The Louisiana Workforce Development and Training Program offers financial assistance in the form of a grant for reimbursement of eligible training costs specified in the award agreement.

2. Eligible training costs may include the following:

a. instruction costs: wages for company trainers and training coordinators, Louisiana public and/or private school tuition, contracts for vendor trainers, training seminars;

b. travel costs: travel for trainers, training coordinators and trainees;

c. materials and supplies costs: training texts and manuals, audio/visual materials, raw materials for manufacturer's training purposes only and computer based training (CBT) software; and

d. other costs: when necessary for training, such as facility and/or equipment rental.

3. Training costs ineligible for reimbursement include:

a. trainee wages and fringe benefits;

b. non-consumable tangible property (e.g., equipment, calculators, furniture, classroom fixtures, non-

computer based training (CBT) software, unless owned by a public training provider;

c. out-of-state, publicly supported schools;

d. employee handbooks;

e. scrap produced during training;

f. food, refreshments; and

g. awards.

4. Training activities eligible for funding consist of:

a. company-specific skills: skills which are unique to a company's workplace, equipment and/or capital investment;

b. quality standards skills: skills which are intended to increase the quality of a company's products and/or services and ensure compliance with accepted international and industrial quality standards (e.g., ISO standards); and

c. skills pertaining to instructional methods and techniques used by trainers (e.g., train-the-trainer activities).

C. Conditions for Disbursement of Funds

1. Funds will be available on a reimbursement basis following submission of required documentation to LED by the company. Funds will not be available for reimbursement until a training agreement or contract between the company and LEDC has been executed. Only funds spent on the project after LEDC's approval will be considered eligible for reimbursement. However, reimbursements can be provided to the company only after final execution of a contract with LEDC.

2. Companies will be eligible for reimbursement on a percentage of achieved performance objectives as provided in the contract, until all or substantially all of its contracted performance objectives have been met. After the company has achieved all or substantially all of its contracted performance objectives, any remaining unpaid portion of the grant award will be made available for reimbursement. Performance objectives shall be considered substantially achieved when LED and LEDC have determined that the benefits to the state anticipated or expected as a result of the training project have been achieved, even though 100 percent of all stated objectives of the award agreement (or contract) may not have been fully achieved.

D. Compliance Requirements

1. In order to be paid or reimbursed as provided by the contract, companies shall be required to complete and submit to LED cost reports certifying the amount expended by the company for the training of employees for which reimbursement is sought, along with progress reports describing the company's progress toward the performance objectives specified in its contract with LEDC. Such progress reports shall include a review and certification of the company's hiring records (with copies of the company's quarterly Louisiana Department of Labor ES-4 Form filings to be attached), and the extent of the company's compliance with contract employment commitments. Further, LED shall oversee the timely submission of reporting requirements by the company.

2. The termination of employees during the contract period who have received program-funded training shall be for documented cause only, which shall include voluntary termination.

3. In the event a company fails to meet its performance objectives specified in its contract, LEDC shall retain the right to withhold award funds, modify the terms

and conditions of the award, and/or to reclaim disbursed funds from the company in an amount commensurate with the scope of the unmet performance objectives and the foregone benefits to the state, as determined by LED and on the recommendation of the secretary. Reclamation shall not begin unless LED has determined, with the concurrence of LEDC, after an analysis of the benefits of the training project to the state and the unmet performance objectives, that the state has not satisfactorily or adequately been compensated for its costs through the benefits provided by the training project.

4. In the event a company knowingly files a false statement in its application or in a progress report, the company may be guilty of the offense of filing false public records, and may be subject to the penalty provided for in R.S. 14:133.

5. LEDC shall retain the right, for itself, for the Legislative Auditor, for the Office of the Governor, Division of Administration, and for LED, to require and/or conduct financial and performance audits of a project, including all relevant records and documents of the company.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:2312 and 2331, et seq.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Economic Development Corporation, LR 23:46 (January 1997), amended by the Department of Economic Development, Office of the Secretary, LR 23:1643 (December 1997), LR 25:243 (February 1999), LR 25:1666 (September 1999), LR 26:243 (February 2000), amended by the Department of Economic Development, Office of Business Development, Business Resources Division, LR 29:1067 (July 2003).

§319. Contract Monitoring

A. All monitoring will be done by LED. A portion of the fiscal year's appropriation, up to five percent or a maximum of \$200,000, may be used by LED to fund monitoring costs.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:2312 and 2331, et seq.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Economic Development Corporation, LR 23:46 (January 1997), amended by the Department of Economic Development, Office of the Secretary, LR 23:1643 (December 1997), LR 25:244 (February 1999), LR 25:1665 (September 1999), LR 26:244 (February 2000), amended by the Department of Economic Development, Office of Business Development, Business Resources Division, LR 29:1068 (July 2003).

§321. Conflicts of Interest

A. No member of Louisiana Economic Development Corporation (LEDC), employee thereof, or employee of the Louisiana Department of Economic Development (LED), nor members of their immediate families, shall either directly or indirectly be a party to or be in any manner interested in any contract or agreement with either the corporation or the department for any matter, cause, or thing whatsoever by reason whereof any liability or indebtedness shall in any way be created against such corporation or department. If any contract or agreement shall be made in violation of the provisions of this Section, the same shall be null and void, and no action shall be maintained thereon against either the corporation or the department.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:2312 and 2331, et seq.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Business Development, Business Resources Division, LR 29:1068 (July 2003).

Don J. Hutchinson
Secretary

0307#093

RULE

Department of Economic Development Office of Business Development Economic Development Corporation

Matching Grants Program
(LAC 19:VII.Chapter 79)

The Department of Economic Development, Office of Business Development, Economic Development Corporation, pursuant to the authority of R.S. 51:2312 and in accordance with the Administrative Procedure Act, R.S. 49:950, et seq., has adopted the following Rules for the Louisiana Matching Grants Program. The purpose of the Rules is to establish a program to leverage state and local funding in order to maximize matching funds from federal and other grants. The program is set up to assist qualified Louisiana businesses, minority-owned businesses, high-growth potential businesses, women-owned businesses, small business enterprises and disabled persons' business enterprises as a result of the grant. LEDC will provide a portion of the match required for these grants. There are federal and private grants available for local governments to access. However, many local governments do not have sufficient funds available to fund the required matches for the grants. In order to give more local governments access to these grants LEDC has adopted the matching grant program to provide some of the match required. This program provides funding that is not available in the private sector or from any other public sector entity.

Title 19

CORPORATIONS AND BUSINESS

Part VII. Economic Development Corporation

Subpart 11. Louisiana Matching Grants Program

Chapter 79. Matching Grants Program

§7901. Purpose

A. The purpose of this program is to leverage state and local funding in order to maximize matching funds from federal and other grants for the purpose of assisting, whether individually or collectively, qualified Louisiana businesses, minority-owned businesses, high-growth potential businesses, women-owned businesses, small business enterprises and disabled persons' business enterprises as those terms are defined by R.S. 39:2303, in such manner and as may be determined by the board in its discretion, and may also include providing matching funding for federal grants for infrastructure and basic infrastructure projects under the Louisiana Economic Development Award Program.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:2312.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Business Development, Economic Development Corporation, LR 29:1068 (July 2003).

§7903. Definitions

Applicant The public entity requesting matching grant funds under this program. The public entity may be joined in the application by any other entity.

Award The funding of matching grant money under this program for eligible applicants.

Award Agreement The agreement of contract hereinafter referred to between the public entity, DED and LEDC, and where applicable, any other entity through which the parties by cooperative endeavor or otherwise, set forth the terms, conditions and performance objectives of the award provided pursuant to these rules.

DED The Louisiana Department of Economic Development.

Project A proposal by a public entity that promotes economic development for which matching grant funds are sought under this program. Where matching grant funds are sought for projects that are defined as basic infrastructure or infrastructure under the EDAP rules, then the rules pertaining to EDAP, in addition to these rules, apply to the determination as to the funding of the matching grant funds.

Public Entity The applying public or quasi-public entity that will be responsible for receiving and administering the performance and oversight of the project and for supervising compliance with the terms, conditions and performance objectives of the award agreement.

Secretary The Secretary of the Department of Economic Development, who is also the President of LEDC.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:2312.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Business Development, Economic Development Corporation, LR 29:1069 (July 2003).

§7905. General Principles

A. The following general principles will direct the administration of the Matching Grant Award Program.

1. Awards are not to be construed as an entitlement for companies locating or located in Louisiana.

2. An award must reasonably be expected to be a significant factor in improving or enhancing economic development, whether in a particular circumstance, or overall.

3. Awards must reasonably be demonstrated to result in the enhanced economic well-being of the state and local communities.

4. Awards that promote retention and strengthening of existing businesses will be evaluated using the same procedures and with the same priority as the recruitment of new businesses to the state.

5. The anticipated economic benefits to the state will be considered in making the award.

6. Appropriate cost sharing among project beneficiaries is a factor in the consideration of the award.

7. Whether or not an award will be made is entirely at the discretion of the LEDC board and shall depend upon the facts and circumstances of each case, funds available, funds already allocated, and other such factors as the board may, in its discretion deem to be pertinent. The grant or rejection of an application for an award shall not establish any precedent

and shall not bind the board to any future course of action with respect to any application.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:2312.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Business Development, Louisiana Economic Development Corporation, LR 29:1069 (July 2003).

§7907. Eligibility

A. In order to be eligible for a matching grant award pursuant to this program, the applicant must demonstrate the following to the satisfaction of the board.

1. The award sought must be consistent with the Principles set forth above, the applicant must demonstrate a need for the matching grant funds, the ability to administer the funds in accordance with all applicable laws, rules and regulations governing the receipt of the grant, and that management are, or will be, in place to provide the services the grant is intended to provide. Where it is represented that certain contingent actions will be taken in order to comply with these conditions, then the LEDC may, in its discretion, withhold funding until there is substantial performance of the contingencies.

2. Preference will be given to applicants representing rural communities, or those communities designated as renewal communities.

3. The applicant must demonstrate that the matching funds and resulting grant from available matching funds will serve, individually, or collectively, the purposes of the program as defined in §7901 and the general principles defined in §7905 above.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:2312.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Business Development, Economic Development Corporation, LR 29:1069 (July 2003).

§7909. Application for Matching Grant

A. The applicant must submit an application to the DED or LEDC on a form provided which shall contain the following information:

1. a copy of the application or a valid description of the grant for which matching funds are sought;

2. a letter of commitment or such other information as will provide the board necessary information to assure that if the funds are made available and other necessary and appropriate steps are taken, the grant will be matched by the granting authority;

3. an explanation for the reason that LEDC provide the match to the grant;

4. a plan which shall include a budget as to how and when the match and the grant are to be spent;

5. résumés or other appropriate information on the grant administrator or grant monitor;

6. a statement that reflects that the value of the matching funds to the project and to the economic development of the state sought through the project will equal or exceed the benefits given to the recipient of the grant funds;

7. how matching the grant funds will serve the best interests of the businesses defined in the purposes set forth in §7901 above.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:2312.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Business Development, Economic Development Corporation, LR 29:1069 (July 2003).

§7911. Matching Grant Funding

A. The award shall not be drawn down before the grant is funded by the federal or other entity that is providing the funds for which the matching grant is being awarded.

B. There shall be a contribution from the applicant that in the opinion of the board constitutes a commitment to the project for which the funds are being sought.

C. The Louisiana Economic Development Corporation may allocate funds to this program on a case by case basis and may, by vote, determine a maximum amount to be allocated for the fiscal year.

D. This program shall be evaluated by the board in one year.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:2312.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Business Development, Economic Development Corporation, LR 29:1070 (July 2003).

Don J. Hutchinson
Secretary

0307#094

RULE

Board of Elementary and Secondary Education

Bulletin 741 Louisiana Handbook for School Administrators
BESE Test Security Policy and Louisiana Educational Assessment Program Erasure Analysis Procedures
(LAC 28:I.901)

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, the Board of Elementary and Secondary Education has amended Bulletin 741, Louisiana Handbook for School Administrators, referenced in LAC 28:I.901.A, promulgated by the Board of Elementary and Secondary Education in LR 1:483 (November 1975). The BESE Test Security Policy was changed to clarify procedures for security of electronic test data and procedures for erasure analysis. Test scores from the Louisiana Educational Assessment Program are included in school and district accountability. Student level data is now available to districts and schools electronically through the LDE website. The security of this data is critical. The erasure analysis procedures identify tests that have excessive wrong-to-right erasures indicating a testing irregularity.

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 28:269-271 (February 2002); LR 28:272-273 (February 2002); LR 28:991, 993 (May 2002); LR 28:1187 (June 2002); LR 29:1070 (July 2003).

Board of Elementary and Secondary Education Test Security Policy

The Board of Elementary and Secondary Education holds the test security policy to be of utmost importance and deems any violation of test security to be serious.

Test Security

1. Tests administered by or through the State Board of Elementary and Secondary Education shall include, but not be limited to:

- a. all criterion-referenced tests (CRTs) and norm-referenced tests (NRTs);
- b. all alternate assessments.

2. For purposes of this policy, school districts shall include local education agencies; Special School Districts; approved special schools such as the Louisiana School for the Visually Impaired and Louisiana School for the Deaf, laboratory schools, charter schools, Louisiana School for Math, Science and the Arts; and participating nonpublic/other schools that utilize tests administered through the State Board of Elementary and Secondary Education or the Louisiana Department of Education.

3. It shall be a violation of test security for any person to do any of the following:

- a. administer tests in a manner that is inconsistent with the administrative instructions provided by the Louisiana Department of Education (LDE) that would give examinees an unfair advantage or disadvantage;
- b. give examinees access to test questions prior to testing;
- c. examine any test item at any time (except for students during the test or test administrators while providing the accommodations "Tests Read Aloud" or "Communication Assistance" for students determined to be eligible for those accommodations);
- d. copy, reproduce, discuss or use at any time in a manner inconsistent with test regulations all or part of any secure test booklet, answer document, or supplementary secure materials (e.g., writing prompts, science tasks);
- e. coach examinees in any manner during testing or alter or interfere with examinees' responses in any manner;
- f. provide answers to students in any manner during the test, including provision of cues, clues, hints, and/or actual answers in any form **C** written, printed, verbal, or nonverbal;
- g. administer published parallel, previously administered, or current forms of any statewide assessment [e.g., Louisiana Educational Assessment Program for the 21st Century (LEAP 21), Graduation Exit Examination for the 21st Century (GEE 21), Graduation Exit Examination ("old" GEE), LEAP Alternate Assessment (LAA), or Forms K, L, M, and all new forms of The Iowa Tests] as a practice test or study guide;
- h. fail to follow security regulations for distribution and return of secure test booklets, answer documents, supplementary secure materials (e.g., writing prompts, science tasks), as well as overages as directed; or fail to account for and secure test materials before, during, or after testing;
- i. conduct testing in environments that differ from the usual classroom environment without prior written

permission from the Louisiana Department of Education, Division of Student Standards and Assessments;

j. fail to report any testing irregularities to the district test coordinator (a "testing irregularity" is any incident in test handling or administration that leads to a question regarding the security of the test or the accuracy of the test data), who must report such incidents to the Division of Student Standards and Assessments;

k. participate in, direct, aid, counsel, assist in, encourage, or fail to report any of the acts prohibited in the section.

4. Each school district as described in this policy shall develop and adopt a district test security policy that is in compliance with the State's test security policy. A "Statement of Assurance" regarding the LEA's test security policy must be submitted annually to the Louisiana Department of Education, Division of Student Standards and Assessments. This statement must include the name of the individual designated by the district superintendent or institution to procure test material. The policy shall provide:

a. for the security of the test materials during testing, including test booklets, answer documents, supplementary secure materials (e.g., writing prompts, science tasks), video tapes, and completed observation sheets;

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

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

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

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

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

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

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

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

a. The district test coordinator shall initiate the investigation upon the district's determination of an irregularity or breach of security or upon notification by the

State Department of Education. The investigation shall be conducted by the district test coordinator and other central office staff as designated by the district superintendent.

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

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

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

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

6. Test materials, including all test booklets, answer documents, and supplementary secure materials (e.g., writing prompts, science tasks) containing secure test questions, shall be kept secure and accounted for in accordance with the procedures specified in the test administration manuals and other communications provided by the Louisiana Department of Education. Secure test materials include test booklets, answer documents, and any supplementary secure materials (e.g., writing prompts, science tasks). Procedures described in the test manuals shall include, but are not limited to, the following.

a. All test booklets, answer documents, and supplementary secure materials (e.g., writing prompts, science tasks) must be kept in a predetermined, secure, locked storage area prior to and after administration of any test; test administrators are to be given access to the tests and any supplementary secure materials only on the day the test is to be administered, and these are to be retrieved immediately after testing is completed for the day and stored in a locked, secure location each day of testing.

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

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

d. In the event that test booklets, answer documents, or supplementary secure materials (e.g., writing prompts, science tasks) are determined to be missing while in the possession of the institution or school district or in the event

of any other testing irregularities or breaches of security, the designated institutional or school district personnel must immediately notify by telephone the Division of Student Standards and Assessments (LDE) and follow the detailed procedures for investigating and reporting specified in this policy.

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

8. Each district superintendent or institution must annually designate one individual in the district or institution as district test coordinator who is authorized to procure test materials that are utilized in testing programs administered by or through the State Board of Elementary and Secondary Education of the Louisiana Department of Education. The name of the individual designated must be provided in writing to the Division of Student Standards and Assessments (LDE) and included on the "Statement of Assurance."

9. Testing shall be conducted in class-sized groups. *Bulletin 741* (2.038.01-.02) states that K-3 classroom enrollment should be no more than 26 students, and in grades 4-12, no more than 33, except in certain activity types of classes in which the teaching approach and the material and equipment are appropriate for large groups. For grades K-8, the maximum class size for Health and Physical Education classes may be no more than 40. Class size for exceptional students is generally smaller (*Bulletin 741*, 2.038.05). Permission for testing in environments that differ from the usual classroom environment must be obtained in writing from the Louisiana Department of Education, Division of Standards and Assessments, at least 30 days prior to testing. If testing outside the usual classroom environment is approved by the Division of Student Standards and Assessments, the LEA must provide at least one proctor for every 30 students.

10. The State Superintendent of Education may disallow test results that may be achieved in a manner that is in violation of test security.

11. The Louisiana Department of Education shall establish procedures to identify:

- a. improbable achievement of test score gains in consecutive years;
- b. situations in which collaboration between or among individuals may occur during the testing process;
- c. a verification of the number of all test distributed and the number of tests returned;
- d. excessive wrong-to-right erasures for multiple-choice tests;
- e. any violation to written composition or open-ended responses that involves plagiarism;
- f. any other situation that may result in invalidation of test results.

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

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

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

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

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

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

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

Louisiana Educational Assessment Program Erasure Analysis Procedures

In order to investigate erasures on student answer documents for the multiple-choice portions of the state criterion-referenced and norm-referenced testing programs, the State Board of Elementary and Secondary Education and the State Department of Education have developed the following procedures.

1. The scoring contractor will scan every answer document for wrong-to-right erasures, and the state average and standard deviation will be computed for each subject at each grade level.

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

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

- District/School Erasure Analysis Report (three copies, sorted by district).
- *Student Erasure Analysis Report* for students identified as having excessive wrong-to-right erasures. This report contains student demographic information, an item-by-item analysis of wrong-to-right erasures, and a statement showing that the student exceeded the four-standard-deviation criterion.
- The scoring contractor will maintain answer documents for the students exceeding the four-standard-deviation criterion, sorted by district/school. The answer documents will be available for review upon request.

4. Upon receipt of the *Erasure Analysis Reports*, LDE staff will notify the State Superintendent of Education regarding which schools have been identified.

5. The correspondence from the State Superintendent of Education to the local superintendent will state that students have been identified as having excessive wrong-to-right erasures. Based on the number of erasures found, scores for students exceeding the four-standard-deviation criterion will be voided. The individual student reports from the testing program will reflect the voided scores. In the aggregation of scores at the school, district, and state levels, each voided score will have the effect of a zero score. Included with the correspondence will be the following documentation:

- District/School Erasure Analysis Report
- Student Erasure Analysis Reports

Copies of this correspondence will be provided to the Deputy Superintendent of Education, the Assistant Superintendent of the Office of Student and School Performance, the Director of the Division of Student Standards and Assessments, and the local district test coordinator.

6. When the correspondence is mailed, the local superintendent will be advised to investigate the case of the irregularity and provide a written plan of action to the State Superintendent of Education within 30 calendar days.

7. A roster of schools will be generated where students have been identified with wrong-to-right erasures greater than three standard deviations above the state average, but less than or equal to four standard deviations above the state average of wrong-to-right erasures. These student scores will not be voided; however, the local superintendent will be advised to investigate the case of the irregularity and provide a written plan of action to the State Superintendent of Education within 30 calendar days.

8. A summary report of erasure analysis irregularities will be presented to the Louisiana Educational Assessment

Testing Commission and the Board of Elementary and Secondary Education after each LEAP test administration.

Weegie Peabody
Executive Director

0307#016

RULE

Board of Elementary and Secondary Education

Bulletin 746 Louisiana Standards for State Certification of School Personnel Add-On Certification Policy for Academic Teaching Focus Areas, Grades 4-8 and Grades 7-12 (LAC 28:1.903)

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, the Board of Elementary and Secondary Education has amended Bulletin 746, Louisiana Standards for State Certification of School Personnel, referenced in LAC 28:1.903.A. This policy specifies the three ways that a certified teacher can add a certification endorsement in a declared teaching focus area for Grades 4-8 and Grades 7-12. Add-on certification in academic areas identified as a teaching focus in grades 4-8 or in grades 7-12 can be granted through either (1) earning a passing score on the identified Praxis content specialty area exam, or (2) successfully completing 31 semester hours in the specific academic area, or (3) earning a pure master's degree in a content area. Under the new certification structure, endorsements could be earned with 19 content hours, but this must be changed to reflect the 31 semester hours identified as an academic major by the Board of Regents.

Title 28

EDUCATION

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

§903. Teacher Certification Standards and Regulations

A. Bulletin 746

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education in LR 1:183, 311, 399, 435, 541 (April, July, September, October, December 1975), amended LR 28:763 (April 2002), LR 28:765 (April 2002), LR 28:990, 991 (May 2002), LR 29:1073 (July 2003).

Add-On Certification Policy Academic Teaching Focus Areas Grades 4-8 And 7-12

A teacher must currently hold a standard teaching certificate in order to add an endorsement for a certification area.

Add-on certification in academic areas that have been identified as a teaching focus in grades 4-8 or in grades 7-12 can be granted through either (1) earning a passing score on

the identified content specialty area exam of the PRAXIS, or (2) successfully completing 31 semester hours in the specific academic area, or (3) earning a pure Master's Degree in a content area.

Add-on certification in academic areas through the PRAXIS exams would be available only in those Grades 4-8 and Grades 7-12 academic certification areas for which a content specialty exam has been validated in Louisiana and for which a passing score has been established.

**Primary and Secondary Teaching (Focus) Areas
for Grades 7-12 Certification**

Certification Area	Primary 31 Hours	Secondary 19 Hours	Comment
Agriculture - Vocational	▲		
Business Education	▲	▲	
Computer Science	▲	▲	
Distributive Education	▲	▲	
English	▲	▲	
Foreign Languages			
French	▲	▲	
Spanish	▲	▲	
Latin	▲	▲	
German	▲	▲	
Family & Consumer Sciences	▲		
Industrial Arts	▲		
Journalism		▲	
Mathematics	▲	▲	
Science			If a candidate pursues General Science as a primary teaching area, then the specific science area hours (e.g., Biology, Chemistry, etc.) would also apply to the required secondary focus hours in that specific field.
General Science	▲		
Biology	▲	▲	
Chemistry	▲	▲	
Earth Science	▲	▲	
Physics	▲	▲	
Environmental Science	▲	▲	
Speech	▲	▲	
Social Studies	▲	▲	
Note: If a university determines that hours beyond the required hours are needed for a specific primary (31) or secondary (19) teaching area, then the university may use portions of the flexible hours within the 124 total hours to address that need.			

Weegie Peabody
Executive Director

0307#021

RULE

Board of Elementary and Secondary Education

Bulletin 746 Louisiana Standards for State Certification of School Personnel
Fee Policy for Out-of-Field Authorization to Teach License
(LAC 28:1.903)

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, the Board of Elementary and Secondary Education has amended Bulletin 746, *Louisiana Standards for State Certification of School Personnel*, referenced in LAC 28:1.903.A. This policy specifies origin of fee payment for the Out-of-Field Authorization to Teach License. The fee for this license is to be paid by the requesting school district, not by the individual teacher in whose name the license is issued.

**Title 28
EDUCATION**

**Part I. Board of Elementary and Secondary Education
Chapter 9. Bulletins, Regulations, and State Plans
Subchapter A. Bulletins and Regulations
§903. Teacher Certification Standards and Regulations**

A. Bulletin 746

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education in LR 1:183, 311, 399, 435, 541 (April, July, September, October, December 1975), amended LR 28:763-765 (April 2002), LR 28:765 (April 2002), LR 28:990, 991 (May 2002), LR 29:1074 (July 2003).

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**Types of Teaching Authorizations and Certifications
Effective July 2002, revised December 2002**

Non-Standard Temporary Authorizations to Teach			
<p>Temporary Authority to Teach</p> <p>(A teacher may hold a one-year Temporary Authorization to Teach for a maximum of three years while pursuing a specific certification area. He/she may not be issued another Temporary Certificate at the end of the three years for the same certification unless the Louisiana Department of Education designates the certification area as one that requires extensive hours for completion.)</p>	<p>Districts may recommend that teachers be given one-year temporary authorizations to teach according to the stipulated conditions. Districts must provide a signed affidavit by the local superintendent that "there is no regularly certified, competent, and suitable person available for that position" and that the applicant is the best qualified person for the position.</p>	Conditions	Requirements to Renew Temporary Authorization to Teach and/or Move To Another Certification Level
		a. Individual who graduates from teacher preparation program but does not pass PRAXIS	Teacher must prepare for the PRAXIS and take the necessary examinations at least twice a year.
		b. Individual who holds a minimum of a baccalaureate degree from a regionally-accredited institution and who applies for admission to a Practitioner Teacher Program or other alternate program but does not pass the PPST or the content specialty examination of the PRAXIS required for admission to the program.	Teacher must successfully complete a minimum of six credit hours per year in the subject area(s) that they are attempting to pass on the PRAXIS; candidate must reapply for admission to a Practitioner Teacher Program or other alternate program.
		c. Individual who holds a minimum of a baccalaureate degree from a regionally-accredited institution and who is hired after the start of the Practitioner Teacher Program	Teacher must apply for admission to a Practitioner Teacher Program or other alternate program and pass the appropriate PRAXIS examinations required for admission to the program.
<p>Practitioner Teacher License</p> <p>One-year license that can be held a maximum of three years, renewable annually.</p>	<p>The District and the alternate certification program provider must identify the individual as a practitioner teacher (PL1), a non-master's alternate certification program teacher (PL2), or a master's alternate certification program teacher (PL3).</p>	<p>Teacher must be admitted to and enrolled in a State-approved Practitioner Teacher Program (PL1), Non-Master's Alternate Certification Program (PL2), or Master's Degree Alternate Certification Program (PL3), which necessitates meeting all program requirements including baccalaureate degree, stipulated GPA, and passing scores on the Praxis PPST and content area exams.</p>	<p>The alternate certification teacher (PL1, PL2, and PL3) must remain enrolled in the respective program and fulfill all coursework, teaching assignments, and prescribed activities as identified by the program provider. Program requirements must be completed within the three-year maximum that the license can be held.</p> <p>PL2 and PL3 teachers must demonstrate progress toward program requirements by successfully completing at least 9 semester hours each year to remain on the PL license.</p>
<p>Out-of-Field Authorization to Teach</p> <p>(A teacher may hold a one-year Out-of-Field Authorization to Teach, renewable annually, for a maximum of three years.</p> <p>If the teacher is actively pursuing certification in the field and LDE designates the certification area as one requiring extensive hours for completion, two additional years of annual renewal may be granted.)</p>	<p>District submits application to LDE; renewable annually for maximum of three years, with fee to be paid by the district.</p> <p>Superintendent of employing district must provide a signed statement that certifies that "there is no regularly certified, competent and suitable person available for the position" and that the applicant is the best-qualified person available for the position.</p>	a. Individual holds a Louisiana teaching certificate, but is teaching outside of the certified area.	<p>Teacher must obtain a prescription/outline of course work required for add-on certification in the area of the teaching assignment. Teacher must successfully complete a minimum of six credit hours per year of courses that lead toward certification in the area in which he/she is teaching; or the secondary-certified teacher who is teaching out-of-field may opt to take and pass the required PRAXIS content specialty examination for the specific 7-12 academic certification area, if the area has been declared as a primary or secondary teaching focus area. The district must support a teacher's efforts in this area.</p>
<p>Temporary Employment Permit</p>	<p>Under condition (a) the district submits application to LDE; renewable annually. Under condition (b) the Individual submits application to LDE; renewable annually.</p>	a. Individual meets all certification requirements, with the exception of passing all portions of the NTE examination, but scores within ten percent of the composite score required for passage of all exams. (Currently classified as EP)	<p>Superintendent and President of the school board to which the individual has applied for employment must submit a signed affidavit to the LDE stipulating that there is no other applicant who has met all of the certification requirements available for employment for a specific teaching position. Such permit shall be in effect for not more than one year, but may be renewed. Such renewal of the permit shall be accomplished in the same manner as the granting of the original permit. The granting of such emergency teaching permit shall not waive the requirement that the person successfully complete the exam.</p> <p>While employed on an emergency teaching permit, employment period does not count toward tenure.</p>

		b. Individual meets all certification requirements, with the exception of passing one of the components of the PRAXIS, but has an aggregate score equal to or above the total required on all tests. (Currently classified as TEP)	Temporary Employment Permits are issued at the request of individuals. All application materials required for issuance of a regular certificate must be submitted to LDE with the application for issuance of a TEP. An individual can be re-issued a permit three times only if evidence is presented that the required test has been retaken within one year from the date the permit was last issued. Beginning with the fifth year, additional documentation must be submitted by the employing district.
Standard Teaching Certifications			
Out of State Certificate	Individual submits application to LDE; valid for three years, non-renewable.	a. A teacher certified in another state who meets all requirements for a Louisiana certificate, except for the PRAXIS examinations. -or- Teacher must take and pass the appropriate PRAXIS examinations	Teacher must take and pass the appropriate PRAXIS examinations -or- Teacher provides evidence of at least four years of successful teaching experience in another state, completes one year of employment as a teacher in Louisiana public school systems, and secures recommendation of the local superintendent of the employing school system for continued employment.
Professional Level Certificates (effective for all new certificates issued after July 1, 2002)			
Level 1 Professional Certificate (Three-year term)	Teachers must graduate from a State-approved teacher preparation program (traditional or alternative path), pass PRAXIS, and be recommended by a university to receive a Level 1 Professional Certificate. -or- Teacher must complete a State-approved Practitioner Teacher Program, pass PRAXIS, and be recommended by the Practitioner Teacher Program provider to receive a Level 1 Professional Certificate. -or- Teacher must meet the requirements of an out-of-state certified teacher.		A lapsed Level 1 certificate may be extended once for an additional three years, subject to the approval of the Division of Teacher Standards, Assessment, and Certification or upon the presentation of six semester hours of resident, extension, or correspondence credit directly related to the area of certification. However, if the holder of the Level 1 certificate has not been employed regularly as a teacher for at least one semester during a period of five years, his certificate can be reinstated for three years only upon the presentation of 150 hours of professional development.
Level 2 Professional Certificate	Teachers with a Level 1 Professional Certificate must pass the Louisiana Assistance and Assessment Program and teach for three years to receive a Level 2 Professional Certificate.		Teachers must complete 150 clock hours of professional development over a five-year time period in order to have a Level 2 Professional License renewed.
Level 3 Professional Certificate	Teachers with a Level 1 or Level 2 Certificate are eligible for a Level 3 Certificate if they complete a Masters Degree, teach for five years, and pass the Louisiana Assistance and Assessment Program.		Teachers must complete 150 clock hours of professional development over a five-year time period in order to have a Level 3 Professional License renewed.
Standard Teaching Certificates (issued prior to July 1, 2002)			
Type C Certificate	Type C certificates will not be issued after July 1, 2002.		
Type B Certificate	Candidates currently holding Type A or Type B certificates will continue to hold these certificates, which are valid for life, provided the holder does not allow any period of five or more consecutive years of disuse to accrue and/or the certificate is not revoked by the State Board of Elementary and Secondary Education, acting in accordance with law.		
Type A Certificate			
Process for Renewing Lapsed Professional Certificates			
Type C, B, and A Certificates			
<p>Type B and Type A certificates will lapse for disuse if the holder thereof allows a period of five consecutive calendar years to pass in which he is not a regularly employed teacher for at least one semester (90 consecutive days). Reinstatement of a lapsed certificate shall be made only on evidence that the holder has earned six semester hours of resident, extension, or correspondence credit in courses approved by the Division of Teacher Standards, Assessment, and Certification or a dean of a Louisiana college of education. The six semester credit hours of extension must be earned during the five-year period immediately preceding reinstatement.</p> <p>A lapsed Type C certificate may be renewed for an additional three years, subject to the approval of the Division of Teacher Standards, Assessment, and Certification or upon the presentation of six semester hours of credit directly related to the area(s) of certification. Such credit hours shall be resident, extension, or correspondence credit in courses approved by the Division of Teacher Standards, Assessment, and Certification or a dean of a Louisiana college of education. However, if the holder of a Type C certificate has not been employed regularly as a teacher for at least one semester during a period of five years, his certificate can be reinstated for three years only upon the presentation of the six semester hours of credit as described previously in the paragraph.</p>			
Level 2 and Level 3 Certificates			
<p>Level 2 and Level 3 professional certificates will lapse (a) for disuse if the holder thereof allows a period of five consecutive calendar years to pass in which he is not a regularly employed teacher for at least one semester [90 consecutive days], or (b) if the holder fails to complete the required number of professional development hours during his employ. Reinstatement of a lapsed certificate shall be made only on evidence that the holder has earned six semester hours of resident, extension, or correspondence credit in courses approved by the Division of Teacher Standards, Assessment, and Certification or a dean of a Louisiana college of education. The six semester credit hours of extension must be earned during the five-year period immediately preceding reinstatement.</p>			

Weegie Peabody
Executive Director

0307#017

RULE

Board of Elementary and Secondary Education

Bulletin 746 Louisiana Standards for State Certification of School Personnel Primary and Secondary Teaching Focus Areas for Grades 7-12 Certification (LAC 28:I.903)

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, the Board of Elementary and Secondary Education has amended Bulletin 746, *Louisiana Standards for State Certification of School Personnel*, referenced in LAC 28:I.903.A. This policy revises certification titles for secondary (7-12) primary and secondary teaching focus areas to reflect the update of vocational categories to career and technical categories. This policy also provides an option for a single primary focus of social studies in secondary teacher education undergraduate programs, using the full 50 hours allowed for both the primary and the secondary teaching focus area in other programs. The change of vocational education categories to career and technical categories necessitates a revision in the certification titles used in Louisiana. The single teaching focus for social studies undergraduate programs will allow for the full breadth of knowledge needed, with coursework to be distributed across civics/government, history (world, American, Louisiana), economics, and geography (physical and cultural systems).

**Title 28
EDUCATION**

Part I. Board of Elementary and Secondary Education

Chapter 9. Bulletins, Regulations, and State Plans

Subchapter A. Bulletins and Regulations

§903. Teacher Certification Standards and Regulations

A. Bulletin 746

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education in LR 1:183, 311, 399, 435, 541 (April, July, September, October, December 1975), amended LR 28:763 (April 2002), LR 28:765 (April 2002), LR 28:990 (May 2002), LR 29:1077 (July 2003).

* * *

Primary and Secondary Teaching (Focus) Areas for Grades 7-12 Certification

Within the new certification structure that has been approved by the State Board of Elementary and Secondary Education, every secondary teacher in Louisiana must have a primary and a secondary focus area. The following areas are approved primary focus areas, to include a minimum of 31 semester hours of credit:

Agriculture; Business; Computer Science; Marketing; English; French; Spanish; Latin; German; Family and Consumer Sciences; Technology Education; Mathematics; General Science; Biology; Chemistry; Earth Science; Physics; Environmental Science; Speech; and Social Studies.

The following areas are approved secondary focus areas, to include a minimum of 19 semester hours of credit:

Business; Computer Science; Marketing; English; French; Spanish; Latin; German; Journalism; Mathematics; Biology; Chemistry; Earth Science; Physics; Environmental Science; Speech; and Social Studies.

Primary and Secondary Teaching (Focus) Areas for Grades 7-12 Certification

Certification Area	Primary 31 Hours	Secondary 19 Hours	Comment
Agriculture	▲		
Business	▲	▲	
Computer Science	▲	▲	
Marketing	▲	▲	
English	▲	▲	
Foreign Languages			
French	▲	▲	
Spanish	▲	▲	
Latin	▲	▲	
German	▲	▲	
Family & Consumer Sciences	▲		
Technology Education	▲		
Journalism		▲	
Mathematics	▲	▲	
Science			If a candidate pursues General Science as a primary teaching area, then the specific science area hours (e.g., Biology, Chemistry, etc.) would also apply to the required secondary focus hours in that specific field.
General Science	▲		
Biology	▲	▲	
Chemistry	▲	▲	
Earth Science	▲	▲	
Physics	▲	▲	
Environmental Science	▲	▲	
Speech	▲	▲	
Social Studies*	▲	▲	

Note: If a university determines that hours beyond the required hours are needed for a specific primary (31) or secondary (19) teaching area, then the university may use portions of the flexible hours within the 124 total hours to address that need.
*Institutions of higher education may opt to design social studies teacher preparation programs with only a primary teaching focus area, dedicating the entire 50 semester hours of content specialty preparation to coursework in civics/government, history (world, American, Louisiana), economics, and geography (physical and cultural systems).

Weegie Peabody
Executive Director

0307#018

RULE

Board of Elementary and Secondary Education

Bulletin 746 Louisiana Standards for State Certification of School Personnel Non-Master's Certification-Only Alternate Program (LAC 28:I.903)

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, the Board of Elementary and Secondary Education has amended Bulletin 746, *Louisiana Standards for State Certification of School Personnel*, referenced in

LAC 28:I.903.A. This policy revises the Non-Master's/Certification-Only Program description to include student teaching as an option to internship, to include program prescription as an option to individualized prescription, and to extend the implementation date for this program to Summer Semester 2003. This policy provides options to expand the possibilities for alternate certification candidates and for the providers who will offer approved programs. It also extends the implementation deadline for this program by one semester.

**Title 28
EDUCATION**

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

§903. Teacher Certification Standards and Regulations

A. Bulletin 746

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education in LR 1:183, 311, 399, 435, 541 (April, July, September, October, December 1975), amended LR 28:763 (April 2002), LR 28:765 (April 2002), LR 28:990 (May 2002), LR 29:1078 (July 2003).

* * *

**Non-Masters/Certification-Only Program
Alternative Path to Certification
Adopted December 2002**

This program is designed to serve those candidates who may not elect participation in or be eligible for certification under either the Practitioner Teacher Alternate Certification Program or the Master's Degree Alternate Certification Program. The program may also be accessible in some areas of the state in which the other alternate certification programs are not available. A college or university may offer this program only in those certification areas in which that institution has a state-approved teacher education program. Non-Master's/ Certification-Only Programs may offer certification in PK-3, 1-6, 4-8, 7-12, or Mild-Moderate Special Education.

Admission to the Program

To be admitted, individuals should:

1. possess a baccalaureate degree from a regionally accredited university;
2. have a 2.2 GPA, or higher, on undergraduate coursework. (An overall 2.5 GPA is required for certification. Those candidates with a GPA lower than 2.5 may have to take additional courses in the program to achieve a 2.5 GPA.);
3. pass the PRAXIS Pre-Professional Skills Test (PPST); and
4. pass the PRAXIS content-specific subject area examination:
 - a. Candidates for PK-3 (regular and special education): pass the Elementary Education: Content Knowledge (#0014) specialty exam;
 - b. Candidates for Grades 1-6 (regular and special education): pass the Elementary Education: Content Knowledge (#0014) specialty exam;

c. Candidates for Grades 4-8 (regular and special education): pass the Middle School Education: Content Knowledge (#0146) specialty exam;

d. Candidates for Grades 7-12 (regular and special education): pass the content specialty examination(s) (e.g. English, Mathematics, etc.) on the PRAXIS in the content area(s) in which they intend to teach.

Program Requirements

This program will provide the same rigor as other certification routes provided by aligning with such empirically-based standards as National Council for the Accreditation of Teacher Education (NCATE), Interstate New Teacher Assessment and Support Consortium (INTASC), Louisiana Components of Effective Teaching (LCET), and the Louisiana Content Standards. This program will also emphasize collaboration between the university and the school districts in order to share and exchange strategies, techniques, and methodologies; and integrate field-based experiences into the curriculum.

Program Structure

1. Knowledge of Learner and the Learning Environment*	12 hours
GRADES PK-3, 1-6, 4-8, and 7-12:	
Child/adolescent development/psychology, the diverse learner, classroom management/organization/environment, assessment, instructional design, and reading/instructional strategies that are content- and level-appropriate.	
MILD/MODERATE SPECIAL EDUCATION 1-12:	
Special needs of the mild/moderate exceptional child, classroom management, behavioral management, assessment and evaluation, methods and materials for mild/moderate exceptional children, vocational and transition services for students with disabilities.	
*All courses for regular and special education will integrate effective teaching components, content standards, technology, reading, and portfolio development. Field-based experiences will be embedded in each course.	
2. Methodology and Teaching	6 hours
Methods courses to include case studies and field experiences	
3. Internship or Student Teaching	6 hours
Will include methodology seminars that are participant-oriented	
4. Prescriptive Plan	
The prescriptive plan can be pre-planned courses for individual programs or individualized courses for the candidate who demonstrates areas of need, not to exceed 9 semester hours.	
TOTAL	24-33 hours

Certification Requirements

Colleges or universities will submit signed statements to the Louisiana Department of Education that indicate the student completing the Non-Master's/Certification-Only alternative certification path met the following requirements.

1. Passed the PPST components of the PRAXIS. (Note: This test was required for admission.)
2. Completed all coursework (including the certification program) with an overall 2.5 or higher GPA.
3. Passed the specialty examination (PRAXIS) for the area(s) of certification.
 - a. Grades PK-3: Elementary Education: Content Knowledge specialty exam (Note: This test was required for admission.)
 - b. Grades 1-6: Elementary Education: Content Knowledge specialty examination (Note: This test was required for admission.)
 - c. Grades 4-8: Middle School Education: Content Knowledge specialty examination (Note: This test was required for admission.)

d. Grades 7-12: Specialty content test in areas to be certified. (Note: This test or 31 semester hours of coursework specific to the content area was required for admission.)

e. Mild/Moderate Special Education 1-12: *Special Education*

4. Passed the Principles of Learning and Teaching examination (PRAXIS)

a. Grades PK-3: Principles of Learning and Teaching K-6

b. Grades 1-6: Principles of Learning and Teaching K-6

c. Grades 4-8: Principles of Learning and Teaching 5-9

d. Grades 7-12: Principles of Learning and Teaching 7-12

Universities offering the Non-Master's/Certification-Only alternative certification option are required to begin implementation of the newly adopted paths during or before Summer 2003.

No students should be accepted into the "old" post-baccalaureate alternate certification program after Spring Semester 2003. Candidates already in the "old" alternative certification program would be given until August 2006 to complete their programs.

Weegie Peabody
Executive Director

0307#019

RULE

Board of Elementary and Secondary Education

Bulletin 746 Louisiana Standards for State Certification of School Personnel Policy for Allowing the State to Act as a Private Provider for Alternate Certification (LAC 28:I:903)

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, the Board of Elementary and Secondary Education has amended Bulletin 746, *Louisiana Standards for State Certification of School Personnel*, referenced in LAC 28:I.903.A. This policy sets conditions under which the Teacher Certification and Higher Education section of the Division of Teacher Standards, Assessment and Certification of the Louisiana Department of Education may act as a private provider for alternate certification of teacher education candidates. By providing options for individuals who meet the stated criteria, the state would provide timely solutions to problems that impede candidates' completion of alternate programs, thus facilitating the certification efforts of those candidates.

**Title 28
EDUCATION**

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

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

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education in LR 1:183, 311, 399, 435, 541 (April, July, September, October, December 1975), amended LR 28:763 (April 2002), LR 28:765 (April 2002), LR 28:990 (May 2002), LR 29:1079 (July 2003).

Policy for the State to Act as a Private Provider in Offering Alternate Certification Opportunities

The Teacher Certification and Higher Education section, Division of Teacher Standards, Assessment and Certification, Louisiana Department of Education, may act as a private alternate certification program provider in directing certification efforts of candidates who meet the following criteria:

1. have no more than six semester hours of coursework remaining in an approved alternate certification program;

2. have accumulated three years of successful experience in the area of certification, which can be used to waive the student teaching or internship segment of the program; and

3. have experienced difficulty in completing requirements of the alternate program, through no fault of their own.

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0307#020

RULE

Board of Elementary and Secondary Education

Bulletin 746 Louisiana Standards for State Certification of School Personnel Policy for Teacher Education Program Private Providers (LAC 28:I.903)

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, the Board of Elementary and Secondary Education has amended Bulletin 746, *Louisiana Standards for State Certification of School Personnel*, referenced in LAC 28:I.903.A. This policy revises the "Part I, Application for Certificates, Louisiana Applicants" and "Part II, New Certification Structure, Recommended Changes" sections of Bulletin 746 to include non-institutional providers for the Practitioner Teacher Program and to include the state, acting as a private provider. This policy provides options for approved non-institutional, or private, providers to offer the Practitioner Teacher Program alternate route to certification. It also specifies that the state may act as a private provider under conditions approved by the Board of Elementary and Secondary Education.

**Title 28
EDUCATION**

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

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

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education in LR 1:183, 311, 399, 435, 541 (April, July, September, October, December 1975), amended LR 28:763 (April 2002), LR 28:765 (April 2002), LR 28:990-991 (May 2002), LR 29:1079 (July 2003).

* * *

Application for Certificates Louisiana Applicants

An applicant, in order to be eligible for initial certification, shall do his work in teacher education programs approved by the State Board of Elementary and Secondary Education for the education of teachers. Therefore, institutions* engaged in the preparation of teachers are to provide recommendations for certification of their students. Other institutional* provider services shall include the following:

1. initial processing of the certificate application;
2. processing an official transcript;
3. providing an original NTE/PRAXIS score report, if score has not been electronically transmitted to the State Department of Education by Educational Testing Service;
4. submitting a Professional Conduct Form; and
5. transmitting the application packet and official transcript to the Office of Teacher Certification and Higher Education in the State Department of Education.

The application shall include the following:

1. the signature of the dean of education, or the head of the unit that administers the approved teacher education curriculum, certifying that the applicant has graduated from or has completed an approved curriculum in teacher education. For an undergraduate secondary teacher education program, the application for certification must also bear the signature of the dean or head of the unit offering each of the certification area subjects in an institution of higher education;

2. the signature of the registrar certifying that the applicant has attained a scholastic standing that is acceptable for graduation from the institution. The transcript on which a certificate is based becomes the property of the state and must be kept in the files of the State Department of Education. No certificate for teaching in Louisiana may be issued to any person whose license has been revoked in any other state.

The issuance of regular certificates authorizing the holder to teach in the elementary and secondary schools of Louisiana is based upon the completion of an approved teacher education program for the type of certification sought. One expecting to be certified as a teacher should attend a college or university* with an approved program.

Colleges and universities* may recommend for certification only those who have completed all requirements of an approved teacher education program at the institution.

*For the Practitioner Teacher alternate teacher certification program only, private providers approved by the state may offer a program leading to the certification of teachers.

*The state may act as a private provider under conditions approved by the Board of Elementary and Secondary Education.

New Certification Structure Recommended Changes Mandatory July 2002

The universities* must recommend that teachers be issued Level 1 Teaching Certificates when they have met state

certification requirements. The universities* will be held accountable for the success of the teachers that they recommend for certification.

This would eliminate the need for the Louisiana Department of Education to count hours on transcripts and allow the department to become more involved in providing support to universities* to improve the quality of teacher preparation programs. (Note: The Louisiana Department of Education would still continue to review transcripts and issue certificates to out-of-state teachers.)

This change in the certification structure will allow teachers to develop more content knowledge in the grade levels in which they are expected to teach and provide them with more flexible hours to add special education and other grade levels to their certification areas. This would allow new teachers to be certified in one or two areas when completing a 124-credit-hour undergraduate degree program.

All new teachers will be required to receive mentoring during the first year of the Louisiana Teacher Assistance and Assessment Program. New teachers will undergo the assessment during the second year.

All teachers will be required to pass teacher assessment and teach for a total of three years before being issued a Level 2 teaching certificate.

All teachers holding Level 2 and Level 3 certificates will be required to undergo a predetermined amount of professional development during a five-year time period in order to have their teaching certificates renewed for five years. The Blue Ribbon Commission on Teacher Quality will develop the details for the professional development system during the 2000-2002 school years.

*For the Practitioner Teacher alternate teacher certification program only, private providers approved by the state may offer a program leading to the certification of teachers.

*The state may act as a private provider under conditions approved by the Board of Elementary and Secondary Education.

Weegie Peabody
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0307#022

RULE

Board of Elementary and Secondary Education

Bulletin 1573 **C** Complaint Management Procedures
(LAC 28:LXI.Chapters 1-5)

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, the Board of Elementary and Secondary Education has amended Bulletin 1573, *Complaint Management Procedures*, LAC 28:LXI. The codification of Bulletin 1573, *Complaint Management Procedures*, R.S. 17:1941 et seq., will not change the regulations previously adopted by the Board of Elementary and Secondary Education. The change will simply render the rules and regulations into code in accordance with Louisiana law. The codification of existing Rules is required to have the rules and regulations incorporated into Louisiana Code.

Title 28
EDUCATION

**Part LXI. Bulletin 1573—Complaint Management
Procedures**

Chapter 1. Terms, Purpose and Mandates

§101. Definitions

A. As used in this Chapter, the following words and phrases have the meaning ascribed to them in this Subsection unless a different meaning is plainly required by the context.

BESE The State Board of Elementary and Secondary Education.

Bulletin 1706: Regulations for Implementation of the Children with Exceptionalities Act Louisiana's Law for Children with Exceptionalities.

Child Advocate An individual or group established to promote the interests and rights of children, especially children with exceptionalities.

Child with an Exceptionality A child evaluated in accordance with state regulations who is determined to be gifted, talented, emotionally disturbed, learning disabled, hard of hearing, deaf, deaf-blind, speech impaired, severe language disordered, autistic, visually impaired, multi-disabled, orthopedically disabled, traumatic brain injured, or other health impaired.

Complainant The individual(s) or organization that files a complaint with the State Department of Education on behalf of a child with an exceptionality. This complainant may be a parent, guardian, student, surrogate parent, child advocate or other individual or an organization.

Complaint An allegation that an educational agency has violated a requirement of federal or state laws and regulations, policies, rights, procedural safeguards or program standards adopted by the BESE.

DSP Division of Special Populations.

Local Educational Agency (LEA) A public board of education or other public authority legally constituted within a state for either administrative control or direction of, or to perform a service function for, public elementary or secondary schools in a city, county, township, school district, or other political subdivision of a state, or for such combination of school districts or counties as are recognized in a state as an administrative agency for its public elementary or secondary schools including an educational service agency or other public institution or agency having administrative control and direction of a public elementary or secondary school, including a public charter school that is established as an LEA under the state law.

State Department of Education (SDE) The State Department of Education or other agency or officer primarily responsible for the state supervision of public elementary and secondary schools; or, if there is no such officer or agency, an officer or agency designated by the Governor or by state law [Referred to in the Individuals with Disabilities Education Act (ACT) as State Educational Agency (SEA)].

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:1941 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:1081 (July 2003).

§103. Purpose and Mandates

A. The purpose of the Complaint Management System is to meet the mandates of federal and state laws and

regulations that require a mechanism to field, investigate and resolve issues regarding the provision of special education and related services to children with exceptionalities or those children suspected of having exceptionalities.

B. Federal Mandates

1. 20 U.S.C. Chapter 33 Subchapter 1 General Provisions [Public Law 105-17, Individuals with Disabilities Education Act (IDEA)].

a. Section 1412 (a) (11): "State Educational Agency Responsible for General Supervision." In general the state educational agency is responsible for ensuring that:

i. the requirements of this part are met; and

ii. all educational programs for children with disabilities in the state, including all such programs administered by any other state or local agency:

(a). are under the general supervision of individuals in the state who are responsible for educational programs for children with disabilities; and

(b). meet the educational standards of the State Educational Agency.

b. Limitation. Subparagraph a above shall not limit the responsibility of agencies in the state other than the State Educational Agency to provide, or pay for some or all of the costs of, a free appropriate public education for any child with a disability in the state.

c. Exception. Notwithstanding Subparagraphs a and b, the governor (or another individual pursuant to state law), consistent with state law, may assign to any public agency in the state the responsibility of ensuring that the requirements of this part are met with respect to children with disabilities who are convicted as adults under state law and incarcerated in adult prisons.

2. *Individuals with Disabilities Education Act (IDEA) Section 1415 (b)(6)*. The procedures required by this Section shall include an opportunity to present complaints with respect to any matter relating to the identification, evaluation, or educational placement of the child, or the provision of a free appropriate public education (FAPE) to such child.

3. 34 Code of Federal Regulations (CFR) Section 300.660-662

C. State Mandates

1. The division of special populations shall have the following powers and duties:

a. to receive and investigate complaints, to initiate its own investigations, and to conduct mediations and hearings with power of subpoena, on behalf of an individual child or group of children, regarding failure to comply with federal or state laws for children with exceptionalities;

b. to investigate and conduct hearings upon evidence of denial of equal educational opportunities of children with exceptionalities as defined in this Chapter and to take such action as may be necessary to correct the situation;

c. to investigate and conduct hearings upon evidence regarding failure to comply with federal or state laws and rules and regulations and to take such action as may be necessary to correct the situation.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:1941 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:1081 (July 2003).

Chapter 3. General Provisions

§301. Adoption of State Complaint Procedures

A. Each SEA shall adopt written procedures for:

1. resolution of any complaint, including a complaint filed by an organization or individual from another state, that meets the requirements of 34 CFR §300.662 by:

a. providing for the filing of a complaint with the SEA; and

b. at the SEA's discretion, providing for the filing of a complaint with a public agency and the right to have the SEA review the public agency's decision on the complaint; and

2. widely disseminating to parents and other interested individuals, including parent training and information centers, protection and advocacy agencies, independent living centers, and other appropriate entities, the state's procedures under §§ 300.660-300.662.

B. Remedies for Denial of Appropriate Services

1. In resolving a complaint where a failure to provide appropriate services is found, an SEA, pursuant to its general supervisory authority under Part B of the Act, must address:

a. how to remediate the denial of those services, including, as appropriate, the awarding of monetary reimbursement or other corrective action appropriate to the needs of the child;

b. appropriate future provision of services for all children with disabilities.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:1941 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:1082 (July 2003).

§303. Minimum State Complaint Procedures

A. Time Limit; Minimum Procedures. Each SEA shall include in its complaint procedures a time limit of 60 days after a complaint is filed under §300.660(a) to:

1. carry out an independent on-site investigation, if the SEA determines that an investigation is necessary;

2. give the complainant the opportunity to submit additional information, either orally or in writing about the allegations in the complaint;

3. review all relevant information and make an independent determination as to whether the public agency is violating a requirement of Part B of the Act or of this Part; and

4. issue a written decision to the complainant that addresses each allegation in the complaint and contains:

a. findings of fact and conclusions; and

b. the reasons for the SEA's final decision.

B. Time Extension; Final Decision; Implementation. The SEA's procedures described in Subsection A of this Section also must:

1. permit an extension of the time limit under Subclause (a) of this Section only if exceptional circumstances exist with respect to a particular complaint; and

2. include procedures for effective implementation of the SEA's final decision, if needed, including:

a. technical assistance activities;

b. negotiations; and

c. corrective actions to achieve compliance.

C. Complaints and Due Process Hearings Filed under This Section.

1. If a written complaint is received that is also the subject of a due process hearing under §300.507 or §§300.520-300.528, or contains multiple issues, of which one or more are part of that hearing, the state must set aside any part of the complaint that is being addressed in the due process hearing, until the conclusion of the hearing. However, any issue in the complaint that is not a part of the due process action must be resolved using the time limit and procedures described in Subclause (a) and (b) of this Section.

2. If an issue is raised in a complaint filed under this section that has previously been decided in a due process hearing involving the same parties:

a. the hearing decision is binding; and

b. the SEA must inform the complainant to that effect.

3. A complaint alleging a public agency's failure to implement a due process decision must be resolved by the SEA.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:1941 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:1082 (July 2003).

§305. Filing a Complaint

A. Complaints may be filed by parents, students, child advocates, surrogate parents, other individuals or organizations.

B. Complaints may be filed in writing, by telephone call or in person.

C. The complaint must include:

1. a statement that a public agency has violated a requirement of Part B of the Act or of this Part;

2. the facts on which the statement is based;

3. grievances that do not meet SDE complaint criteria are referred back to the complainants with recommendations for appropriate action to be taken.

D. The complaint must allege a violation that occurred not more than one year prior to the date that the complaint is received in accordance with §300.660(a) unless a longer period is reasonable because the violation is continuing, or the complainant is requesting compensatory services for a violation that occurred not more than three years prior to the date the complaint is received under §300.660(a).

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:1941 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:1082 (July 2003).

§307. Complaint Criteria

A. Complaints that will be considered for review and investigation are grievances which:

1. allege that a local educational agency (LEA) which provides or is required to provide publicly funded special education is violating federal and/or state laws, regulations, policies, rights, procedural safeguards or program standards adopted by the BESE and administered by the SDE to assure FAPE to children with exceptionalities or children suspected of having exceptionalities;

2. relate to the provision of special education and related services to children with exceptionalities or suspected of having exceptionalities.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:1941 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:1082 (July 2003).

Chapter 5. Complaint Intake and Investigative Procedures

§501. Filing Complaints

A. Complaints may be filed by parents, students, child advocates, surrogate parents, other individuals or organizations. Complaints may be filed in writing, by telephone call or in person. A complaint must include not only a statement that a local educational agency (LEA) has violated a requirement of federal/state law or regulation but also the facts upon which the statement has been based.

B. Grievances that do not meet SDE complaint criteria are referred back to the complainants with recommendations for appropriate action to be taken.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:1941 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:1083 (July 2003).

§503. Treatment of Complaints

A. Upon receipt, the complaint is reviewed; the issues, rules and statutes that may have been violated are identified; and the investigatory procedure is determined. An investigation may consist of telephone contact, requests for submission of written documents, and/or an on-site investigation.

B. Complaints may be resolved by telephone call(s) or other alternative methods such as negotiation, mediation, conciliation, facilitation, and arbitration.

C. The attempt to resolve a dispute through the complaint management procedures does not preclude a person's right to a due process hearing. These processes are mutually exclusive. Complaint procedures may not be used to delay a person's right to a due process hearing.

D. All complaints must be resolved within 60 calendar days of receipt unless an extension is granted. Request for extensions may be made by the complainant, the local educational agency (LEA), or the SDE.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:1941 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:1083 (July 2003).

§505. Complaint Intake Procedures Log (SCL)

A. When a complaint is received and accepted by the SDE, the complaint is recorded in the SDE Complaint (SCL).

B. A Complaint Record Form (CRF) is completed; contacts with the complainant are made as the investigation proceeds and are recorded on the complaint record form. The complainant has the opportunity to submit additional information, either orally or in writing, about the allegations in the complaint. This information is documented on the CRF with all other information pertinent to the investigation.

C. The complainant is sent a letter within five business days of intake, indicating receipt of the complaint, stating the SDE representative handling the complaint and the intent to investigate and report findings within 60 calendar days.

D. The local educational agency (LEA) is sent a letter within five business days of intake indicating receipt of the complaint, a statement of the issues involved, including the applicable statute and rule citation(s), the name of the SDE representative handling the complaint, and the timeline by which the LEA must respond to the complaint.

E. The response from the local educational agency (LEA) should include either documentation to prove that the alleged violation did not take place or a plan of action to correct the violation.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:1941 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:1083 (July 2003).

§507. Investigation Procedures

A. Investigations may include written communication, telephone call(s) and/or on-site visits. During the course of an investigation, technical assistance consultations are provided, when appropriate, and the complainant is given the opportunity to submit additional information, either orally or in writing, about the allegations in the complaint.

B. If it is determined that an on-site investigation is necessary, an on-site investigation will be scheduled and conducted with technical assistance provided as necessary. Notice will be provided to the school system prior to the on-site investigation.

C. In determining whether a complaint requires an on-site investigation, the complaint investigator will consider, but not be limited to, the following conditions:

1. whether there is a disagreement between the parties as to the presence or absence of a certain program, service, personnel or physical entity that cannot be verified by written documentation or telephone conversation.

2. whether the written documentation requested and/or subsequent communication proves to be inconclusive in documenting the facts pertinent to the complaint.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:1941 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:1083 (July 2003).

§509. Report of Findings

A. The SDE reviews all relevant information and makes an independent determination as to whether the local educational agency (LEA) has violated any federal or state law(s), rule(s) or standard(s).

B. A written report of findings is sent to the local educational agency (LEA) and the complainant. The report includes a statement of the complaint, the applicable statutes and rules, findings of fact, conclusions, technical assistance activities and corrective actions to achieve compliance.

C. If corrective action is necessary, the local educational agency (LEA) must submit in writing to the SDE, according to timelines indicated by the SDE, a plan that includes the specific steps, material, personnel, and timelines required to resolve the complaint.

D. This corrective action plan (CAP) is approved and monitored by the SDE with an on-site monitoring review conducted when necessary.

E. When all appropriate documentation has been received by the SDE, the local educational agency (LEA) is sent written notification of complaint closure.

F. The complaint is closed within a 60 calendar day period.

G. The SDE closes the complaint in the SDE complaint log and files the complaint record with all appropriate documentation.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:1941 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:1083 (July 2003).

§511. Extension of Timelines

A. Timelines may be extended only if exceptional circumstances exist with respect to a particular complaint. The complainant and the local educational agency (LEA) will be notified in writing of the need for an extension. Reasons for extensions may include, but are not limited to, circumstances such as listed below.

1. The local educational agency (LEA) is unable to submit documentation within specified timelines because of school closing (i.e., vacation, holidays, natural disasters, school strike, malfunction in the school plant, etc.).

2. The local educational agency (LEA) or parents are unable to respond to the report within the specific timelines because of illness, death, or other extenuating circumstances.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:1941 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:1084 (July 2003).

§513. Enforcement Procedures

A. Sixty calendar days after the filing of a complaint and the subsequent failure of the local education agency (LEA) to implement the corrective action plan as determined by the SDE, the Division of Special Populations may, barring an appeal of the findings by the affected LEA, recommend to the State Superintendent that a petition to withhold the LEA's funds be made to the BESE.

B. In resolving a complaint in which it has found a failure to provide appropriate services, the SDE, pursuant to its general supervisory authority, must address:

1. how to remediate the denial of those services, including as appropriate, the awarding of monetary reimbursement or other corrective action appropriate to the needs of the child; and

2. appropriate future provision of services for all children with disabilities.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:1941 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:1084 (July 2003).

Weegie Peabody
Executive Director

0307#023

RULE

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

Motiva Enterprises Delisting Petition
(LAC 33:V.Chapter 49)(HW079P)

Under the authority of the Environmental Quality Act, R.S. 30:2001 et seq., and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the secretary has amended the Hazardous Waste regulations, LAC 33:V.Chapter 49.Appendix E (Log #HW079P).

Motiva Enterprises LLC petitioned to exclude from the hazardous waste regulations (delist) residual solids resulting

from the thermal desorption recycling of oil-bearing secondary materials at the Norco Oil Recovery Facility in Norco, Louisiana. LAC 33:V.105.M allows a hazardous waste generator to petition the department for this kind of rulemaking when a listed hazardous waste does not meet any of the criteria that justified the original listing. Based on extensive testing, the department has determined that the nature of this material does not warrant retaining this material as a hazardous waste. The basis and rationale for this Rule are to grant the delisting petition based on the supporting documentation submitted by Motiva Enterprises of Norco, Louisiana.

Title 33

ENVIRONMENTAL QUALITY

Part V. Hazardous Waste and Hazardous Materials

**Subpart 1. Department of Environmental Quality-
Hazardous Waste**

Chapter 49. Lists of Hazardous Wastes

Appendix E. Wastes Excluded under LAC 33:V.105.M

Table E1 - Wastes Excluded	
Facility	Address
* * *	
[See Prior Text in DuPont Dow Elastomers LLC – Marathon Oil Co.]	
Facility	Address
Motiva Enterprises LLC	Norco, LA
Waste Description	
Residual solids, at a maximum annual generation rate of 10,000 cubic yards per year (7,500 tons/year), are generated from the thermal desorption recycling of oil-bearing secondary materials resulting from petroleum processing operations, which are classified as newly generated EPA Hazardous Waste Number F037, petroleum refinery primary oil/water/solids separation sludge (effective February 8, 1999, per the updated definition promulgated on August 6, 1998, and the corrected definition dated June 8, 2000). For the purpose of this exclusion, oil-bearing hazardous secondary materials resulting from petroleum refining operations include EPA Hazardous Waste Numbers K048-K052, K169-K170, F037, and F038. The constituents of concern for F037 waste are listed as hexavalent chromium, lead, benzene, benzo(a)pyrene, and chrysene (see LAC 33:V.4901). Motiva must implement a testing and management program that meets the following conditions for the exclusion to be valid.	
(1). Testing Sample collection and analyses, including quality control (QC) procedures, must be performed according to methodologies described in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," EPA Publication Number SW-846, as incorporated by reference in LAC 33:V.110.	
(1)(A). Inorganic Testing During the first 12 months of this exclusion, Motiva must collect and analyze a monthly composite sample of the residual solids. Composite samples must be composed of a minimum of two representative grab samples from each operating day during a representative week of operation. The samples must be analyzed for the constituents listed in condition (3)(A) prior to disposal of the residual solids. Motiva must report to the department the unit operating conditions and analytical data (reported in milligrams per liter) for antimony, arsenic, barium, chromium, lead, mercury, nickel, selenium, silver, vanadium, and zinc, including quality control information. If the department and Motiva concur that the analytical results obtained during the 12 monthly testing periods have been significantly below the delisting levels in condition (3)(A), then Motiva may replace the inorganic testing required in condition (1)(A) with the inorganic testing required in condition (1)(B). Condition (1)(A) shall remain effective until this concurrence is reached.	

(1)(B). Subsequent Inorganic Testing
 Following concurrence by the department, Motiva may substitute the following testing conditions for those in condition (1)(A). Motiva must continue to monitor operating conditions and analyze quarterly composite samples representative of normal operations. The samples must be composed of representative grab samples from each operating day during a representative week of operation, during the first month of each quarterly period. These quarterly representative composite samples must be analyzed for the constituents listed in condition (3)(A) prior to disposal of the residual solids. If delisting levels for any inorganic constituents listed in condition (3)(A) are exceeded in the quarterly sample, Motiva must re-institute testing as required in condition (1)(A). Motiva may, at its discretion, analyze composite samples gathered more frequently to demonstrate that smaller batches of waste are nonhazardous.

(1)(C). Organic Testing
 During the first 12 months of this exclusion, Motiva must collect and analyze two monthly grab samples of the residual solids. These two representative grab samples should be collected on different operating days during a representative week of operation. The samples must be analyzed for the constituents listed in condition (3)(B) prior to disposal of the residual solids. Motiva must report to the department the unit operating conditions and analytical data (reported in milligrams per liter) for anthracene, benzene, toluene, xylenes, carbon disulfide, chrysene, naphthalene, and pyrene, including quality control information. If the department and Motiva concur that the analytical results obtained during the 12 monthly testing periods have been significantly below the delisting levels in condition (3)(B), then Motiva may replace the organic testing required in condition (1)(C) with the organic testing required in condition (1)(D). Condition (1)(C) shall remain effective until this concurrence is reached.

(1)(D). Subsequent Organic Testing
 Following concurrence by the department, Motiva may substitute the following testing conditions for those in condition (1)(C). Motiva must continue to monitor operating conditions and analyze two annual grab samples representative of normal operations. The samples must be representative grab samples from different operating days during a representative week of operation, during the first month of each annual period. These annual representative grab samples must be analyzed for the constituents listed in condition (3)(B) prior to disposal of the residual solids. If delisting levels for any organic constituents listed in condition (3)(B) are exceeded in the annual sample, Motiva must re-institute testing as required in condition (1)(C). Motiva may, at its discretion, analyze grab samples gathered more frequently to demonstrate that smaller batches of waste are nonhazardous.

(2). Waste Holding and Handling
 Motiva must store as hazardous wastes all residual solids generated until each batch has completed verification testing, as specified in conditions (1)(A)-(1)(D), and has satisfied the delisting criteria, as specified in condition (3). If the levels of constituents in the samples of residual solids are below all of the applicable levels set forth in condition (3), then the residual solids thereby become nonhazardous solid wastes and may be managed and disposed of in accordance with all applicable solid waste regulations. If hazardous constituent levels in any monthly composite or other representative sample equal or exceed any of the delisting levels set in condition (3), the residual solids generated during the corresponding period must be retreated and/or stabilized as allowed below until the residual solids meet the delisting levels, or managed and disposed of in accordance with Subtitle C of RCRA. If the residual solids contain leachable inorganic concentrations at or above the delisting levels set forth in condition (3)(A), then Motiva may stabilize the material with Type 1 portland cement and/or hydrated lime as demonstrated in the petition to immobilize the metals. Following stabilization, Motiva must repeat analyses in condition (3)(A) prior to disposal.

(3). Delisting Levels
 Concentrations in conditions (3)(A) and (3)(B) must be measured in the extract from the samples by the method specified in LAC 33:V.4903.E. All leachable concentrations in the extract must be less than the following levels (all units are milligrams per liter).

(3)(A). Inorganic Constituents
 Antimony 0.50; Arsenic 0.50; Barium 50.0; Chromium 0.50; Lead 0.50; Mercury 0.05; Nickel 5.0; Selenium 1.0; Silver 0.5; Vanadium 1.6; Zinc - 50.0.

(3)(B). Organic Constituents
 Anthracene 0.20; Benzene 0.10; Carbon disulfide 4.8; Chrysene 0.05; Naphthalene 0.05; Pyrene 0.05; Toluene 0.10; Xylenes 0.10.

(4). Changes in Operating Conditions
 If Motiva significantly changes the operating conditions specified in the petition, Motiva must notify the department in writing. Following receipt of written approval by the department, Motiva must re-institute the testing required in conditions (1)(A) and (1)(C) for a minimum of four months. Motiva must report unit operating conditions and test data required by conditions (1)(A) and (1)(C), including quality control data, obtained during this period no later than 60 days after the changes take place. Following written notification by the department, Motiva may replace testing conditions (1)(A) and (1)(C) with (1)(B) and (1)(D). Motiva must fulfill all other requirements in condition (1).

(4)(A). Processing Equipment
 Motiva may elect to change thermal desorption processing equipment based on operational performance and economic considerations. In the event that Motiva changes operating equipment, i.e., generic thermal desorption units, Motiva must re-institute processing and initiate testing required in conditions (1)(A) and (1)(C) for a minimum of four months. Motiva must report unit operating conditions and test data required in conditions (1)(A) and (1)(C), including quality control data, obtained during this period, no later than 60 days after the changes take place. Following written notification by the department, Motiva may replace testing conditions (1)(A) and (1)(C) with (1)(B) and (1)(D). Motiva must fulfill all other requirements in condition (1).

(4)(B). Batch Processing
 Motiva may periodically elect to change operating conditions to accommodate batch processing of single-event waste generations. In the event that Motiva initiates batch processing and changes the operating conditions established under condition (1), Motiva must re-institute the testing required in conditions (1)(A) and (1)(C) during such batch processing events, monitor unit operating conditions, and perform testing required by conditions (1)(A) and (1)(C), as appropriate. Following the completion of batch processing operations, Motiva must return to the operating conditions applicable prior to initiation of the batch processing and may return to the testing conditions that were applicable prior to the initiation of the batch processing activities.

(5). Data Submittal
 Motiva must notify the department, in writing, at least two weeks prior to initiating condition (1)(A). All data obtained to fulfill condition (1) must be submitted to the Assistant Secretary of the Office of Environmental Services, LDEQ, 7290 Bluebonnet Blvd, Baton Rouge, LA 70810, within 60 days after each sampling event. Records of operating conditions and analytical data from condition (1) must be compiled, summarized, and maintained on-site for a minimum of three years. These records and data must be furnished upon request by the department and made available for inspection. Failure to submit the required data within the specified time period or failure to maintain the required records on-site for the specified time shall be considered by the department, at its discretion, sufficient basis to revoke the exclusion. All data must be accompanied by a signed copy of the following certification statement to attest to the truth and accuracy of the data submitted.

"I certify under penalty of law that I have personally examined and am familiar with the information submitted in this demonstration and all attached documents, and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment. In the event that any of this information is determined by the department, in its sole discretion, to be false, inaccurate, or incomplete, and upon conveyance of this fact to the company, I recognize and agree that this exclusion of waste will be void as if it never had been in effect, or to the extent directed by the department, and that the company will be liable for any actions taken in contravention of the company's environmental obligations under the Louisiana Environmental Quality Act premised upon the company's reliance on the void exclusion."

(6). Reopener Language
 If, at any time after disposal of the delisted waste, Motiva possesses or is otherwise made aware of any environmental data (including but not limited to, leachate data or groundwater monitoring data) or any other data relevant to the delisted waste indicating that any constituent identified in the delisting verification testing is at a level higher than the delisting level allowed by the department in granting the petition, Motiva must report the data, in writing, to the department within 10 days of first possessing or being made aware of that data. If the testing of the waste, as required by condition (1), does not meet the delisting requirements of condition (3), Motiva must report the data, in writing, to the department within 10 days of first possessing or being made aware of that data. Based on the information described herein and any other information received from any source, the department will make a preliminary determination as to whether the reported information requires that the department take action to protect human health or the environment. Further action may include suspending or revoking the exclusion, or other appropriate response necessary to protect human health and the environment. If the department determines that the reported information does require departmental action, the department will notify the facility, in writing, of the action believed necessary to protect human health and the environment. The notice shall include a statement of the proposed action and a statement providing Motiva with an opportunity to present information as to why the proposed action is not necessary. Motiva shall have 10 days from the date of the department's notice to present such information. Following the receipt of information from Motiva, or if no such information is received within 10 days, the department will issue a final written determination describing the departmental actions that are necessary to protect human health or the environment. Any required action described in the department's determination shall become effective immediately, unless the department provides otherwise.

(7). Notification Requirements
 Motiva must provide a one-time written notification to any state regulatory agency in a state to which or through which the delisted waste described above will be transported, at least 60 days prior to the commencement of such activities. Failure to provide notification will result in a violation of the delisting conditions and a possible revocation of the decision to delist.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality LR 20:1000 (September 1994), amended by the Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 21:944 (September 1995), LR 22:830 (September 1996), amended by the Office of Waste Services, Hazardous Waste Division, LR 23:952 (August 1997), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 25:2397 (December 1999), LR 26:2509 (November 2000), LR 29:1084 (July 2003).

James H. Brent, Ph.D.
 Assistant Secretary

0307#034

RULE

**Office of the Governor
 Board of Examiners of Certified Shorthand Reporters**

Examinations
 (LAC 46:XXI.301 and 309)

In accordance with R.S. 37:2554 and the Administrative Procedure Act, R.S. 49:950 et seq., the Louisiana Board of Examiners of Certified Shorthand Reporters, has amended the Rules relative to the examination grading procedure.

**Title 46
 PROFESSIONAL AND OCCUPATIONAL
 STANDARDS**

Part XXI. Certified Shorthand Reporters

Chapter 3. Examinations

§301. Applications for Examinations

A. Examinations shall be held at such times and places as the board may designate.

B. Applications must be received by the board at least 30 days prior to the examination date.

C. Applicant must furnish a diploma, official transcript or certificate from a licensed court reporting school that he has passed a qualifying test consisting of five minutes of two-voice Q and A at 225 wpm with 95 percent accuracy within one year prior to application to the board for examination; or a CSR certificate from another state issued with a minimum requirement of 225 wpm; or participate in a equivalent qualifying test administered by the board on a date designated by the board. An application fee of \$25 shall be paid to the board by the applicant participating in a qualifying test administered by the board, which fee shall be refundable to the applicant upon completion of the qualifying test. An applicant who fails to timely appear for the qualifying examination by the board shall be deemed to have abandoned the application and shall forfeit the application fee for said qualifying test. Proof of passing said qualifying test must accompany the application for examination.

1. After passing any segment, the applicant must sit without exception for each examination thereafter administered by the board until all three segments have been passed.

2. Should the applicant fail to take any segments, applicant must either:

a. take a qualifying examination given by the board;

or

b. appear before the board with an explanation for not taking the exam, the validity of which explanation will be determined by the board in its sole discretion.

3. If the applicant fails to appear for any examination administered by the board and does not thereafter either:

a. pass a qualifying test administered by the board;

or

b. present to the board a valid reason for failing to appear for the examination, then the passed segments of the skills test will expire before the date of the next examination following the examination for which the applicant failed to appear, and applicant will be required to pass all three segments.

4. If applicant does not pass all three segments of the skills examination within a three-year period, beginning the last day of the month in which any segment was first passed, applicant will be required to pass a qualifying examination administered by the board. If applicant fails the qualifying examination, the passed segments will expire.

D. Applicants who have been found to be qualified for the examination shall be notified in writing of the time and place of their assigned examination.

E. An applicant who fails to timely appear for examination after being notified of eligibility shall be deemed to have abandoned the application and shall forfeit the application fee. In order again to become eligible for an examination, such person shall file a new application and otherwise comply in all respects with the provisions of the Act and these regulations in the same manner as required of an original applicant.

F. An applicant who commences but does not finish the examination or who otherwise fails such examination shall not be eligible for any future examination except upon complying in all respects with the provisions of the Act and these regulations.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2554.

HISTORICAL NOTE: Promulgated by the Department of Commerce, Board of Examiners of Certified Shorthand Reporters, LR 9:678 (October 1983), amended by the Department of Economic Development, Board of Examiners of Certified Shorthand Reporters, LR 14:530 (August 1988), LR 16:393 (May 1990), LR 17:578 (June 1991), LR 19:1537 (December 1993), LR 27:183 (February 2001), amended by the Office of the Governor, Board of Examiners of Certified Shorthand Reporters LR 29:1086 (July 2003).

§309. Grading of Examination

A. Each candidate's examination will be graded on the basis of his ability to accurately transcribe his notes, the time occupied in the transcription, his knowledge of court reporting procedure, and its related terminology, spelling, and punctuation, and the general style of the transcript.

B. Seventy-five percent accuracy is required on the written knowledge test with a maximum of 25 errors.

C. The maximum number of errors allowed to pass the dictated and transcribed portions of the skills test is 57 errors on the Q and A portion; 50 errors on the jury charge portion; and 45 errors on the literary portion.

D. If the examinee passes the written knowledge portion of the test but fails the dictated and transcribed portions; he will be exempt from taking the written knowledge portion of all subsequent tests.

E. If an examinee passes any segments of the skills test, the examinee is exempt from retaking those segments under the following conditions.

1. After passing any segment, the applicant must sit without exception for each examination thereafter administered by the board until all three segments have been passed.

2. Should the applicant fail to take any segments, applicant must either:

a. take a qualifying examination given by the board;

or

b. appear before the board with an explanation for not taking the exam, the validity of which explanation will be determined by the board in its sole discretion.

3. If the applicant fails to appear for any examination administered by the board and does not thereafter either:

a. pass a qualifying test administered by the board;

or
b. present to the board a valid reason for failing to appear for the examination, then the passed segments of the skills test will expire before the date of the next examination following the examination for which the applicant failed to appear, and applicant will be required to pass all three segments.

4. If applicant does not pass all three segments of the skills examination within a three-year period, beginning the last day of the month in which any segment was first passed, applicant will be required to pass a qualifying examination administered by the board. If applicant fails the qualifying examination, the passed segments will expire.

F. For the purpose of grading stenotype tests, errors will be assessed in accordance with the guidelines accepted by the National Court Reporters Association. For the purpose of grading stenomask tests, errors will be assessed in accordance with guidelines accepted by the National Verbatim Reporters Association.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2554.

HISTORICAL NOTE: Promulgated by the Department of Commerce, Board of Examiners of Certified Shorthand Reporters, LR 9:678 (October 1983), amended by the Department of Economic Development, Board of Examiners of Certified Shorthand Reporters, LR 14:530 (August 1988), LR 16:394 (May 1990), LR 19:1010 (August 1993), LR 19:1537 (December 1993), LR 27:184 (February 2001), amended by the Office of the Governor, Board of Examiners of Certified Shorthand Reporters LR 29:1087 (July 2003).

Merrell Long
Examination Committee Chairman

0307#028

RULE

Office of the Governor Real Estate Commission

Transactions (LAC 46:LXVII.3905)

Under the authority of the Louisiana Real Estate License Law, R.S. 37:1430 et seq., and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the Real Estate Commission has amended LAC 46:LXVII.3905. The amendment requires designated agents receiving written offers or counter offers to annotate the offers to indicate the time of day and date the offers were received.

Title 46

PROFESSIONAL AND OCCUPATIONAL STANDARDS

Part LXVII. Real Estate Subpart 1. Real Estate

Chapter 39. Presentation of Offers and Counter Offers §3905. Transactions

A. Designated agents receiving written offers or counter offers in transactions shall annotate the offers or counter offers to indicate the time of day and date the offers or counter offers were received.

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 26:48 (January 2000), amended by the Office of the Governor, Real Estate Commission, LR 29:1087 (July 2003).

Julius C. Willie
Executive Director

0307#062

RULE

Department of Health and Hospitals Board of Examiners of Psychologists

Applicable Ethical Standard
(LAC 46:LXIII.1703)

In accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the Board of Examiners of Psychologists has repealed §1703.

Title 46

PROFESSIONAL AND OCCUPATIONAL STANDARDS

Part LXIII. Psychologists

Chapter 17. Specialty Titles

§1703. Applicable Ethical Standard

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2353.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Examiners of Psychologists, LR 6:602 (October 1980), repealed by the Department of Health and Hospitals, Board of Examiners of Psychologists, LR 29:1088 (July 2003).

Brenda C. Ward
Executive Director

0307#015

RULE

Department of Health and Hospitals Board of Medical Examiners

Podiatric Postgraduate Year One (Internship) Registration,
Reinstatement, Continuing Medical Education
(LAC 46:XLV.1301-1305, 1361-63,
1371-1385 and 1391-1397)

In accordance with the Louisiana Administrative Procedure Act, R.S. 49:950, et seq., the Louisiana State Board of Medical Examiners (Board), pursuant to the authority vested in the board by the Louisiana Medical Practice Act, R.S. 37:1261-1292, particularly R.S. 37:1270 and the Louisiana Podiatry Practice Act, R.S. 37:611-628, particularly, R.S. 37:613A(5), has amended its existing rules to provide substantive definitions, 46:XLV, Subpart 2, Chapter 13, §§1301-1303; and adopted new rules governing reinstatement of licensure for podiatrists, §1363, continuing medical education for podiatrists seeking renewal and/or reinstatement of licensure, §§1361, 1371-1385, and requiring one year of approved postgraduate (internship)

training for podiatric applicants seeking initial licensure, §§1305, 1391-1397. The Rules are set forth below.

Title 46

PROFESSIONAL AND OCCUPATIONAL STANDARDS

Part XLV. Medical Profession

Subpart 2. Licensure and Certification

Chapter 13. Podiatrists

Subchapter A. General Provisions

§1301. Scope of Chapter

A. The Rules of this Chapter govern the licensing of podiatrists to engage in the practice of podiatry in the state of Louisiana.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270, R.S. 37:612, R.S. 37:613 and R.S. 37:616.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 29:1088 (July 2003).

§1303. Definitions

A. As used in this Chapter the following terms shall have the meanings specified.

Applicant—A person who has applied to the board for a license or permit to engage in the practice of podiatry in the state of Louisiana or for a registration to engage in the first year of continuing postgraduate podiatric education.

Application—A written request directed to and received by the board, upon forms supplied by the board, for a license or permit to practice podiatry in the state of Louisiana or for a registration to engage in the first year of continuing postgraduate podiatric education, together with all information, certificates, documents, and other materials required by the board to be submitted with such forms.

Good Moral Character—As applied to an applicant, means that:

a. the applicant has not, prior to or during the pendency of an application to the board, been guilty of any act, omission, condition, or circumstance which would provide legal cause under R.S. 37:624 for the suspension or revocation of podiatry licensure;

b. the applicant has not, prior to or in connection with his application, made any representation to the board, knowingly or unknowingly, which is in fact false or misleading as to a material fact or omits to state any fact or matter that is material to the application; or

c. the applicant has not made any representation or failed to make a representation or engaged in any act or omission which is false, deceptive, fraudulent or misleading in achieving or obtaining any of the qualifications for a license or permit required by this Chapter.

License—The lawful authority of a podiatrist to engage in the practice of podiatry in the state of Louisiana, as evidenced by a certificate duly issued by and under the official seal of the board.

Permit—The lawful authority of a podiatrist to engage in the practice of podiatry in the state of Louisiana for a designated, temporary period of time subject to restrictions and conditions specified by the board, as evidenced by a certificate duly issued by and under the official seal of the board. A permit is of determinate, limited duration and implies no right or entitlement to a license or to renewal of the permit.

Podiatrist A person possessing a doctor of podiatric medicine degree or an equivalent degree duly awarded by a school or college of podiatry approved by the board.

Podiatry Practice Act or the Act R.S. 37:611-628, as hereafter amended or supplemented.

Postgraduate Year One (Internship) Registration The lawful authority of a podiatrist to engage in the first year of continuing postgraduate podiatric training in the state of Louisiana at a podiatric medical education or internship program approved by the board, as evidenced by a certificate of registration duly issued by and under the official seal of the board.

State Any state of the United States, the District of Columbia and Puerto Rico.

B. Masculine terms wheresoever used in this Chapter shall also be deemed to include the feminine.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270, R.S. 37:612, R.S. 37:613, R.S. 37:616 and R.S. 37:618.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 29:1088 (July 2003).

Subchapter B. Requirements and Qualifications for Licensure

§1305. Qualifications for License

A. To be eligible for a license, an applicant shall:

1. be at least 21 years of age;
2. be of good moral character as defined by §1303.A;
3. be a citizen of the United States or possess valid and current legal authority to reside and work in the United States duly issued by the commissioner of the Immigration and Naturalization Service of the United States under and pursuant to the Immigration and Nationality Act (66 Stat. 163) and the commissioner's regulations thereunder (8 CFR);

4. possess a doctor of podiatric medicine or equivalent degree duly issued and conferred by a podiatric school or college approved by the board; and

5. with respect to applications for licensure first received by the board on and after January 1, 2005, have completed at least one year of postgraduate podiatric training in an internship or equivalent program accredited by the Council on Podiatric Medical Education of the American Podiatric Medical Association or its successor association, and approved by the board.

B. The burden of satisfying the board as to the qualifications and eligibility of the applicant for licensure shall be upon the applicant. An applicant shall not be deemed to possess such qualifications unless the applicant demonstrates and evidences such qualifications in the manner prescribed by, and to the satisfaction of, the board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270, R.S. 37:612, R.S. 37:613 and R.S. 37:616.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 29:1089 (July 2003).

Subchapter H. Licensure Issuance, Termination, Renewal, Reinstatement

§1361. Renewal of License

A. Every license or permit issued by the board shall be renewed annually on or before the first day of the month in which the licensee was born by submitting to the board a properly completed application for renewal, upon forms supplied by the board, together with the renewal fee

prescribed by the board and documentation of satisfaction of the continuing medical education requirement prescribed by Subchapter J of these rules.

B. An application for renewal of license form shall be mailed by the board to each person holding a license issued under this Chapter at least 30 days prior to the expiration of the license each year. Such form shall be mailed to the most recent address of each licensee as reflected in the official records of the board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270, 37:1270(A)(8) and 37:621.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 29:1089 (July 2003).

§1363. Reinstatement of Expired License

A. A license which has expired may be reinstated by the board subject to the conditions and procedures hereinafter set forth, provided that application for reinstatement is made within four years of the date of expiration. A podiatrist whose license has lapsed and expired for a period in excess of four years or who is otherwise ineligible for reinstatement under this Section may apply to the board for an initial original or reciprocal license pursuant to these rules and/or the Podiatry Practice Act.

B. An applicant seeking reinstatement more than one year from the date on which his license expired shall demonstrate, as a condition of reinstatement, satisfaction of the continuing medical education requirement of §1373 of Subchapter J of these rules for each year since the date of the expiration of licensure. As additional conditions of reinstatement the board may require:

1. that the applicant complete a statistical affidavit upon a form supplied by the board and provide a recent photograph;

2. that the applicant possess a current, unrestricted license to practice podiatry issued by another state; and/or

3. if the applicant does not at the time of the application for reinstatement possess a current, unrestricted license to practice podiatry issued by another state, that the applicant take and successfully pass:

- a. all or a designated portion of the examination specified by R.S. 37:613; or

- b. a written certification or recertification examination approved, offered or sponsored by the American Podiatric Medical Association or its successor association and acceptable to the board.

C. An applicant whose license to practice podiatry has been revoked, suspended or placed on probation by the licensing authority of another state or who has voluntarily or involuntarily surrendered his license to practice podiatry in consideration of the dismissal or discontinuance of pending or threatened administrative or criminal charges following the date on which his license to practice podiatry in Louisiana expired shall be deemed ineligible for reinstatement of licensure.

D. An application for reinstatement of licensure meeting the requirements and conditions of this Section may nonetheless be denied for any of the causes for which an application for original licensure may be refused by the board as specified in R.S. 37:624.

E. An application for reinstatement shall be made upon forms supplied by the board and accompanied by two letters of character recommendation from reputable podiatrists of

the former licensee's last professional location, together with the applicable fees and costs prescribed by the board, plus a penalty computed as follows.

1. If the application for reinstatement is made less than two years from the date of license expiration, the penalty shall be equal to the renewal fee.

2. If the application for reinstatement is made more than two years but less than three years from the date of license expiration, the penalty shall be equal to twice the renewal fee.

3. If the application for reinstatement is made more than three years from the date of license expiration, the penalty shall be equal to three times the renewal fee.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270, R.S. 37:617, R.S. 37:621, R.S. 37:622 and R.S. 37:628.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 29:1089 (July 2003).

Subchapter J. Continuing Medical Education

§1371. Scope of Subchapter

A. The Rules of this Subchapter provide standards for the continuing medical education (CME) requisite to the renewal or reinstatement of licensure as provided by §1361 and §1363 of these rules and prescribe the procedures applicable to satisfaction and documentation of continuing medical education in connection with applications for renewal or reinstatement of licensure.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270, R.S. 37:1270(A)(8), R.S. 37:621 and R.S. 37:628.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 29:1090 (July 2003).

§1373. Continuing Medical Educational Requirement

A. Subject to the waiver of and exceptions to CME provided by §1383 and §1385, respectively, every podiatrist seeking the renewal or reinstatement of licensure, to be effective on or after January 1, 2005, shall annually evidence and document, upon forms supplied by the board, the successful completion of not less than 20 hours of board approved CME.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270, 37:1270(A)(8), R.S. 37:621 and R.S. 37:628.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 29:1090 (July 2003).

§1375. Qualifying Continuing Medical Education Programs

A. Any program, course, seminar or other activity offering Category 1 CME shall be deemed approved for purposes of satisfying the continuing medical education requirement under this Subchapter, if approved, sponsored or offered by:

1. the American Podiatric Medical Association, or its successor association;

2. an organization or entity accredited by the Accreditation Council for Continuing Medical Education (ACCME);

3. a member board of the American Board of Medical Specialties;

4. an organization or entity accredited by the Louisiana State Medical Society or any other ACCME recognized state medical society.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270, 37:1270(A)(8) and R.S. 37:628.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 29:1090 (July 2003).

§1377. Documentation Procedure

A. A form for annual documentation and certification of satisfaction of the continuing medical education requirement prescribed by §1373 shall be included with each application for renewal or reinstatement of licensure form mailed by the board pursuant to §1361 or §1363. Such form shall be completed and delivered to the board with the podiatrist's application.

B. Podiatrists will not be required to transmit documentation of compliance with the continuing medical education requirement for renewal or reinstatement of licensure, unless otherwise required by these rules or requested by the board pursuant to §1377.E.

C. A podiatrist shall maintain a record or certificate of attendance for at least four years from the date of completion of the continuing medical education activity. Satisfactory evidence shall consist of a certificate or other documentation which shall, at a minimum, contain the:

1. program title;
2. sponsor's name;
3. podiatrist's name;
4. inclusive date or dates and location of the CME event; and

5. documented verification of successful completion of 20 hours of Category 1 CME by stamp, signature or other official proof acceptable to the board.

D. The board shall select for an audit of continuing medical education activities no fewer than 2 percent of the applicants for renewal or reinstatement each year. In addition, the board has the right to audit any questionable documentation of activities.

E. Verification of continuing medical education satisfying the requirement of this Subchapter shall be submitted to the board within 30 days of the date of mailing of notification of audit or such longer period as the board may designate in such notification. A podiatrist's failure to notify the board of a change of mailing address will not absolve the licensee from the audit requirement.

F. Any certification of continuing medical education not presumptively approved by the board pursuant to §1375 shall not be considered as qualifying for CME recognition by the board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270, 37:1270(A)(8), R.S. 37:621 and R.S. 37:628.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 29:1090 (July 2003).

§1379. Failure to Satisfy Continuing Medical Education Requirement

A. An applicant for renewal of licensure who fails to evidence satisfaction of the continuing professional education requirement prescribed by these rules shall be given written notice of such failure by the board. Such notice shall be mailed to the most recent address of the licensee as reflected in the official records of the board. The license of the applicant shall remain in full force and effect for a period of 90 days following the mailing of such notice, following which such license shall be deemed expired, unrenewed and subject to suspension or revocation without further notice

unless the applicant shall have furnished the board, within such 90 days, satisfactory evidence by affidavit, that:

1. the applicant has satisfied the applicable continuing medical education requirement;

2. the applicant's failure to satisfy the continuing medical education requirement was occasioned by disability, illness or other good cause as may be determined by the board pursuant to §1383; or

3. the applicant is exempt from such requirement pursuant to §1385.

B. The license of a podiatrist which has expired for nonrenewal or has been suspended or revoked for failure to satisfy the CME requirement of these rules may be reinstated pursuant to §1363 upon written application to the board, accompanied by payment of the application fee prescribed by §1363, in addition to all other applicable fees and costs, together with documentation and certification that the applicant has, for each year since the date on which the applicant's cense was last issued or renewed, completed an aggregate of 20 hours of board approved CME.

C. The license of a podiatrist which has been suspended or revoked on more than one occasion for failure to satisfy the CME requirement of these rules shall be deemed in violation of R.S. 37:624(15), providing cause for the board to suspend or revoke, refuse to issue, or impose probationary or other restrictions on any license or permit held or applied for by a podiatrist to practice podiatry in the state of Louisiana culpable of such violation.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270, 37:1270(A)(8), R.S. 37:621, R.S. 37:624 and R.S. 37:628.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 29:1090 (July 2003).

§1381. Falsification of Continuing Medical Education

A. Any licensee or applicant who falsely certifies attendance at and/or completion of the required continuing medical education requirement of §1373 shall be deemed in violation of R.S.37:624(2)and/or (15), providing cause for the board to suspend or revoke, refuse to issue, or impose probationary or other restrictions on any license or permit held or applied for by a podiatrist to practice podiatry in the state of Louisiana culpable of such violation.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270, 37:1270(A)(8), R.S. 37:624 and R.S. 37:628.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 29:1091 (July 2003).

§1383. Waiver of Requirement

A. The board may, in its discretion, waive all or part of the CME required by these rules in favor of a podiatrist who makes written request to the board and evidences to its satisfaction a permanent physical disability, illness, financial hardship or other similar extenuating circumstances precluding the individual's satisfaction of the CME requirement.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270, 37:1270(A)(8) and R.S. 37:628.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 29:1091 (July 2003).

§1385. Exceptions to the Continuing Medical Education Requirement

A. The CME requirement prescribed by this Subchapter prerequisite to renewal or reinstatement of licensure shall not be applicable to a podiatrist:

1. engaged in military service longer than one year's duration outside of Louisiana;

2. who has held an initial Louisiana license on the basis of examination for less than one year; or

3. who is in a postgraduate year one podiatric training program approved by the board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270, 37:1270(A)(8) and R.S. 37:628.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 29:1091 (July 2003).

Subchapter K. Postgraduate Year One (Internship) Registration

§1391. Necessity for Registration

A. As used in this Section, *postgraduate year one (PGY-1)* or *internship* means the first year of postgraduate podiatric training, following graduation from a school or college of podiatry, that is approved by the Council of Podiatric Medical Education of the American Podiatric Medical Association, or its successor, and the board. For purposes of this Section PGY-1 includes only the first year of any such training following graduation from a podiatry school or college and does not include training which may be designated PGY-1 level subsequent to prior training at such level in any specialty, field, or program.

B. No person who does not possess a license or permit issued under this Chapter shall enroll or participate in a PGY-1 podiatric educational program, or internship, unless he is duly registered with the board pursuant to this Subchapter.

C. Notwithstanding registration under this Subchapter, no person who does not possess a license or permit issued under this Chapter shall enroll or participate in a first year postgraduate podiatric educational program, an internship, or any other program howsoever designated or whenever taken, which permits or requires such persons to exercise independent judgment, assume independent responsibility for patient care or otherwise to engage in the practice of podiatry.

D. Upon a finding that a person or registrant has violated the proscriptions of this Section, the board may:

1. suspend or revoke such person's registration under this Subchapter or impose probationary conditions thereon;

2. consider and declare such person or registrant ineligible for a podiatry license or permit under this Chapter; and/or

3. cause the institution of judicial proceedings against such person for injunctive relief pursuant to R.S. 37:625.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270 and R.S. 37:613.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 29:1091 (July 2003).

§1393. Qualifications for Registration

A. To be eligible for registration under this Subchapter an applicant shall possess all of the substantive qualifications for licensure specified by R.S. 37:613 and §1305 and shall be a graduate of a podiatry school or college approved by the board.

B. The burden of satisfying the board as to the qualifications and eligibility of the applicant for registration shall be upon the applicant. An applicant shall not be deemed to possess such qualifications unless the applicant demonstrates and evidences such qualifications in the manner prescribed by, and to the satisfaction of, the board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270 and R.S. 37:613.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 29:1092 (July 2003).

§1395. Procedural Requirements

A. In addition to the substantive qualifications specified in §1393, to be eligible for registration under this Subchapter an applicant shall:

1. submit to the board a completed application, upon forms supplied by the board, subscribed by the applicant and by the administrator or chief executive officer of the hospital or medical institution in which the PGY-1 program is to be conducted, accompanied by a recent photograph of the applicant;

2. make a personal appearance by appointment before a member of the board or its designee, or at the office of the board before its designated officer, and present evidence of the qualifications specified by §1393; provided, however, that an applicant who has completed his podiatric education but who does not yet possess a degree as required by R.S. 37:613(4) may be deemed eligible for registration upon submission to the board of a letter subscribed by the dean of an approved school or college of podiatry, certifying that the applicant has completed his academic and podiatric education at such school or college, that the applicant is a candidate for the degree of doctor of podiatric medicine or its equivalent at the next scheduled convocation of such school or college, and specifying the date on which such degree will be awarded; and

3. pay all applicable fees and costs prescribed by the board.

B. All documents required to be submitted to the board must be the original thereof. For good cause shown, the board may waive or modify this requirement.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270, R.S. 37:613.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 29:1092 (July 2003).

§1397. Issuance and Term of Registration

A. If the qualifications, requirements, and procedures prescribed or incorporated by §1393 and §1395 are met to the satisfaction of the board, the board shall issue a certificate to the applicant evidencing his registration under this Subchapter for enrollment and participation in a PGY-1 podiatric training program in the state of Louisiana.

B. Registration issued under this subchapter shall be effective on and as of the date on which an applicant's PGY-1 podiatric training program is to commence.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270, R.S. 37:613.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 29:1092 (July 2003).

John B. Bobear, M.D.
Executive Director

0307#032

RULE

**Department of Health and Hospitals
Office of the Secretary**

Capital Area Human Services District
(LAC 48:I.Chapter 27)

Under the authority of R.S. 46:2661 et seq. as enacted by Act 54 of the first Extraordinary Session of 1999, the Department of Health and Hospitals adopts the following Rule.

Title 48

PUBLIC HEALTH GENERAL

Part I. General Administration

Subpart 1. General

Chapter 27. Capital Area Human Services District

§2701. Introduction

A. This agreement is entered into by and between Department of Health and Hospitals, hereinafter referred to as DHH, and Capital Area Human Services District, hereinafter referred to as CAHSD, in compliance with R.S. 46:2661 through 46:2666 as well as any subsequent legislation.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:2661.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, LR 29:1092 (July 2003).

§2703. Purpose and General Agreement

A. The Department of Health and Hospitals is authorized by law to provide for the direction, operation, development and management of programs of community-based mental health, mental retardation/developmental disabilities, addictive disorders, public health and related activities for eligible consumers in Louisiana.

B. The legislation authorizes CAHSD to provide services of community-based mental health, developmental disabilities, addictive disorders, public health and related activities for eligible consumers in CAHSD, which includes East Baton Rouge, West Baton Rouge, Ascension, Iberville, East Feliciana, West Feliciana and Pointe Coupee parishes; and to assure that services meet all relevant federal and state regulations; and to provide the functions necessary for the administration of such services.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:2661.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, LR 29:1092 (July 2003).

§2705. Designation of Liaisons

A. The primary liaison persons under this agreement are:

- 1. for DHH deputy secretary;
- 2. for CAHSD chairperson.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:2661.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, LR 29:1093 (July 2003).

§2709. Services to be Delivered

A. In order to provide a broad spectrum of coordinated public services to consumers of the Office of Mental Health, hereinafter referred to as OMH, the Office for Citizens with Developmental Disabilities, hereinafter referred to as OCDD, the Office for Addictive Disorders hereinafter referred to as OAD, the Office of Public Health, hereinafter referred to as OPH and for the District Administration, CAHSD will assume programmatic, administrative and fiscal responsibilities for including, but not limited to, the following:

- 1. OCDD community services;
- 2. mental health services consistent with the State Mental Health Plan, as required under the annual Mental Health Block Grant Plan;
- 3. outpatient treatment (non-intensive) COAD;
- 4. community-based services COAD;
- 5. intensive outpatient treatment/day treatment COAD;
- 6. non-medical/social detoxification COAD;
- 7. primary prevention COAD;
- 8. adult inpatient treatment services COAD;
- 9. transition to recovery homes (when funds and placements are available);
- 10. residential board and care (when funds and placements are available) COAD.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:2661.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, LR 29:1093 (July 2003).

§2711. Responsibilities of Each Party

A. CAHSD accepts the following responsibilities:

- 1. to perform the functions which provide community-based services and continuity of care for the diagnosis, prevention, detection, treatment, rehabilitation and follow-up care of mental and emotional illness;
- 2. to be responsible for community-based programs and functions relating to the care, diagnosis, eligibility determination, training, treatment, and case management of developmentally disabled and autistic persons as defined by the MRDD law, and to follow the rules or policies governing admissions to OCDD Developmental Centers;
- 3. to be responsible for the delivery and supervision of OCDD transition services and case management, where appropriate, and provide supports to person waiting for Waiver Services when an individual transitions to the community;
- 4. to provide for the gradual assumption of community-based public health services which will be determined to be feasible through consultation with the Office of Public Health;
- 5. to provide services related to the care, diagnosis, training, treatment, and education of, and primary prevention

of addiction. The criteria for admission and treatment must be parallel to OAD state operated programs;

6. to maintain services in community-based mental health, developmental disabilities, and substance abuse at least at the same level as the state maintains similar programs;

7. to ensure that the quality of services delivered is equal to or higher than the quality of services previously delivered by the state;

8. to perform human resources functions necessary for the operation of CAHSD;

9. to be responsible for the provision of any function/service, reporting or monitoring, mandated by the Block Grant Plan of each respective program office;

10. to provide systems management and services data/reports in a format, and content, and frequency content as that required of all regions by each DHH program office. Specific content of required information sets will be negotiated and issued annually through program office directives;

11. to utilize ARAMIS, MIS, Mental Health's SPOE, CMIS and any other required DHH/program office systems to meet state and federal reporting requirements. CAHSD will use the OCDD Individual Tracking System and/or other designated MIS system. OCDD will allow CAHSD to electronically upload and download information at prescribed intervals. No information will be uploaded by OCDD without prior notification of CAHSD;

12. to make available human resource staffing data for on-site review;

13. to maintain and support Single Point of Entry (SPOE) state standard;

14. to provide for successful delivery of services to persons discharged from state facilities into CAHSD service area by collaborative discharge planning;

15. to provide in-kind or hard match resources as required for acceptance of federal grant or entitlement funds utilized for services in CAHSD as appropriately and collaboratively applied for consistent with other regions in the state;

16. to make available a list of all social and professional services available to children and adults through contractual agreement with local providers. The list shall include names of contractors, dollar figures and brief description of services;

17. to work with OAD to assure that all requirements and set asides of the Substance Abuse Block Grant are adhered to in the delivery of services;

18. to develop and utilize a five-year strategic plan as required by Act 1465;

19. to monitor the quality of supports delivered to developmentally disabled individuals in state funded supported living arrangements;

20. to report to OMH on a monthly basis data consistent with that reported in DHH operated regions in order to assure statewide data integrity and comparability across all 64 parishes. The format for reporting this information must comply with OMH data transmission requirements as specified by the assistant secretary for OMH;

21. to continue to make available through all CAHSD sites, materials available from OPH, based on availability of

current funding from state and federal resources. Availability of materials shall also be based on the incidence rate of HIV in Region II and throughout the state;

22. to comply with OAD movement toward research-proven best practices and adhere to the established standard of care.

B. DHH retains/accepts the following responsibilities:

1. operation and management of any inpatient facility under the jurisdiction of DHH except that CAHSD shall have the authority and responsibility for determination of eligibility for receipt of such inpatient services (OMH's SPOE function) which were determined at the regional level prior to the initiation of this agreement;

2. operation, management and performance of functions and services for environmental health;

3. operation, management and performance of functions related to the Louisiana Vital Records Registry and the collection of vital statistics;

4. operation, management and performance of functions and services related to laboratory analysis in the area of personal and environmental health;

5. operation, management and performance of functions and services related to education provided by or authorized by any state or local educational agency;

6. monitoring this service agreement, assuring corrective action through coordination with CAHSD and reporting failures to comply to the Governor's Office;

7. operation, management and performance of functions for pre-admission screening and resident review process for Nursing Home Reform;

8. sharing with CAHSD information regarding but not limited to program data, statistical data, and planning documents that pertain to the CAHSD. Statewide information provided on a regional basis to providers, consumers and advocates shall either include accurate data for CAHSD, as confirmed by CAHSD, or shall include a statement that information for Region II (CAHSD) is available on request. This is necessary to make community stakeholders aware that CAHSD is participating in the submission of the same data reports as are required of the other regions;

9. communicating to CAHSD Executive Director any planned amendments to current law establishing CAHSD, or new legislation that is primarily directed to impacting CAHSD funding or administration or programs, prior to submission to the Governor's Office or to a legislative author;

10. reporting of statewide performance or comparisons, which are circulated outside of the DHH Program Offices, which include data submitted directly by CAHSD, or which are generated from data transmission programs in which CAHSD participates will be provided to CAHSD;

11. providing fair and equal access to all DHH facilities and to all appropriately referred citizens residing in the parishes served by CAHSD;

12. inviting the CAHSD Community Services Regional Manager (CSRM) to OCDD meetings that include the CSRMs of the eight regions under OCDD administration, when discussions or presentations impact citizens and/or administration of duties within CAHSD;

13. meeting with CAHSD to discuss and plan for any necessary upgrades in hardware, software or other devices

necessary for the electronic submission of data which is required of CAHSD;

14. including CAHSD's Executive Director in discussions that specifically relate to changes in CAHSD programming or financing, prior to final decision-making;

15. planning, managing and delivering services funded under this agreement as required in order to be consistent with the priorities, policies and strategic plans of DHH, its program offices, and related local initiatives. DHH shall include CAHSD as appropriate in the development of these plans and priorities and notify the executive director within at least the same time period as other regional managers;

16. determining if community-based mental health, developmental disabilities, addictive disorders, and public health services are delivered at least at the same level by CAHSD as the state provides for similar programs in other areas. Performance indicators shall be established and will be consistent with those collected in other regions. Such indicators will measure extensiveness of services, accessibility of services, availability of services and, most importantly, quality of services. CAHSD will not be required to meet performance indicators which are not mandated for state-operated programs in these service areas;

17. any requests by program offices for new and expanded regional funds requested statewide will include the appropriate proportionate amount of funding for CAHSD.

C. Joint Responsibilities

1. CAHSD shall work closely with OCDD in transitioning individuals from all Developmental Centers to the district and will be responsible for the case management oversight, when appropriate, of the service providers to ensure that their recipients receive appropriate services and outcomes as designated in the Comprehensive Plan of Care.

2. CAHSD will work with OAD to assure that the key performance indicators sent to the Division of Administration (DOA) are the same for CAHSD and OAD.

3. CAHSD will work with OAD to assure that there is a clear audit trail for linking alcohol and drug abuse funding and staffing to alcohol and drug abuse services.

4. CAHSD will collaborate with Region II OPH managers when appropriate to assist clients in accessing community-based services and ensure continuity of care for education, prevention, detection, treatment, rehabilitation and follow up care related to personal health.

5. CAHSD shall notify the DHH Bureau of Legal Services and relative program offices in a timely manner to assure proper representation in all judicial commitments and court events involving placement in DHH programs. CAHSD shall also provide program staff as representatives to assist DHH in all judicial commitments and court events involving placement in DHH programs. DHH will provide legal support and representation in judicial commitments to the department.

6. Budget requests for new and expanded programs or requests for additional funding for existing programs will be discussed between CAHSD Executive Director and appropriate program office personnel in a timely manner to avoid incongruous requests for new funding prior to submission to DOA.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:2661.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, LR 29:1093 (July 2003).

§2713. Reallocation of Resources/Staff and Financial Agreements

A. For FY02/03, DHH agrees to transfer financial resources in accordance with the Memorandum of Understanding (MOU) to the direction and management of CAHSD. The financial resources will be adjusted based upon the final appropriation for CAHSD.

B. CAHSD will submit to DHH an annual budget request for funding of the cost for providing the services and programs for which CAHSD is responsible. The format for such request shall be consistent with that required by the DOA and DHH. The request shall conform with the time frame established by DHH. The CAHSD Executive Director will submit new and expanded program requests to the Office of the Secretary prior to submission to DOA.

C. CAHSD shall operate within its budget allocation and report budget expenditures to DHH.

D. Revisions of the budget may be made upon written consent between CAHSD and DHH and, as appropriate, through the Legislative Budget Committee's BA-7 process. In the event any additional funding is appropriated and received by DHH that affects any budget categories for the direction, operation, and management of the programs of mental health, mental retardation/developmental disabilities, addictive disorders services, and public health, and related activities for any other such DHH entities or regions, CAHSD will receive additional funds on the same basis as other program offices. In the event of a budget reduction, CAHSD will receive a proportionate reduction in its budget.

E. CAHSD shall bill DHH agencies for services they provide in a timely manner.

F. CAHSD shall not bill any DHH agency more than is shown in Attachment 1 of the MOU.

G. CAHSD shall assume all financial assets and/or liabilities associated with the programs transferred.

H. CAHSD shall be responsible for repayment of any funds received which are determined ineligible and subsequently disallowed.

I. DHH shall continue to provide to CAHSD certain support services from the Office of the Secretary and from the Office of Management and Finance which are available to the regional program offices of OCDD, OMH, OAD, and OPH. The services CAHSD will continue to receive, at the level provided to other regions are: Communications and Inquiry; Internal Audit; Fiscal Management; Information Services; Facility Management; Lease Management; and Research and Development.

J. Any increases from OAD must comply with the resource allocation law and CAHSD will participate in cost benefit analysis and outcome.

K. CAHSD will comply with the resource allocation formula and adjustments in the funding for CAHSD may be made according to this formula.

L. If the implementation of the area structure changes the means of financing in a way that would negatively impact total funds received by CAHSD for mental health services, OMH will structurally guarantee the ability to bill for/collect funds for the services provided, or fund the district in the amount the total CAHSD/OMH portion of its

budget will not be decreased from what would be allocated or collected by the other regions.

M. Funding for all medications needed by OMH forensic clients, (except those originally residing within the CAHSD region) who are released from the hospital into forensic community-based beds within CAHSD, shall be provided to CAHSD through this MOU. Funds will be based on average cost for annual number of clients, and OMH Forensic and CAHSD staff shall coordinate the verification of clients served and the cost of medications provided.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:2661.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, LR 29:1095 (July 2003).

§2715. Joint Training and Meetings

A. CAHSD, through its staff, will participate in DHH and other programmatic trainings, meetings and other activities as agreed upon by CAHSD and DHH. In a reciprocal manner, CAHSD will provide meetings, training sessions, and other activities that will be available for participation by DHH staff as mutually agreed upon by CAHSD and DHH. All program office meetings (trainings, information dissemination, policy development, etc.) discussing/presenting information with statewide implications shall include CAHSD staff.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:2661.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, LR 29:1095 (July 2003).

§2717. Special Provisions

A. CAHSD agrees to abide by all applicable Federal, State, and Parish laws regarding nondiscrimination in service delivery and/or employment of individuals because of race, color, religion, sex, age, national origin, handicap, political beliefs, disabled veteran, veteran status or any other non-merit factor.

B. CAHSD shall maintain a property control system of all movable property in the possession of CAHSD that was formally under the control of DHH, and of all additional property acquired.

C. For purposes of purchasing, travel reimbursement, and securing of social service/professional contracts, CAHSD shall utilize established written bid/RFP policies and procedures. Such policies and procedures shall be developed in adherence to applicable statutory and administrative requirements. CAHSD shall provide informational copies of such policies and procedures to DHH as requested.

D. CAHSD shall abide by all court rulings and orders that affect DHH and impact entities under CAHSD's control, and shall make reports to DHH's Bureau of Protective Services of all applicable cases of alleged abuse, neglect, exploitation or extortion of individuals in need of protection in a format prescribed by DHH.

E. In the event of a departmental budget reduction in state general funds, or federal funds equivalent, CAHSD shall share in that reduction consistent with other DHH agencies. If reductions occur through Executive Order, DOA, or legislative action in the appropriation Schedule 09, and CAHSD is included in these reductions, then these same

reductions shall not be reassessed to CAHSD by DHH agencies.

F. CAHSD shall have membership on the Region II Planning Group and the Statewide Planning Group for the HIV/AIDS Prevention Program. CAHSD shall be a voting member of the Region II Planning Group (RPG). CAHSD shall be a non-voting member of the Statewide Planning Group (SPG) unless the CAHSD member is also elected by the Region II RPG as its official delegate to the SPG. In such case, the CAHSD representative shall vote as the representative of the Region II RPG.

G. CAHSD can obtain a copy of all requests for funding, solicitation of offers, notices of funding availability and other such comparable documents sent out by OPH relative to community-based HIV Prevention and Treatment Services for Region II as well as any such notices received by OPH and not chosen for application by them.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:2661.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, LR 29:1095 (July 2003).

§2719. Renewal/Termination

A. This agreement will cover the period of time from July 1, 2002 to June 30, 2003.

B. This agreement will be revised on an annual basis, as required by law, and will be promulgated through the Administrative Procedure Act. The annual agreement shall be published in the state register each year in order for significant changes to be considered in the budget process for the ensuing fiscal year.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:2661.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, LR 29:1096 (July 2003).

David W. Hood
Secretary

0307#067

RULE

Department of Health and Hospitals Office of the Secretary Bureau of Community Supports and Services

Mentally Retarded/Developmentally Disabled Waiver Skilled Nursing Services

The Department of Health and Hospitals, Office of the Secretary, Bureau of Community Supports and Services promulgates the following Rule in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This Rule is promulgated in accordance with the Administrative Procedure Act, R.S. 49:950 et seq.

In compliance with Act 1183 of the 1999 Regular Session.

Rule

The Department of Health and Hospitals, Office of the Secretary, Bureau of Community Supports and Services amends the July 20, 1990 Rule to include skilled

nursing services as a service in the Mentally Retarded/Developmentally Disabled Waiver.

Recipient Criteria

A. Skilled nursing services will be available to medically fragile individuals who meet the following criteria:

1. are ventilator dependent or non-ambulatory, or have undergone a tracheotomy, or gastrostomy; and

2. require life-sustaining equipment (ventilators, suction machines, apnea monitors, nebulizers and/or pulse oximeters); and

3. are medically approved by their primary physician, as documented by a doctor's order and a letter of medical necessity from the physician.

Provider and Staff Qualifications

A. A home health agency must enroll as a MR/DD Waiver service provider in order to provide skilled nursing services under the MR/DD Waiver.

B. Skilled nursing services shall be provided by either a licensed registered nurse or a licensed practical nurse employed by a Medicaid enrolled home health agency.

David W. Hood
Secretary

0307#077

RULE

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

Outpatient Hospital Laboratory Services (LAC 50:XIX.4333)

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing promulgates the LAC 50:XIX.4333 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This Rule is promulgated in accordance with the Administrative Procedure Act, R.S. 49:950 et seq.

Title 50

PUBLIC HEALTH/MEDICAL ASSISTANCE

Part XIX. Other Services

Subpart 3. Laboratory and X-Ray

Chapter 43. Billing and Reimbursement

Subchapter B. Reimbursement

§4333. Outpatient Hospital Laboratory Services Reimbursement

A. Hospitals are reimbursed for outpatient laboratory services as follows.

1. The reimbursement rates paid to outpatient hospitals for laboratory services subject to the Medicare Fee Schedule shall be increased by 10 percent of the rate on file as of September 15, 2002.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 28:1026 (May 2002), amended LR 29:1096 (July 2003).

Implementation of this Rule shall be contingent upon the certification of matching funds by non-state public hospitals (except small rural hospitals as defined in R.S. 40:1300.143)

or the completion of cooperative endeavor agreements to make public agency transfer to the department as set forth in the Appropriations Act of the 2002 Regular Session of the Louisiana Legislature and the approval of the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services.

David W. Hood
Secretary

0307#079

RULE

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

**Outpatient Hospital Rehabilitation Services
Reimbursement Increase**

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing promulgates the following Rule in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This Rule is promulgated in accordance with the Administrative Procedure Act, R.S. 49:950 et seq.

Rule

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing amends the June 20, 1997 Rule and increases the reimbursement rates for outpatient hospital rehabilitation services rendered to Medicaid recipients age 3 and older. This rate increase is not applicable to rehabilitation services rendered to recipients up to the age of 3 as the reimbursement rate increase for those services were addressed in the July 6, 2002 Emergency Rule. The new reimbursement rates will be as follows.

Service Description	New Fee
Physical Therapy, evaluation	\$68.31
Occupational therapy evaluation	\$64.52
Speech Evaluation	\$56.93
Hearing Evaluation	\$56.93
Wheelchair Seating Evaluation	\$64.52
Physical Therapy, 1 modality	\$25.30
Physical Therapy, 2 or more modalities	\$37.95
P.T.-1 or more procedure/modality, 15 min.	\$12.65
P.T.-with procedures, 20 min.	\$17.08
P.T.-with procedures, 30 min.	\$25.30
P.T.-with procedures, 45 min.	\$37.95
P.T.-with procedures, 60 min.	\$50.60
P.T.-with procedures and mod., 60 min.	\$50.60
P.T.-with procedures, 75 min.	\$63.25
P.T.-with procedures, 90 min.	\$75.90
Occupational therapy, 15 min.	\$10.12
Occupational therapy, 20 min.	\$13.92
Occupational therapy, 30 min.	\$20.24
Occupational therapy, 45 min.	\$30.36
Occupational therapy, 60 min.	\$40.48
Speech and hearing therapy, 15 min.	\$9.49
Speech and hearing therapy, 20 min.	\$12.65
Speech therapy, 30 min	\$18.98
Speech therapy, 45 min.	\$28.46
Speech therapy, 60 min.	\$37.95

This increase in outpatient hospital rehabilitation reimbursement rates is not applicable to home health rehabilitation services. Home health rehabilitation services will continue to be reimbursed at the rate paid for outpatient hospital rehabilitation services as of September 15, 2002, except for those services that were addressed in the July 6, 2002 Rule.

Implementation of this Rule shall be contingent upon the certification of matching funds by non-state public hospitals (except small rural hospitals as defined in R.S. 40:1300.143) or the completion of cooperative endeavor agreements to make public agency transfer to the department as set forth in the Appropriations Act of the 2002 Regular Session of the Louisiana Legislature and the approval of the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services.

David W. Hood
Secretary

0307#080

RULE

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

Outpatient Hospital Services & Clinic Services

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing promulgates the following Rule in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This Rule is promulgated in accordance with the Administrative Procedure Act, R.S. 49:950 et seq.

Rule

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing amends the December 20, 2000 Rule and increases the reimbursement rates for outpatient hospital clinic services. Hospitals must use the revenue codes and Physicians' Current Procedural Terminology (CPT)/Healthcare Common Procedure Coding System (HCPCS) specified by the department when billing for services. The revenue codes and new reimbursement rates will be as follows.

Hospital Revenue Code	Description
510	General Internal Medicine Clinic
514	OB-Gyn Clinic
515	Pediatric Clinic
517	Family Practice Clinic
519	Specialty Clinic

Description	Payment Rate
Office/Outpatient visit, new	\$33.00
Office/Outpatient visit, new	\$33.00
Office/Outpatient visit, new	\$38.00
Office/Outpatient visit, new	\$57.00
Office/Outpatient visit, new	\$57.00
Office/Outpatient visit, established	\$33.00
Office/Outpatient visit, established	\$33.00
Office/Outpatient visit, established	\$38.00
Office/Outpatient visit, established	\$57.00
Office/Outpatient visit, established	\$57.00

Implementation of this Rule shall be contingent upon the certification of matching funds by non-state public hospitals (except small rural hospitals as defined in R.S. 40:1300.143) or the completion of cooperative endeavor agreements to make public agency transfer to the department as set forth in the Appropriations Act of the 2002 Regular Session of the Louisiana Legislature and the approval of the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services.

David W. Hood
Secretary

0307#078

RULE

Department of Health and Hospitals Office of Public Health

Title 51 Corrections
(LAC 51:III.101, 113; XV.117; XVI.101, 1101,
1301; XVII.105, 107, 501; XVIII.301; XIX.103;
XX.105; XXIV.103, 317, 319; and XXVI.103)

Editor's Note: The following omissions were inadvertently left out of the June 2002 compilation of Title 51, Public Health Sanitary Code.

Title 51 Public Health Sanitary Code

Part III. The Control of Rabies and Other Zoonotic Diseases

Chapter 1. General

§101. Definitions

[Formerly paragraph 3:001]

A. Unless otherwise specifically provided herein, the following words and terms used in this Part of the Sanitary Code and all other Parts which are adopted or may be adopted are defined for the purposes thereof as follows:

Prairie Dogs [Formerly paragraph 3:009] any burrowing rodents of the genus *Cynomys*. Prairie dogs can harbor the hantavirus. Prairie dogs are also known to be a host for fleas, which carry the causative agent of Bubonic Plague, the bacteria *Yersinia pestis*. These fleas have the potential to infect other wild animals, as well as domestic animals and humans. Prairie dogs are not indigenous to Louisiana.

AUTHORITY NOTE: The first source of authority for promulgation of the Sanitary Code is in R.S. 36:258(B), with more particular provisions found in Chapters 1 and 4 of Title 40 of the Louisiana Revised Statutes. This Part is promulgated in accordance with the provisions of R.S. 40:5(2), (3), (10), and (17) together with the specific provisions of R.S. 40:4 (A)(2)(a), R.S. 40:4(A)(9) and R.S. 40:1277.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 28:1223 (June 2002), repromulgated LR 29:1098 (July 2003).

§113. Prohibition on Importation/Sale of Prairie Dogs

A. [Formerly paragraph 3:010] The importation and/or sale of prairie dogs in Louisiana is prohibited.

B. [Formerly paragraph 3:011] This Section shall not apply to zoos approved by the American Association of Zoological Parks and Aquariums.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4(A)(9) and R.S. 40:5(2)(3)(17).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 20:668 (June 1994), repromulgated LR 28:1224 (June 2002), LR 29:1098 (July 2003).

Part XV. Hotels, Lodging Houses, Boarding Houses

Chapter 1. General

§117. Garbage Disposal

[formerly paragraph 15:014]

A. Garbage shall be deposited in watertight containers and either covered at all times or otherwise protected from animals, flies, and other insects. The contents shall be removed as often as necessary to prevent decomposition and overflow, and disposed of in accordance with the applicable regulations, including Part XXVII of this Code.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4(A)(5) and R.S. 40:5.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 28:1385 (June 2002), repromulgated LR 29:1098 (July 2003).

Part XVI. Campsites

Chapter 1. General

§101. Definitions

[formerly paragraph 16:001]

A. Unless otherwise specifically provided herein, the following words and terms used in this Part of the Sanitary Code, and all other Parts which are adopted or may be adopted, are defined for the purposes thereof as follows.

Primitive Camp a campsite established for tent camping only, in which accommodations might include toilet and refuse disposal facilities.

AUTHORITY NOTE: The first source of authority for promulgation of the Sanitary Code is in R.S. 36:258(B), with more particular provisions found in Chapters 1 and 4 of Title 40 of the Louisiana Revised Statutes. This Part is promulgated in accordance with the specific provisions of R.S. 40:4(A)(4) and R.S. 40:5.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 28:1386 (June 2002), repromulgated LR 29:1098 (July 2003).

Chapter 11. Sanitary Toilet and Bathing Facilities at Campsites

§1101. Requirements for Toilets and Bathing Houses at Campsites

A - A.1. ...

2. Urinal shall be provided at the rate of one for each 30 males.

A.3. - I. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4(A)(4) and R.S. 40:5.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 28:1388 (June 2002), repromulgated LR 29:1098 (July 2003).

Chapter 13. General Sanitary Requirements

§1303. Garbage and Refuse

[formerly paragraph 16:037]

A. Garbage and refuse shall be handled and disposed of in accordance with the requirements of Part XXVII of this Code and the Louisiana Department of Environmental Quality.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4(A)(5) and R.S. 40:5.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 28:1389 (June 2002), repromulgated LR 29:1098 (July 2003).

Part XVII. Public Buildings, Schools, and Other Institutions

Chapter 1. General Requirements for Public Buildings

§105. Sewage Disposal Requirements

A. [Formerly paragraph 17:012] All public buildings shall be provided with sewage disposal facilities in compliance with the provisions of Part XIII of this Code. Where an approved public sewerage system is available, the building shall be connected to it in compliance with §305 of Part XIII of this Code, provided the property owner is legally entitled to make such a connection. Where a public sewerage system is not available, disposal shall be into a private system which meets the requirements of Part XIII of this Code.

B. - C. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4(A)(10) and R.S. 40:5.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 28:1390 (June 2002), repromulgated LR 29:1099 (July 2003).

§107. Housekeeping Requirements

A. - C. ...

D. [Formerly 17:018] Garbage and trash shall not be allowed to accumulate anywhere on the premises except in containers designed and maintained in accordance with Part XXVII of this Code. Garbage may be disposed in a grinder or disposer if the sewage treatment system to which it is connected meets the requirements of this Code and is of adequate size to handle the load. Otherwise garbage and other discarded putrescible materials shall be stored in impervious cans with tight fitting covers. Oily rags and other materials subject to spontaneous combustion shall be stored in tightly covered metal containers. Other trash shall be stored in non-combustible containers.

E. - F. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4(A)(10) and R.S. 40:5.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 28:1391 (June 2002), repromulgated LR 29:1099 (July 2003).

Chapter 5. Health Requirements for Schools

§501. Employee Health and Student Health

A. [Formerly paragraph 17:028] The requirements of Part I, §117 and Part II, §§111 and 503 shall be met.

B.1. [Formerly paragraph 17:029] All students in the health care professions shall be free of tuberculosis in a communicable state as evidenced by either:

- a. a negative purified protein derivative test, five tuberculin unit strength, given by the Mantoux method;
 - b. a normal chest X-ray if the skin test is positive;
- or
- c. a statement from a Louisiana licensed physician that the person is noninfectious to others if the chest X-ray is other than normal.

2. If the student has a positive purified protein derivative skin test for tuberculosis, five tuberculin unit strength, given by the Mantoux method, or a chest X-ray other than normal, the student shall complete a course of chemotherapy for tuberculosis as prescribed by a Louisiana licensed physician, or present a signed statement from a

Louisiana licensed physician stating that chemotherapy for tuberculosis is not indicated. In any case, the student shall not be denied access to an institutional learning experience or work solely on the basis of being infected with tuberculosis, provided the infection is not communicable.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4 (A)(2)(10) and R.S. 40:5 (1)(2)(10)(17).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 28:1392 (June 2002), repromulgated LR 29:1099 (July 2003).

Part XVIII. Jails, Prisons and Other Institutions of Detention or Incarceration

Chapter 3. Health Requirements for Incarceration

§301. Inmate Health

A. [Formerly paragraph 18:021] Any person entering any Louisiana state prison as an inmate for 48 hours or more shall be screened for tuberculosis with a purified protein derivative skin test, five tuberculin unit strength, given by the Mantoux method, and a chest X-ray if the skin test is positive. If the individual is known to be infected with the human immunodeficiency virus (HIV) or has acquired immunodeficiency syndrome (AIDS), he or she shall be required to have a chest X-ray in addition to a skin test for tuberculosis, regardless of the skin test results. If an individual has a positive skin test or positive X-ray, he or she shall be evaluated by a physician to determine whether he or she should receive a course of chemotherapy for tuberculosis. If evaluation is desired before 48 hours, a chest X-ray is acceptable for screening.

B. [Formerly paragraph 18:022] Any person entering any Louisiana parish jail as an inmate for fourteen days or more shall be screened for tuberculosis, where funding is available, with a purified protein derivative skin test, five tuberculin unit strength, given by the Mantoux method, and a chest X-ray if the skin test is positive. If the individual is known to be infected with the human immunodeficiency virus (HIV) or has acquired immunodeficiency syndrome (AIDS), he or she shall be required to have a chest X-ray in addition to a skin test for tuberculosis, regardless of the skin test results. If an individual has a positive skin test or positive X-ray, he or she shall be evaluated by a physician to determine whether he or she should receive a course of chemotherapy for tuberculosis. If evaluation is desired before 48 hours, a chest X-ray is acceptable for screening.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4 (A)(2)(10) and R.S. 40:5 (1)(2)(4)(10)(17).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 20:301 (March 1994), repromulgated LR 29:1099 (July 2003).

Part XIX. Hospitals, Ambulatory Surgical Centers, Renal Dialysis Centers

Chapter 1. General Requirements

§103. Construction Requirements

A. - B. ...

C. Ventilation, Air Conditioning and Heating

1. [Formerly paragraph 19:006] All patient rooms shall be well ventilated and under positive pressure except for negative pressure rooms designated as such. Temperature, humidity, pressure and air exchange characteristics shall conform to the requirements in "Minimum Requirements on Construction and Equipment for Hospitals and Medical Facilities" (DHEW Publication No. (HRA) 79-14500) as they apply to specific areas of the

building. The heating and cooling system shall be such type and maintained and operated in such a manner to provide a comfortable temperature for patients and personnel. The heating and cooling system shall also be constructed to conform to the requirements in "Minimum Requirements on Construction and Equipment for Hospitals and Medical Facilities" (DHEW Publication No. (HRA) 79-14500).

2.a. [formerly paragraph 19:006-1] Persons with tuberculosis in a communicable state or suspected of having tuberculosis in a communicable state shall be cared for in isolation rooms with negative air pressure and either:

i. at least six changes of room air per hour accomplished by exhaust ventilation, or
ii. equivalent circulation and treatment by ultraviolet light treatment, "air scrubber", or equivalent.

b. If the patient is not in a room with proper ventilation and is unable or unwilling to cover their cough, then exposed persons shall wear proper masks, which filter all particles larger than one micron, in order to prevent the spread of infectious respiratory droplets.

3. [formerly paragraph 19:006-2] Rooms used for aerosolized pentamidine treatments or for aerosol treatments designed to induce sputum shall have negative air pressure and at least six changes of room air per hour, accomplished by exhaust ventilation.

D. - E. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4 (A)(2)(10) and R.S. 40:5 (1)(2)(3)(10)(17).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 28:1393 (June 2002), repromulgated LR 29:1099 (July 2003).

Part XX. Nursing Homes

Chapter 1. General Sanitary Provisions for Nursing Homes

§105. Heating, Cooling, and Ventilating Systems

A. [Formerly paragraph 20:003] All homes shall be provided with heating equipment adequate to maintain, in every room used by patients, a temperature of not less than 76 degrees Fahrenheit in the coldest weather. Each room having a bathtub, or shower, or toilet shall have a heater, or a duct to it from a heating system. The combustion chambers of all heating systems, and other fired equipment shall be vented to the atmosphere. Other parts of the heating, cooling, and ventilating system shall be so designed, built, and maintained as to ensure that the pressure in the space form which combustion air is drawn does not become negative with respect to the atmosphere.

B.1. [Formerly paragraph 20:003-1] Persons with tuberculosis in a communicable state or suspected of having tuberculosis in a communicable state shall be cared for in isolation rooms with negative air pressure and either:

a. at least six changes of room air per hour accomplished by exhaust ventilation, or
b. equivalent circulation and treatment by ultraviolet light treatment, "air scrubber", or equivalent.

2. If the patient is not in a room with proper ventilation and is unable or unwilling to cover their cough, then exposed persons shall wear proper masks, which filter all particles larger than one micron, in order to prevent the spread of infectious respiratory droplets.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4 (A)(2)(10) and R.S. 40:5 (1)(2)(3)(10)(17).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 28:1398 (June 2002), repromulgated LR 29:1100 (July 2003).

Part XXIV. Swimming Pools and Natural or Semi-Artificial Swimming or Bathing Places

Chapter 1. General Requirements

§103. Definitions

[formerly Sub-part A paragraph 24:001]

A. Unless otherwise specifically provided herein the following words or terms used in this Part of the Sanitary Code and all other Parts which are adopted or may be adopted, are defined for the purposes thereof as follows:

Natural Swimming Place or Bathing Place Any area in any natural watercourse or body of water in which people are immersed, or partially immersed, for swimming, recreational bathing, sporting events, therapeutic treatment, ceremonies, or any other related activities.

Semi-Artificial Swimming Pool or Bathing Place or Bathing Beach Any area in any natural watercourse or body of water, the configuration of which has been altered by human construction, and in which people are immersed, or partially immersed, for swimming, recreational bathing, sporting events, ceremonies, therapeutic treatment, or any other related activities.

State Health Officer The legally appointed and/or acting state health officer of the health authority having jurisdiction over the entire State of Louisiana, and includes his/her duly authorized representative, except where the context of these regulations or pertinent statutory language indicates the reference is to the state health officer acting personally. Should legislative action either change the term *State health officer* or transfer his/her authority, the successor shall assume the functions delegated to the state health officer in this Sanitary Code.

a. [Formerly paragraph 24:002] The state health officer has jurisdiction (for anything related to health) over the design, construction, and operation of all swimming pools (pools), water parks, and water slides, public or private, including, but not limited to, those owned by clubs, private schools, apartment houses, and condominiums.

b. [Formerly paragraph 24:003] No new swimming pool, water park or water slide shall hereafter be constructed nor shall major alterations be made to existing swimming pools, water parks, or water slides without the prior written approval of, and unless in accordance with plans and specifications approved in advance by, the state health officer. The approval may include certain provisions, which, if violated, may result in revocation of the approval.

Swimming Pool (Pools) Any indoor or outdoor pool or vessel, which is entirely of human construction, and in which people are immersed, or partially immersed, in water, for swimming, therapeutic treatment, recreational bathing, sporting events, ceremonies, or any other related activities. This includes, but is not limited to, hot tubs, medical treatment pools, spas, whirlpools, and water parks.

a. *Permanently Installed Swimming Pool* A pool that is constructed in the ground or in a building in such a manner that it cannot be readily disassembled for storage.

b. *Residential Pool* A residential pool shall be defined as any constructed pool, permanent or non-portable, that is intended for noncommercial use as a swimming pool

by not more than five owner families and their guests and that is over 24 inches in depth, has a surface area exceeding 250 square feet and/or a volume over 3,750 gallons. (Residential pools are excluded from the provisions of these regulations.)

c. **Public Pool** Any pool, other than a residential pool, which is intended to be used for swimming or bathing and is operated by owner, lessee, operator, licensee or concessionaire, regardless of whether a fee is charged for use. References within the regulations to various types of public pools are defined by the following categories:

i. **Class A: Competition Pool** Any pool intended for use for accredited competitive aquatic events such as Federation Internationale de Natation Amateur (FINA), U.S. Swimming, U.S. Diving, National Collegiate Athletic Association (NCAA), National Federation of State High School Associations (NFSHSA), etc. The pool may be used for recreation.

ii. **Class B: Public Pool** Any pool intended for public recreational use.

iii. **Class C: Semi-Public Pool** Any pool operated solely for and in conjunction with lodgings such as hotels, motels, apartments, condominiums, etc.

iv. **Class D: Other Pool** Any pool operated for medical treatment, therapy, exercise, lap swimming, recreational play, and other special purposes, including, but not limited to, wave or surf action pools, activity pools, splash pools, kiddie pools and play areas.

d. **Ceremonial Pools** Pools used for ceremonies and/or religious purposes - *only*. Size not to exceed 10 feet long x 5 feet wide x 5 feet deep and/or 2000 gallons. (Ceremonial pools are excluded from these regulations.)

e. **Wading Pool** A pool that has a shallow depth, 24 inches or shallower, used for wading. (There are no requirements for residential wading pools.)

Turnover The ratio of the volume of clean water entering a pool in 24 hours to the total pool volume. The term "clean water" means water from an approved source

meeting the requirements of Part XII of this Code, or water taken from the pool and returned after filtration and disinfection in accordance with the requirements of this Part.

Waterline The waterline shall be defined in one of the following ways:

a. **Skimmer System** The waterline shall be at the midpoint of the operating range of the skimmer when there are no users in the pool or spa.

b. **Overflow System** The waterline shall be deemed to be that established by the height of the overflow rim.

Water Park Any indoor or outdoor area in any natural water course, body of water or manmade construction which shall include but not be limited to swimming pools, wave pools, water slides, flumes, plunge pools, flotation rides that include immersion or partial immersion with direct or indirect contact with the water (primary and secondary contact).

Water Slide Any slide or flume or group of slides or flumes upon which people and water descend simultaneously, and upon which the same water contacts the bodies of people. This includes the landing and/or recirculating pool at the bottom of the slide, the ascent path or stair, the departure platform or area at the top, and any ancillary health related facilities such as bath houses, dressing rooms, showers, and toilets.

AUTHORITY NOTE: Promulgated in accordance with the provisions of R.S. 40:4(A)(11) and R.S. 40:5(3)(16)(17)(20).

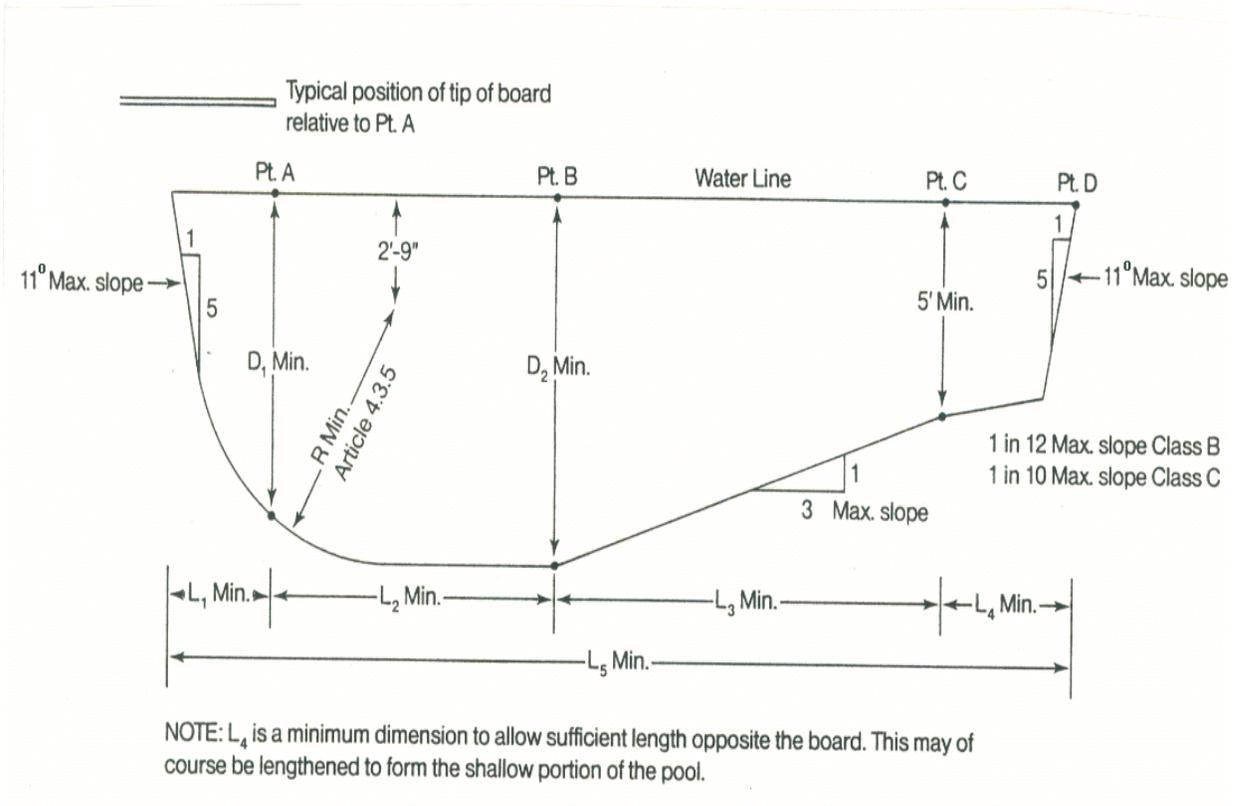
HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 28:1435 (June 2002), repromulgated LR 29:1100 (July 2003).

Chapter 3. Design Requirements for Swimming Pools [formerly Sub-Part B]

§317. Drawings and Diagrams [formerly paragraph 24:006]

A. Minimum Dimensions for Diving Portion of Class B and Class C Pools (This drawing does not show the shallow portion of the pool.)

1. Ref.: §317(A)(1)



2. Drawing Ref.: §317(A)(2)

POOL TYPE	RELATED DIVING EQUIPMENT		MINIMUM DIMENSIONS								MINIMUM WIDTH OF POOL AT:	
	MAX. DIVING BOARD LENGTH	MAX. BOARD HEIGHT OVER WATER	D ₁	D ₂	R	L ₁	L ₂	L ₃	L ₄	L ₅	PT.A	PT.B
VI	10'	26" (2/3 meter)	7'-0"	8'-6"	5'-6"	2'-6"	8'-0"	10'-6"	7'-0"	28'-0"	16'-0"	18'-0"
VII	12'	30" (3/4 meter)	7'-6"	9'-0"	6'-0"	3'-0"	9'-0"	12'-0"	4'-0"	28'-0"	18'-0"	20'-0"
VIII	16'	1 Meter	8'-6"	10'-0"	7'-0"	4'-0"	10'-0"	15'-0"	2'-0"	31'-0"	20'-0"	22'-0"
IX	16'	3 Meter	11'-0"	12'-0"	8'-6"	6'-0"	10'-6"	21'-0"	0	37'-6"	22'-0"	24'-0"

L₂, L₃ and L₄ combined represent the minimum distance from the tip of board to pool wall opposite diving equipment.

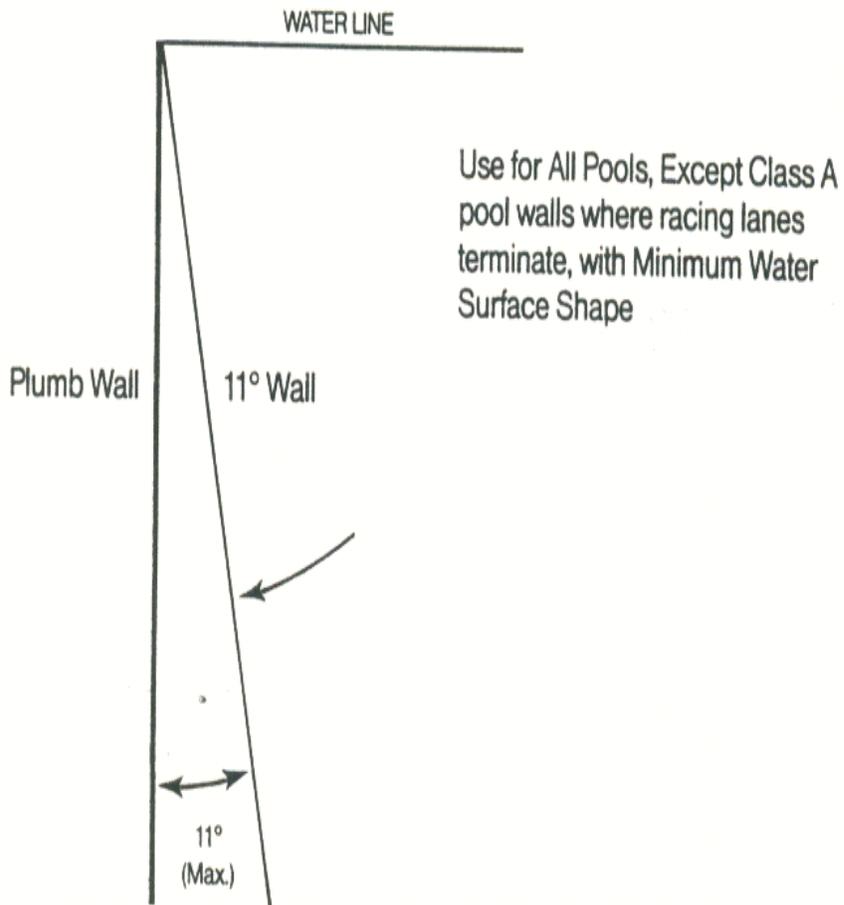
For board heights exceeding 3 meters

*NOTE: Placement of boards shall observe the following minimum dimensions. With multiple board installations minimum pool widths must be increased accordingly.

Deck Level Board to Pool Side	8'
1 Meter Board to Pool Side	10'
3 Meter Board to Pool Side	11'
1 Meter or Deck Level Board to 3 Meter Board	10'
1 Meter or Deck Level Board to another 1 Meter or Deck Level Board	8'
3 Meter to another 3 Meter Board	10'

B. Maximum Allowable Wall Slope

1. Ref. :§ 317(B)(1)

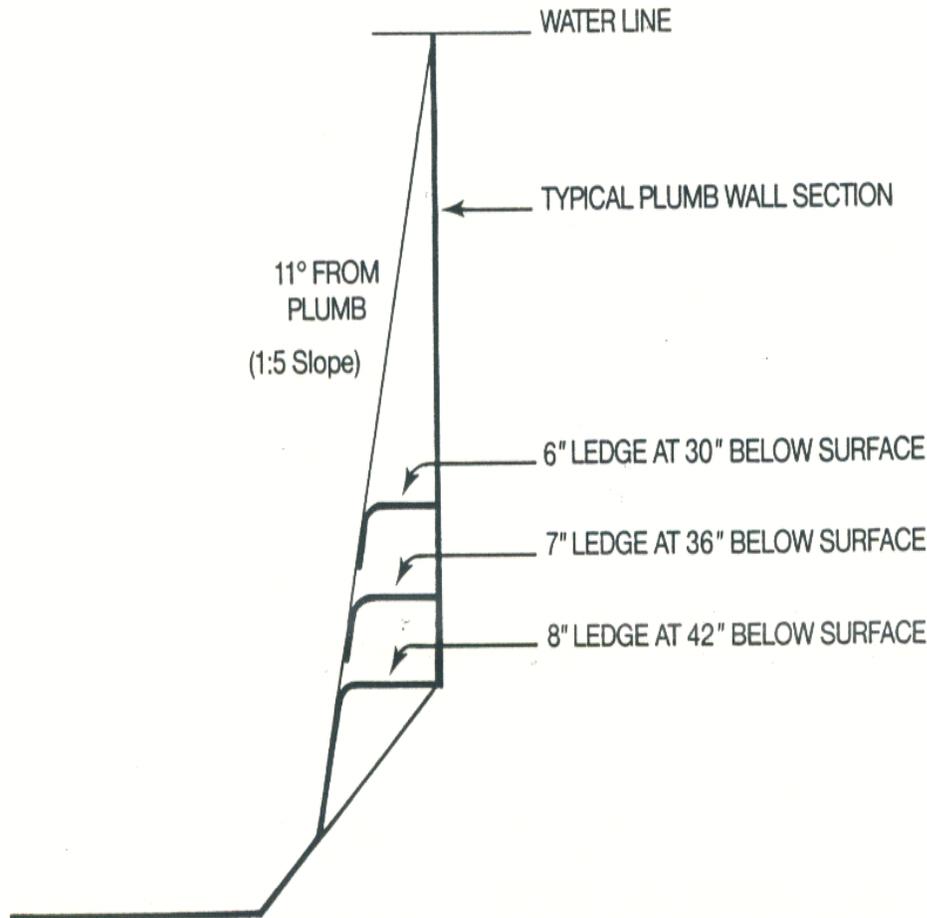


C. Offset Ledges

1. Offset ledges, when provided, shall fall within 11E from plumb starting at the junction of the pool wall and

waterline, and shall have a slip-resisting surface. Maximum width shall be 8 inches. The typical allowable dimensions are based on the depths shown below:

a. Ref.: §317(C)(1)



D. Underwater Seat Benches

1. Underwater seat benches are not allowed in pools but are allowed in spas and whirlpools.

AUTHORITY NOTE: Promulgated in accordance with the provisions of R.S. 40:4(A)(11) and R.S. 40:5(3)(16)(17)(20).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 20:668 (June 1994), repromulgated LR 29:1101 (July 2003).

§319. Maximum User Load
[formerly paragraph 24:007]

A. Maximum user load at Class B or Class C pools shall be in accordance with the following table:

	Shallow Instruction or Wading Areas	Deep Area (Not including the diving area)	Diving Area (Per each diving board)
Pools with Minimum Deck Areas	15 square feet per user	20 square feet per user	300 square feet
Pools with Deck Area at Least Equal to Water Surface Area	12 square feet per user	15 square feet per user	300 square feet
Pools with Deck Area at Least Twice the Water Surface Area	8 square feet per user	10 square feet per user	300 square feet

AUTHORITY NOTE: Promulgated in accordance with the provisions of R.S. 40:4(A)(11) and R.S. 40:5(3)(16)(17)(20).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 20:668 (June 1994), repromulgated LR 29:1105 (July 2003).

Part XXVI. Burial, Transportation, Disinterment or Other Disposition of Dead Human Bodies

Chapter 1. General Requirements

§103. Embalming

A. [Formerly paragraph 26:003-1] Embalming dead human bodies shall be performed in accordance with R.S. 37:831-861 relating to embalming.

B. [Formerly paragraph 26:003-2] If the body is to be held longer than 30 hours without refrigeration as specified, it shall be embalmed in a manner approved by the Louisiana Board of Embalmers and Funeral Directors. If a dead human body is to be held longer than 30 hours in the custody of a Louisiana licensed hospital, Louisiana medical school, the Louisiana Anatomical Board or a coroner, it shall be refrigerated at all times at a temperature not to exceed 45 degrees Fahrenheit prior to its release to a funeral director for final disposition. If a body is not refrigerated or embalmed, it shall be buried, cremated, or otherwise disposed of within 30 hours after death or as soon as possible after its release to the licensed funeral director. No one shall carry, transport or remove from within the confines of this state any dead human body more than 24 hours after

death unless said body has been embalmed or cremated. Nothing in this Section, however, shall be construed to prohibit transfer of an unembalmed dead human body which has been disposed of for the purpose of the advancement of medical science, or for use as "transplant" organs. Additionally, nothing in this Section shall be construed to require embalming if special practices and beliefs of religious groups prohibit it.

AUTHORITY NOTE: Promulgated in accordance with the provisions of R.S. 40:4(A)(3) and R.S. 40:5 (2)(3)(14)(17).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 20:1388 (December 1994), repromulgated LR 28:1448 (June 2002), LR 29:1105 (July 2003).

David W. Hood
Secretary

0307#042

RULE

Department of Natural Resources Office of Conservation

Pipeline Safety Natural Gas
(LAC 43:XIII.125)

In accordance with the Administrative Procedure Act, R.S. 49:950 et seq., the Office of Conservation hereby adopts the following Rule with amendments to the pipeline safety- natural gas regulations.

Title 43

NATURAL RESOURCES

Part XIII. Office of Conservation Pipeline Safety

Subpart 1. General Provisions

Chapter 1. General

§125. Definitions

Master Meter System A pipeline system for distributing gas within, but not limited to, a definable area such as a mobile home park, housing project, apartment complex or university, where the operator purchases meter gas from an outside source for resale through a gas pipeline system. The gas distribution pipeline system supplies the ultimate consumer who either purchases the gas directly through a meter or by other means, such as rents.

School System A pipeline system for distributing natural gas to a public or private pre-kindergarten, kindergarten, elementary, secondary, or high school. Upon request for a revision of service by the school, or by the school system of which the school is a component, the local distribution company providing natural gas service to the school shall, within a reasonable period of time and upon mutual agreement, install a meter at the building wall of each building of the school that utilizes natural gas. The gas piping from the outlet of the meter to the inside of the building shall be installed above ground, and shall be maintained by the school in accordance with the requirements of the Office of the State Fire Marshal. The outside piping that is upstream of the meter to the outlet of the meter shall be owned and maintained by the local distribution company in accordance with Minimum Pipeline Safety Regulations. The pipeline system of a school that

does not request a revision of service described by this paragraph shall be deemed a Special Class System, and subject to the requirements of such system.

Special Class System A pipeline system for distributing gas to a federal, state or local government facility or a private facility performing a government function, where the operator receives or purchases gas from an outside source, and distributes the gas through a pipeline system to more than one outlet beyond the meter or regulator, which ultimate outlet may, but need not be, individually metered or charged a fee for the gas. Any exemption from pipeline safety regulation granted to master meter systems will apply to Special Class Systems.

AUTHORITY NOTE: Promulgated in accordance with R.S. 501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 9:217 (April 1983), amended LR 10:509 (July 1984), LR 18:852 (August 1992), LR 20:442 (April 1994), LR 21:821 (August 1995), LR 24:1306 (July 1998), LR 27:1535 (September 2001), LR 29:1106 (July 2003).

James H. Welsh
Commissioner

0307#013

RULE

Department of Social Services Office of Family Support

Child Care Assistance Program Proof of Social
Security Numbers as an Eligibility Requirement
(LAC 67:III.5103)

The Department of Social Services, Office of Family Support, has amended the Louisiana Administrative Code, Title 67, Part III, Subpart 12, Child Care Assistance.

Pursuant to clarification found in transmittal ACYF-PI-CC-00-04 from the U.S. Department of Health and Human Services, Administration on Children, Youth, and Families, regarding disclosure of Social Security numbers as part of the eligibility process for child care, the agency has amended §5103, Conditions of Eligibility, by eliminating the requirement that low-income families provide proof of Social Security numbers for all household members as a condition of eligibility for child care assistance.

Title 67

SOCIAL SERVICES

Part III. Family Support

Subpart 12. Child Care Assistance

Chapter 51. Child Care Assistance

Subchapter B. Child Care Assistance Program

§5103. Conditions of Eligibility

A. - A.1. ...

B. Low-income families not receiving FITAP cash assistance, including former FITAP recipients who are given priority consideration, must meet the following eligibility criteria.

1. - 6. ...

7. The family requests child care services, provides the information and verification necessary for determining eligibility and benefit amount, and meets appropriate application requirements established by the state. Required

verification includes birth verification for all children in need of care, proof of all countable household income, and proof of the hours of all employment/education/training.

C. - D. ...

AUTHORITY NOTE: Promulgated in accordance with 45 CFR Parts 98 and 99, P.L. 104-193, 42 U.S.C. 9859 et seq. and §205, 5 U.S.C. §552.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Family Support, LR 24:356 (February 1998), amended LR 25:2444 (December 1999), LR 26:2827 (December 2000), LR 27:1932 (November 2001), LR 28:1490 (June 2002), LR 29:43 (January 2003), LR 29:1106 (July 2003).

Gwendolyn P. Hamilton
Secretary

0307#048

RULE

**Department of Social Services
Office of Family Support**

**Support Enforcement Recovery Action
(LAC 67:III.2516)**

The Department of Social Services, Office of Family Support, Support Enforcement Services has amended the Louisiana Administrative Code, Title 67, Part III, Subpart 4, Support Enforcement Services (SES), the Support Enforcement Program.

Pursuant to R.S. 46:233.1.C the agency has amended the procedure for recovery of erroneous child support payments. The amendment allows SES to automatically withhold up to 10 percent from an individual's future child support payments to correct an overpayment if the individual's consent is given during the initial application process.

Title 67

SOCIAL SERVICES

Part III. Family Support

Subpart 4. Support Enforcement Services

Chapter 25. Support Enforcement

Subchapter D. Collection and Distribution of Support Payments

§2516. Recovery of Erroneous Child Support Payments

A. Upon notification that an erroneous payment has been made, SES will automatically withhold up to 10 percent from each future child support payment to recover this loss when the individual has given consent to the automatic recovery during the application process. If the individual disagrees with an automatic recovery during the application process, upon notification from SES the individual will be allowed 30 days to arrange for repayment prior to SES initiating action to recover the loss by withholding up to 10 percent of each future support payment.

AUTHORITY NOTE: Promulgated in accordance with 45 CFR 302.32, 302.51, and RS 46:233(1)(C).

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Family Support, LR 23:1327 (October 1997), amended LR 29:1107 (July 2003).

Gwendolyn Hamilton
Secretary

0307#060

RULE

**Department of Social Services
Office of the Secretary**

Class "A" Child Day Care (LAC 48:I.Chapter 53)

The Department of Social Services, Office of the Secretary, Bureau of Licensing has amended the Louisiana Administrative Code, Title 48, Part I, Subpart 3, Licensing and Certification. This Rule is mandated by R.S. 46:1401 et seq. These standards were revised to supersede any previous regulations heretofore published and are effective October 1, 2003.

Title 48

PUBLIC HEALTH – GENERAL

Part I. General Administration

Subpart 3. Licensing and Certification

Chapter 53. Day Care Centers

§5301. Purpose

A. It is the intent of the legislature to protect the health, safety, and well-being of the children of the state who are in out-of-home care on a regular or consistent basis. Toward that end, it is the purpose of Chapter 14 of Title 46 of the Louisiana Revised Statutes of 1950 to establish statewide minimum standards for the safety and well-being of children, to ensure maintenance of these standards, and to regulate conditions in these facilities through a program of licensing. It shall be the policy of the state to ensure protection of all individuals under care in child care facilities and placement agencies and to encourage and assist in the improvement of programs.

B. It is the further intent of the legislature that the freedom of religion of all citizens shall be inviolate. This Chapter shall not give the Department of Social Services jurisdiction or authority to regulate, control, supervise, or in any way be involved in the form, manner, or content of any curriculum or instruction of a school or facility sponsored by a church or religious organization so long as the civil and human rights of the clients and residents are not violated.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:1401 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of the Secretary, Division of Licensing and Certification, LR 13:246 (April 1987), amended by the Department of Social Services, Office of the Secretary, Bureau of Licensing, LR 20:450 (April 1994), LR 24:2345 (December 1998), LR 29:1107 (July 2003).

§5302. Authority

A. Legislative Provisions

1. The State of Louisiana, Department of Social Services, is charged with the responsibility for developing and publishing standards for the licensing of child care centers. The licensing authority of the Department of Social Services is established by R.S. 46:1401 et seq. (Act 367 of 1956 and amended by Act 152 of 1962, Act 241 of 1968, Act 290 of 1976, Act 678 of 1977, Act 409 of 1978, Act 286 of 1985, Act 1463 of 1997 and Act 1237 of 1999) making mandatory the licensing of all child care facilities and child placing agencies, including child care centers.

2. In accordance with Act 1237 of the 1999 Legislative Session, a child care center is defined as any place or facility operated by any institution, society, agency, corporation, person or persons, or any other group for the primary purpose of providing care, supervision, and guidance of 7 or more children, not including those related to the caregiver, unaccompanied by parent or guardian, on a regular basis for at least 12 1/2 hours in a continuous 7-day week. Related or relative is defined as the natural or adopted child or grandchild of the caregiver or a child in the legal custody of the caregiver. A recognized religious organization which is qualified as a tax-exempt organization under Section 501(c) of the Internal Revenue Code and does not operate more than 24 hours in a continuous 7-day week is not considered a child care center.

B. Penalties

1. All child care facilities, including facilities owned or operated by any governmental, profit, nonprofit, private, or church agency shall be licensed.

2. The law provides a penalty for operation of a center without a valid license. The penalty for operation without a valid license is a fine of not less than \$75 nor more than \$250 for each day of operation without a license.

C. Inspections

1. According to law, it shall be the duty of the Department of Social Services, through its duly authorized agents, to inspect at regular intervals not to exceed one year or as deemed necessary by the department and without previous notice all child care facilities and child-placing agencies subject to the provisions of the Chapter (R.S. 46:1401 et seq.).

2. Whenever the department is advised or has reason to believe that any person, agency or organization is operating a non-exempt child care facility without a license, the department shall make an investigation to ascertain the facts.

3. Whenever the department is advised or has reason to believe that any person, agency or organization is operating in violation of the Child Care Center Class A Minimum Standards, the department shall complete a complaint investigation. All reports of mistreatment of children coming to the attention of the Department of Social Services will be investigated.

D. The Louisiana Advisory Committee

1. The Louisiana Advisory Committee on Child Care Facilities and Child Placing Agencies was created by Act 286 of 1985 to serve three functions:

a. to develop new minimum standards for licensure of Class "A" facilities ("New" meaning the first regulations written after Act 286 of 1985);

b. to review and consult with the Department of Social Services on all revisions written by the Bureau of Licensing after the initial regulations and to review all standards, Rules, and regulations for Class "A" facilities at least every three years; and

c. to advise and consult with the Department of Social Services on matters pertaining to decisions to deny, revoke or refuse a Class "A" license.

2. The committee is composed of 19 voting members, appointed by the governor, including provider and consumer representation from all types of child care services, the educational and professional community and the director of

the Bureau of Licensing who serves as an ex-officio member.

E. Waivers

1. The Secretary of the Department of Social Services, in specific instances, may waive compliance with a minimum standard if it is determined that the economic impact is sufficiently great to make compliance impractical, as long as the health and well-being of the staff and/or children are not imperiled. If it is determined that the facility or agency is meeting or exceeding the intent of a standard or regulation, the standard or regulation may be deemed to be met.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:1401 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of the Secretary, Division of Licensing and Certification, LR 13:246 (April 1987), amended by the Department of Social Services, Office of the Secretary, Bureau of Licensing, LR 20:450 (April 1994), LR 24:2345 (December 1998), LR 29:1107 (July 2003).

§5303. Procedures

A. Application

1. Anyone applying for a license after the effective date of these standards shall meet all of the requirements herein.

2. Before beginning operation, it is mandatory to obtain a license from the Department of Social Services, Bureau of Licensing. To do so, the following steps should be followed.

a. Prior to purchasing, leasing, etc., carefully check all local zoning and building ordinances in the area where the facility is to be located. Standards from Office of Public Health, Sanitarian Services; Office of the State Fire Marshal, Code Enforcement and Building Safety; and City Fire Department (if applicable) should be obtained.

b. After securing building, obtain an application form issued by:

Department of Social Services
Bureau of Licensing
P. O. Box 3078
Baton Rouge, LA 70821-3078
Phone: (225) 922-0015
Fax: (225) 922-0014

Web address: www.dss.state.la.us/offos/html/licensing.html

c. The completed application shall indicate Class "A" license. Anyone applying for State or Federal funding shall apply for Class "A" license. Licensure fees are required to be paid by all providers. A Class "A" license may not be changed to a Class "B" license if revocation procedures are pending.

d. After the center's location has been established, complete and return the application form. It is necessary to contact the following offices prior to building or renovating a center:

i. Office of Public Health, Sanitarian Services;
ii. Office of the State Fire Marshal, Code Enforcement and Building Safety;
iii. Office of City Fire Department (if applicable);
iv. Zoning Department (if applicable); and
v. City or Parish Building Permit Office.

e. After the application has been received by the Bureau of Licensing, the bureau will request the Office of State Fire Marshal, Office of City Fire Department (if

applicable), Office of Public Health and any known required local agencies to make an inspection of the location, as per their standards. However, it is the applicant's responsibility to obtain these inspections and approvals.

f. A licensing specialist will visit the center to conduct a licensing survey.

g. A license will be issued on an initial application when the following items have been met and written verification is received by the Bureau of Licensing:

- i. state fire approval;
- ii. city fire approval (if applicable);
- iii. health approval;
- iv. zoning approval (if applicable);
- v. full licensure fee paid;
- vi. director meets qualifications;
- vii. director designee meets qualifications (if applicable);
- viii. three current, positive, signed references on director;
- ix. three current, positive, signed references on director designee (if applicable); and
- x. licensure survey verifying compliance with all minimum standards.

3. When a center changes location, it is considered a new operation and a new application and fee for licensure shall be submitted. All items listed in §5303.A.2.g shall be submitted, except references and director/director designee qualifications if the director/director designee remains the same.

4. When a center changes ownership, the following information must be submitted prior to the sale or day of the sale in order for a license to be issued:

- a. a new application;
- b. full licensure fee;
- c. current health and state fire approval;
- d. city fire approval (if applicable);
- e. documentation of director qualifications as listed in §5310.A and B;
- f. letter from previous owner noting sale of child care business;
- g. documentation of director designee qualifications as listed in §5310.A and B (if applicable);
- h. three current, positive signed references on the director;
- i. three current, positive, signed references on director designee (if applicable); and
- j. copy of bill of sale.

NOTE: If the above information is not received prior to the sale or day of the sale, the new owner must not operate until a license is issued. When the application is received, it will be treated as an initial application rather than a change of ownership.

5. When a center changes class type, the following information shall be submitted to the bureau prior to the issuance of the new license:

- a. written request from the provider;
- b. full licensure fee;
- c. documentation of commercial liability insurance in accordance with §5305.B and §5331.J; and
- d. documentation of director/director designee qualifications as listed in §5310.A and B.

e. verification of substantial compliance with current child care regulations.

6. A license shall be valid only for the address on the application to a particular owner and is not transferable to another person or location or subject to sale. Two licenses shall not be issued simultaneously for the same physical address.

7. When a business is sold, discontinued, the operation has moved to a new location, or the license has been revoked, the current license immediately becomes null and void.

8. All new construction or renovation of a center requires approval from the agencies listed in §5303.A.2.d and the Bureau of Licensing prior to occupying the new space.

9. The bureau is authorized to determine the period during which the license shall be effective. A license is valid for the period for which it is issued unless it is revoked due to provider's failure to maintain compliance with minimum standards.

B. Fees

1. All fees shall be paid by certified check or money order only and are non-refundable.

2. An application fee of \$25 shall be submitted with all initial applications. This fee will be applied toward the total licensure fee which is due prior to licensure of the provider. This fee is to be paid by all initial and change of location providers. The full licensure fee shall be paid on all change of ownership applications. The full licensure fee shall be paid for all class changes.

3. Annual licensure fees are required prior to renewal of the license. License fee schedules (based on capacity) are listed below.

- a. 15 or fewer: \$25
- b. 16-50: \$100
- c. 51-100: \$175
- d. 101 or more: \$250

4. Other licensure fees:

a. A replacement fee of \$25 for any provider replacing a license when changes to the license are requested, e.g., change in capacity, name change, age range change, transportation change. (There is no processing charge when the request coincides with regular renewal of license.)

i. Capacity increase is effective when the following is received and approved by the bureau: written, signed request; fee; state fire approval; city fire approval (if applicable); state health approval; and measurement of the additional space by the bureau.

ii. Transportation addition is effective when the following is received and approved by the bureau: written, signed request; fee; copy of appropriate driver's license(s); and insurance.

iii. Name change, age range change, and addition of nighttime care is effective when the request and fee are received and approved.

iv. Change in director/director designee does not require a fee; however, documentation of qualifications and three reference letters are needed in order to process the request.

b. A processing fee of \$5 for issuing a duplicate license with no changes.

C. Relicensing

1. The annual relicensing survey is similar to the original licensing survey. Documentation of the previous 12 months' activity shall be available for review. The director will have an opportunity to review the survey deficiencies (if any).

2. A license is issued for a period of up to one year based upon provider's compliance with minimum standards. Before expiration of the license, re-inspections by the Office of Public Health, Sanitarian Services; Office of the State Fire Marshal, Code Enforcement and Building Safety; City Fire (if applicable) and the Bureau of Licensing shall be required.

3. If the survey reveals that the provider is not meeting minimum requirements, a recommendation will be made to the Louisiana Advisory Committee on Child Care Facilities and Child Placing Agencies that the license be revoked or not renewed.

4. The bureau shall be notified prior to making changes which may have an effect upon the license, e.g., age range of children served, usage of indoor and outdoor space, director, hours/months/days of operation, transportation, etc.

D. Denial, Revocation or Non-Renewal of License. An application for a license may be denied, or a license may be revoked, or renewal denied, for any of the following reasons:

1. violation of any provision of R.S. 46:1401 et seq. or failure to meet any of the minimum standards, Rules, regulations or orders promulgated by the Department of Social Services;

2. cruelty or indifference to the welfare of the children;

3. conviction of or a plea of guilty or nolo contendere of a felony, or any offense of a violent or sexual nature, or any offense involving a juvenile victim;

a. or, if the applicant is a firm or corporation, any of its board members or officers;

b. or, the person designated to manage or supervise the center;

4. hiring or continued employment of any individual (paid or non-paid staff) convicted of a felony or a plea of guilty or nolo contendere of a felony or any offense of a violent or sexual nature or any offense involving a juvenile victim;

5. if the owner or director of the center is not reputable;

6. if the owner, director or a member of the staff is temperamentally or otherwise unsuited for the care of the children in the center;

7. history of noncompliance;

8. failure of the owner of the center to hire a qualified director;

9. disapproval from any agency whose approval is required for licensure;

10. non-payment of licensure fee and/or failure to submit application for renewal prior to the expiration of the current license;

11. any validated instance of corporal punishment, physical punishment, cruel, severe, or unusual punishment, physical or sexual abuse and/or neglect if the owner is responsible or if the employee who is responsible remains in the employment of the provider;

12. the center is closed and there are no plans for immediate re-opening and no means of verifying compliance with minimum standards for licensure;

13. any act of fraud such as falsifying or altering documents required for licensure;

14. provider refuses to allow the bureau to perform mandated duties, i.e., denying entrance to the center, lack of cooperation for completion of duties, etc.;

15. presence or use of any recalled product by the provider that is listed in the newsletters issued by the Office of the Attorney General; or

16. failure to attend any mandatory training session offered by the bureau.

E. Appeal Procedure. If the license is refused, revoked or denied because the provider does not ensure the compliance with the minimum requirements for licensure, the procedure is as follows.

1. The Department of Social Services, Bureau of Licensing, shall advise the director by certified letter of the reasons for refusal, revocation, or denial and the right of appeal.

2. The director may appeal this decision by submitting a written request with the reasons to the Secretary of the Department of Social Services. Write to Department of Social Services, Bureau of Appeals, P. O. Box 2944, Baton Rouge, LA 70821-9118. This written request shall be post-market within 30 days of the director's receipt of the above notification.

3. The Bureau of Appeals shall set a hearing within 30 days after receipt of such a request. An appeals hearing officer shall conduct the hearing. Within 90 days after the date the appeal is filed, the hearing officer shall advise the appellant by certified letter of the decision, either affirming or reversing the original decision. If the appeal is denied, the provider shall terminate operation of the center immediately.

4. If the provider continues to operate without a license, the Department of Social Services may file suit in the district court in the parish in which the center is located for injunctive relief.

F. Required Notification. Within 24 hours or the next workday, the director shall notify the bureau of the following reportable incidents. A verbal report is to be followed by a written report:

1. any death of a child while in the care of the provider;

2. any illness or injury requiring hospitalization or professional medical attention other than first aid of a child while in the care of the provider;

3. any fire;

4. any structural disaster;

5. any emergency situation that requires temporarily relocating children;

6. any unusual situation which affects the care of a child or children, e.g. child left unsupervised in the center, on the van, in play yard, on field trip, extended loss of power, water service, gas, etc.; or

7. any child leaving the center unsupervised or with an unauthorized person.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:1401 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of the Secretary, Division of Licensing and Certification, LR 13:246 (April 1987), amended by the Department of Social Services, Office of the Secretary, Bureau of Licensing, LR 20:450 (April 1994), LR 24:2345 (December 1998), LR 29:1108 (July 2003).

§5304. Definitions

Anniversary Center's licensure year, determined by the month in which the initial license was issued to the provider/center and in which the license is eligible for renewal each year.

Bureau The Bureau of Licensing of the Department of Social Services.

Capacity The number of children the provider is licensed to care for at any given time based on usable indoor and outdoor square footage as determined by the bureau.

Center A child care facility as defined in §5302.A.1.

Center Staff All full or part-time paid or non-paid staff who perform routine services for the child care center and have direct or indirect contact with children at the center. Center staff includes the director, child care staff, and any other employees of the center such as the cook, housekeeper, driver, substitutes, and foster grandparents excluding extra-curricular personnel.

Change of Location Change of physical address of facility.

Change of Ownership Transfer of ownership to someone other than the owner listed on the initial application. Ownership of the center business, not the building, determines the owner. Sale of a corporation also constitutes a change of ownership. Leasing of a child care business is not considered a change of ownership, but an initial application.

Clock Hour Involvement or participation in a learning situation for 60 minutes.

Comparable Setting Experience with pre-k, kindergarten or first grade, or the operator of a registered family day home.

Department The Department of Social Services of the state of Louisiana.

Direct Supervision Visual contact at all times.

Director

Center Director The on-site staff who is responsible for the day-to-day operation of the center as recorded with the Bureau of Licensing. For the purpose of these regulations the term director means center director or director designee, if applicable.

Director Designee The on-site individual appointed by the director when the director is not an on-site employee at the licensed location. This individual shall meet director qualifications.

Executive Director The owner or administrator. If on-site and responsible for the management, administration and supervision of the center, the executive director is also the center director. If not on-site or not functioning as center director, the executive director maintains responsibility for the management, administration and supervision of the center(s) through a center director or director designee.

Discipline The ongoing positive process of helping children develop inner control so that they can manage their own behavior in an appropriate and acceptable manner by using corrective action to change the inappropriate behavior.

Documentation Written evidence or proof, signed and dated by parties involved (director, parents, staff, etc.), on site and available for review.

Existing Center A provider with a valid license at a particular location prior to the effective date of these standards.

Extra-Curricular Personnel/Therapeutic Professionals Individuals who are not employees of the center, but who come to the center to provide therapy, services, or enrichment activities for an individual child or group of children. Examples: computer instructor, dance instructor, librarian, tumble bus personnel, therapeutic personnel (occupational therapist, physical therapist, speech therapist), nutritionist, early interventionist, nurse.

Group The number of children assigned to a caregiver or team of caregivers occupying an individual classroom or well-defined space within a larger room on a consistent or daily basis.

Medication All internal and external drugs, whether over-the-counter or prescribed.

Montessori School A facility accredited as a Montessori School by the Board of Elementary and Secondary Education under R.S. 17:3401 et seq.

Nighttime Care Care provided after 9:00 p.m. and in which no individual child remains for more than 24 hours in one continuous stay.

Non-Vehicular Excursion The children are not in the licensed area (play yard or center) and not in a vehicle.

Owner or Provider A public or private organization or individual who delivers child care services for children.

Posted Prominently displayed in a conspicuous location in an area accessible to and regularly used by parents.

Shall or Must Mandatory.

Should Urged, advised or may.

Staff-in-Charge The on-site staff appointed by the director as responsible for supervising the operation of the center during the temporary absence of the director.

Student Trainee An individual who observes in the center as a course requirement, is never left alone with children, nor counted in the child/staff ratio.

Temporary Absence Absence for errands, conferences, etc.

Transportation Arranging or providing transportation of children for any reason including field trips and transportation by contract.

Visitor Anyone who enters the facility other than center staff, therapeutic professionals, extracurricular personnel, and in the case of a church or school, any other routine employees such as a pastor, principal, teacher, etc.

Water Activity A water-related activity in which children, under adult supervision, are in, on, near, or immersed in a body of water such as swimming pools, wading pools, water parks, lakes, rivers or beaches, etc.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:1401 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of the Secretary, Division of Licensing and Certification, LR 13:246 (April 1987), amended by the Department of Social Services, Office of the Secretary, Bureau of Licensing, LR 20:450 (April 1994), LR 24:2345 (December 1998), LR 29:1111 (July 2003).

§5305. General Requirements

A. A Louisiana child care license with current information and current expiration date shall be on display in an area accessible to and regularly used by parents and visitors, except for church affiliated centers (R.S. 46:1408.D) that choose to keep the license on file and available upon request.

B. The provider shall maintain in force at all times current commercial liability insurance for the operation of a center to ensure medical coverage for children in the event of accident or injury. The provider is responsible for payment of medical expenses of a child injured while in the provider's care. Documentation shall consist of the insurance policy or current binder that includes the name of the child care facility, physical address of the facility, name of the insurance company, policy number, period of coverage and explanation of the coverage.

C. Parents shall not be required to waive the provider's responsibility.

D. The provider shall have documentation of yearly sanitation inspection and current approval from the Office of Public Health, Sanitarian Services. If food is catered or transported, approval is needed from the health department.

E. The provider shall have documentation of yearly safety inspection and current approval from the Office of State Fire Marshal.

F. The provider shall have documentation of yearly safety inspection and current approval from the City Fire Department (if applicable).

G. The provider shall have certificate of occupancy (zoning), if applicable.

H. A daily attendance record for children, completed by the parent or center staff, including the time of arrival and departure of each child and the name of the person to whom the child was released, shall be maintained. This record shall accurately reflect the children on the child care premises at any given time. If the record is completed by center staff, that individual shall write the first and last name of the person to whom the child was released and sign his/her own name. Children who leave and return to the center during the day shall be signed in/out. A computerized sign in/out procedure is acceptable if the record accurately reflects the time of arrival and departure as well as the name of the person to whom the child was released.

I. A daily attendance record for staff, including the director/owner, to include the time of arrival and departure shall be maintained. Staff shall document in/out when not on the child care premises. This record shall accurately reflect persons on the child care premises at any given time.

J. The provider shall have an individual immediately available in case of emergency. The name and telephone number of the emergency person shall be posted near the telephone.

K. Any visitor to the center shall be accompanied by a staff person at all times.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:1401 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of the Secretary, Division of Licensing and Certification, LR 13:246 (April 1987), amended by the Department of Social Services, Office of the Secretary, Bureau of Licensing, LR 20:450 (April 1994), LR 24:2345 (December 1998), LR 29:1112 (July 2003).

§5306. Policies and Procedures Related to Children

A. Prior to admission, the director, in consultation with the parent, shall determine that the individual needs of each child can adequately be met by the center's program and facilities. Provider shall have a written description of admission policies and criteria which expresses the needs, problems, situations or patterns best addressed by its program.

B. A schedule of the day's plan of activities, allowing for flexibility and change, shall be posted. The program of activities shall be age-appropriate and shall be adhered to with reasonable closeness, but shall accommodate and have due regard for individual needs and differences among the children. The program shall provide time and materials for both vigorous and quiet activities for children to share or to be alone, indoor and outdoor play, and rest. Regular time shall be allowed for routines such as washing, lunch, rest, snacks and putting away toys. Active and quiet periods shall be alternated so as to guard against over-stimulation of the child.

C. Programs/movies with violent or adult content (including soap operas) shall not be permitted in the presence of children.

D. Children five years and younger shall have a daily rest period of at least one hour. Providers that serve children in half-day programs are not required to schedule napping periods for these children.

E. While awake, children shall not remain in a crib/baby bed, swing, highchair, carrier, playpen, etc. for more than 30 consecutive minutes.

F. Discipline. The provider shall establish a policy in regard to methods of discipline. Any form of punishment that violates the spirit of this standard of discipline, even though it may not be specifically mentioned as forbidden, is prohibited. This written posted policy shall clearly state ALL types of positive discipline that are used and that the following methods of discipline are prohibited.

1. No child shall be subject to physical punishment, corporal punishment, verbal abuse or threats.

2. Cruel, severe, unusual, or unnecessary punishment shall not be inflicted upon children.

3. Derogatory remarks shall not be made in the presence of children about family members of children in care or about the children themselves.

4. No child or group of children shall be allowed to discipline another child.

5. When a child is removed from the group for disciplinary reasons, he shall never be out of sight of a staff member.

6. No child shall be deprived of meals or snacks or any part thereof for disciplinary reasons.

G. Abuse and Neglect

1. As mandated reporters, all center staff shall report any suspected abuse and/or neglect of a child in accordance with R.S. 14:403 to the local child protection agency. This written policy as well as the local child protection agency's telephone number shall be posted.

H. Complaint Procedure

1. Parents shall be advised of the licensing authority of the bureau along with the current telephone number and address. Parents shall also be advised that they may call or write the bureau should they have significant, unresolved

licensing complaints. This written policy as well as the current telephone number and address of the bureau shall be posted.

I. Open Door Policy

1. Parents shall be informed that they are welcome to visit the center anytime during regular hours of operation as long as their child is enrolled. This written policy shall be posted.

J. Non-discrimination Policy

1. Discrimination by child care providers on the basis of race, color, creed, sex, national origin, handicapping condition, ancestry, or whether the child is being breast-fed is prohibited. This written policy shall be posted.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:1401 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of the Secretary, Division of Licensing and Certification, LR 13:246 (April 1987), amended by the Department of Social Services, Office of the Secretary, Bureau of Licensing, LR 20:450 (April 1994), LR 24:2345 (December 1998), LR 29:1112 (July 2003).

§5307. Children's Records

A. A record shall be maintained on each child to include:

1. child's information form (mastercard) listing the child's name, birth date, sex, date of admission, name and phone number of child's physician and dentist, dietary restrictions, and allergies; signed and dated by the parent;

2. parental authorization to secure emergency medical treatment;

3. signed agreements between the provider and the parent for each child giving permission to release the child to a third party listed by the parent including any other child care facilities or transportation services. A child shall never be released to anyone unless authorized in writing by the parent;

4. signed agreements between the provider and the parent to transport the child. Daily trip authorization shall include name of child, type of service (i.e., to and from home, to and from school), parent's signature and date.

B. The provider shall maintain the confidentiality and security of all children's records. Employees of the center shall not disclose or knowingly permit the disclosure of any information concerning the child or his/her family, directly or indirectly, to any unauthorized person.

C. The provider shall obtain written, informed consent from the parent prior to releasing any information, recordings and/or photographs from which the child might be identified, except for authorized state and federal agencies.

D. The provider utilizing any type of recordings or taping of children including but not limited to digital recordings, videotaping, audio recordings, web cam, etc. shall obtain documentation signed and dated by the parent indicating their awareness of such recordings.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:1401 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of the Secretary, Division of Licensing and Certification, LR 13:246 (April 1987), amended by the Department of Social Services, Office of the Secretary, Bureau of Licensing, LR 20:450 (April 1994), LR 24:2345 (December 1998), LR 29:1113 (July 2003).

§5308. Retention of Records

A. Documentation of the previous 12 months' activity shall be available for review. Records shall be accessible during the hours the facility is open and operating.

B. For licensing purposes, children's information shall be kept on file a minimum of one year from date of discharge from the center.

C. For licensing purposes, personnel records shall be kept on file a minimum of one year from termination of employment from the center.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:1401 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of the Secretary, Division of Licensing and Certification, LR 13:246 (April 1987), amended by the Department of Social Services, Office of the Secretary, Bureau of Licensing, LR 20:450 (April 1994), LR 24:2345 (December 1998), LR 29:1113 (July 2003).

§5309. Required Staff

A. Each center shall have a qualified director who is an on-site full-time employee at the licensed location and is responsible for planning, managing, and controlling the center's daily activities, as well as responding to parental concerns and ensuring that minimum licensing requirements are met. When the director is not an on-site full-time employee at the licensed location, there shall be a qualified director designee who is an on-site full-time employee responsible for planning, managing, and controlling the center's daily activities, as well as responding to parental concerns and ensuring that minimum licensing requirements are met.

B. When the director or director designee is not on the premises due to a temporary absence, there shall be an individual appointed as staff-in-charge who is at least 21 years of age. This staff shall be given the authority to respond to emergencies, inspections/inspectors, parental concerns, and have access to all required information.

C. If the number of children in care exceeds 42, the director/director designee's duties shall consist only of performing administrative functions.

D. There shall be regularly employed staff who are capable of fulfilling job duties of the position to which they are assigned.

E. Adequate provisions for cooking and housekeeping duties shall be provided. These duties shall not interfere with required supervision of children or required child/staff ratios.

F. There shall be provisions for substitute staff who are qualified to fulfill duties of the position to which they are assigned.

G. Child care staff shall be age 18 years or older. The provider may, however, include in the staff-child ratio, a person 16 or 17 years old who works under the direct supervision of a qualified adult staff. No one under age 16 shall be used as child care staff.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:1401 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of the Secretary, Division of Licensing and Certification, LR 13:246 (April 1987), amended by the Department of Social Services, Office of the Secretary, Bureau of Licensing, LR 20:450 (April 1994), LR 24:2345 (December 1998), LR 29:1113 (July 2003).

§5310. Director Qualifications

A. The director/director designee shall be at least 21 years of age.

B. The director/director designee shall have documentation of at least one of the following upon date of hire as director or director designee:

1. a bachelor's degree from an accredited college or university with at least 12 credit hours of child development or early childhood education and one year of experience in a licensed child care center or comparable setting, subject to approval by the bureau;

2. an Associate of Arts degree in child development or a closely related area, and one year of experience in a licensed child care center, or comparable setting, subject to approval by the bureau;

3. a National Administrator Credential as awarded by the National Child Care Association, and one year experience in a licensed child care center, or comparable setting, subject to approval by the bureau;

4. a Child Development Associate Credential (CDA) and one year of experience in a licensed child care center, or comparable setting, subject to approval by the bureau;

5. diploma from a post secondary technical early childhood education training program approved by the Board of Regents or correspondence course approved by the Bureau and one year of experience in a licensed child care center, or comparable setting, subject to approval by the bureau;

6. three years of experience as a director or staff in a licensed child care center, or comparable setting, subject to approval by the bureau; plus six credit hours in child care, child development, or early childhood education or 90 "clock hours" of training approved by the bureau. Up to three credit hours or 45 clock hours may be in management/administration education.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:1401 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of the Secretary, Division of Licensing and Certification, LR 13:246 (April 1987), amended by the Department of Social Services, Office of the Secretary, Bureau of Licensing, LR 20:450 (April 1994), LR 24:2345 (December 1998), LR 29:1114 (July 2003).

§5311. Personnel Records

A. A record for each paid and non-paid staff person, including substitutes and foster grandparents shall be on file at the center. Personnel record shall include:

1. an application and/or a staff information form with the following:

- a. name;
- b. date of birth;
- c. address and telephone number;
- d. previous training/work experience;
- e. educational background; and
- f. employee's starting and termination date;

2. documentation of three current, positive reference checks or telephone notes signed and dated. These references shall be obtained from persons not related to the employee;

3. written job descriptions for every position at the center;

4. a written statement of good health signed by a physician or designee. Health statement dated within three

months prior to offer of employment or within one month after date of employment is acceptable. A health statement is required every three years. Originals shall be presented upon request;

5. documentation of a satisfactory criminal record check, as required by R.S.15:587.1. Provider shall request this clearance prior to the employment of any center staff. A criminal record clearance is not transferable from one employer to another. No staff with a criminal conviction of a felony, a plea of guilty or nolo contender of a felony, or any offense of a violent or sexual nature, or any offense involving a juvenile victim shall be employed in a Class "A" child care center.

B. The following information shall be kept on file for therapeutic professionals and extracurricular personnel, e.g. computer instructor, dance instructor, librarian, tumble bus personnel, etc.:

1. documentation of a satisfactory criminal record check, as required by R.S.15:587.1. Provider shall request this clearance prior to individual being present in the center. No individual with a criminal conviction of a felony, a plea of guilty or nolo contender of a felony, or any offense of a violent or sexual nature, or any offense involving a juvenile victim shall be in a Class "A" child care center. Note: Individuals employed by the school system may have on file at the center, a letter from school system administrative staff documenting that a criminal record clearance has been completed through Louisiana State Police;

2. documentation of their presence at the facility to include:

- a. name;
- b. date of visit;
- c. arrival and departure times; and
- d. reason in center.

C. The following information shall be kept on file at the center for each student trainee:

1. an application and/or a staff information form with the following:

- a. name;
- b. date of birth; and
- c. address and telephone number;

2. job descriptions to include job duties to be performed and name of supervisor;

3. documentation of their presence at the facility to include:

- a. name;
- b. date of visit;
- c. arrival and departure times; and
- d. reason in center.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:1401 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of the Secretary, Division of Licensing and Certification, LR 13:246 (April 1987), amended by the Department of Social Services, Office of the Secretary, Bureau of Licensing, LR 20:450 (April 1994), LR 24:2345 (December 1998), LR 29:1114 (July 2003).

§5312. Staff Development and Training

A. Orientation Training

1. Within one week of employment and prior to having sole responsibility for a group of children, each staff member, including substitutes and foster grandparents, shall receive orientation training to include the following topics:

- a. center policies and practices including health and safety procedures;
- b. emergency and evacuation plan;
- c. supervision of children;
- d. discipline policy;
- e. job description;
- f. individual needs of the children enrolled;
- g. detecting and reporting child abuse and neglect;
- h. current Child Care Class "A" Minimum Licensing Standards; and
- i. confidentiality of information regarding children and their families.

2. This training shall be followed by four days of supervised work with children. Documentation shall consist of a statement/checklist in the staff record signed and dated by the staff person and director, attesting to having received such orientation training, and the dates of the supervised work with children.

B. Quarterly Training

1. The director shall conduct, at a minimum, one staff training session/meeting every three months. Documentation shall consist of the date of the training session, training topics, and signatures (not initials) of all staff in attendance.

C. Annual Review

1. All staff, including substitutes and foster grandparents, shall have a signed and dated checklist/statement that the following topics are annually reviewed:

- a. center policies and practices including health and safety procedures;
- b. emergency and evacuation plan;
- c. supervision of children;
- d. discipline policy;
- e. job description;
- f. individual needs of the children enrolled;
- g. detecting and reporting child abuse and neglect;
- h. current Child Day Care Class "A" Minimum Standards;
- i. confidentiality of information regarding children and their families.

D. Continuing Education

1. The director shall provide opportunities for continuing education of staff through attendance at child care workshops or conferences, for paid and non-paid staff who are left alone with children, or who have supervisory or disciplinary authority over children. The child care staff, excluding foster grandparents, shall obtain 12 clock hours of approved training per center's anniversary year in job related subject areas. At least three of the 12 clock hours of training for directors/director designees shall be in administrative issues. Documentation shall consist of attendance records or certificates received by staff. This is in addition to the required training hours from the Department of Health and Hospitals, pediatric first aid and infant/child/adult CPR. Medication administration training by a Child Care Health Consultant may count toward fulfilling three of the mandated 12 hours of continuing education training. All training shall have prior approval by the Department of Social Services. Original certificates shall be made available upon request.

2. Cooks or drivers who are neither left alone with children, nor have supervisory nor disciplinary authority

over children shall complete at least three clock hours of training in job related topics per center's anniversary year.

E. CPR and First Aid

1. A minimum of at least 50 percent of all staff on the premises and accessible to the children at all times shall have documentation of current infant/child/adult certification in CPR. Original cards shall be made available upon request. This training shall be approved by the Department of Social Services prior to acceptance.

2. Centers with multiple buildings or floors, however, shall have at least one currently certified staff in approved infant/child/adult CPR in each building and on each floor of the center.

3. A minimum of at least 50 percent of all staff on the premises and accessible to children shall have documentation of current pediatric first aid certification. Original cards shall be made available upon request. This certification shall be approved by the Department of Social Services prior to acceptance.

4. Centers with multiple buildings or floors, however, shall have at least one currently certified staff in approved pediatric first aid in each building and on each floor of the center.

5. At least one staff in each vehicle (center provided or contract) shall have documentation of current infant/child/adult CPR certification and pediatric first aid certification.

6. At least 50 percent of the supervising staff on the field trip shall have documentation of current infant/child/adult CPR certification and pediatric first aid certification.

7. Non-vehicular excursions shall require at least one staff in attendance and accessible to children at all times with documented current certification in infant/child/adult CPR and pediatric first aid.

F. Emergency Procedures

1. The director shall ensure that written procedures for emergencies and evacuation as appropriate for the area in which the center is located such as fire, flood, tornado, hurricane, chemical spill, train derailment, etc. are available.

NOTE: For additional information contact the Office of Emergency Preparedness (Civil Defense) in your area.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:1401 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of the Secretary, Division of Licensing and Certification, LR 13:246 (April 1987), amended by the Department of Social Services, Office of the Secretary, Bureau of Licensing, LR 20:450 (April 1994), LR 24:2345 (December 1998), LR 29:1114 (July 2003).

§5313. Water Activities

A. The provider shall obtain written authorization from the parent for the child to participate in any water activity. The statement shall describe all types of water activities provided and the authorization shall be updated at least annually and shall list the child's name, type of water activity, location of water activity, parent's signature and date.

B. On-site and off-site wading/swimming pool, or other water activities shall require at least two staff or other supervising adults to be trained in infant/child/adult CPR and pediatric first aid. One supervising adult shall be trained

in an approved community water safety course. Providers who have wading pools with a depth of less than two feet shall not be required to have a staff with community water safety training.

1. If children are taken to off-site water activities, documentation shall be on file at the center that the director has verified that the supervising adult meets the above requirements or the lifeguard on duty is currently certified.

2. The provider shall ensure that appropriate water safety devices are used when children are participating in water activities.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:1401 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of the Secretary, Division of Licensing and Certification, LR 13:246 (April 1987), amended by the Department of Social Services, Office of the Secretary, Bureau of Licensing, LR 20:450 (April 1994), LR 24:2345 (December 1998), LR 29:1115 (July 2003).

§5315. Required Child/Staff Ratios

A. Child/staff ratios are established to ensure the safety of all children. Only those staff members directly involved in child care and supervision shall be considered in assessing child/staff ratio. Child/staff ratio staff shall be met at all times as the number of children supervised by one staff shall not exceed the ratios as indicated below; however, there shall always be a minimum of two child care staff present during hours of operation when children are present.

Child/Staff	
Ages of Children	Ratio
Infants under 12 months	5:1
One year old	7:1
Two year old	11:1
Three year old	13:1
Four year old	15:1
Five year old	19:1
Six year old and up	23:1

1. An average of the child/staff ratio may be applied to mixed groups of children ages two, three, four, and five. Ratios for children under two or over five years old are excluded from averaging. When a mixed group includes children less than two years of age, the age of the youngest child determines the ratio for the group to which the youngest child is assigned. When a mixed group includes children both older and younger than six years old and older, the ages of the children less than six determine the ratio for the group.

2. During naptime, required staffing shall be present in the center to satisfy child/staff ratios.

B. Child/staff ratio plus one additional adult shall be met for all field trips and non-vehicular excursions.

C. A designated number of children shall relate daily to a designated staff on a regular and consistent basis.

D. When the nature of a special need or the number of children with special needs warrants added care, the provider shall add sufficient staff as deemed necessary by the bureau to compensate for these needs.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:1401 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of the Secretary, Division of Licensing and Certification, LR 13:246 (April 1987), amended by

the Department of Social Services, Office of the Secretary, Bureau of Licensing, LR 20:450 (April 1994), LR 24:2345 (December 1998), LR 29:1116 (July 2003).

§5317. Supervision

A. Children shall be under direct supervision at all times including naptime. Children shall never be left alone in any room or outdoors without a staff present. Children, excluding infants, may be grouped together at naptime with one staff supervising the children sleeping. All children sleeping shall be in the sight of the naptime worker.

B. While on duty with a group of children, child care staff shall devote their entire time in supervision of the children, in meeting the needs of the children, and in participation with them in their activities.

C. Individuals who do not serve a purpose related to the care of children and/or hinder supervision of the children shall not be present in the center.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:1401 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of the Secretary, Division of Licensing and Certification, LR 13:246 (April 1987), amended by the Department of Social Services, Office of the Secretary, Bureau of Licensing, LR 20:450 (April 1994), LR 24:2345 (December 1998), LR 29:1116 (July 2003).

§5319. Food Service and Nutrition

A. Well-balanced and nourishing meals and snacks shall be provided as specified under the Child Care Food Program of the United States Department of Agriculture (See Appendix A).

B. Additional servings of nutritious food over and above the required daily minimum shall be made available to children as needed if not contraindicated by special diets.

C. Meals and snacks shall be served at 2 1/2 to 3-hour intervals.

D. Current weekly menus for meals and snacks listing specific food items served shall be prominently posted. Menu substitutions shall be recorded on or near the posted menu.

E. Children's food shall be served on individual plates, napkins, paper towels or in cups, as appropriate.

F. Providers who do not serve breakfast shall have food available for children arriving in the morning without having eaten this meal.

G. Food shall not be sold to the children. Soft drink vending machines and other food dispensers for personnel use shall be located outside of the children's play areas.

H. Infants shall be held while being bottle-fed. An infant or any child who can hold a bottle shall not be placed in a crib, on a mat, cot, etc. with the bottle unless written permission is obtained from the parent.

I. A bottle shall not be propped at any time.

J. Daily written reports to include liquid intake, food intake, child's disposition, bowel movements, eating and sleeping patterns shall be given to parents of infants.

K. Microwave ovens shall not be used for warming infant bottles or infant food.

L. Developmentally appropriate equipment shall be used at mealtimes, such as feeding tables, highchairs, etc.

M. Drinking water shall be available indoors and outdoors to all children. Drinking water shall be offered at least once between meals and snacks to all children. Water

shall be given to infants only with written instructions from parents.

N. Children are not allowed to bring food into the center except under the following circumstances.

1. Bottled formula/breast milk for infants shall have labeled bottles and labeled caps/covers with the child's name or initials and refrigerated upon arrival.

2. Baby food shall be in the original unopened container and labeled with the child's name or initials.

3. When a child requires a special diet, a written statement from a medical authority shall be on file.

4. Children with food allergies/intolerance shall have a written statement signed by the parent indicating the specific food allergy/intolerance.

5. When a child requires a modified diet for religious reasons, a written statement to that effect from the child's parent shall be on file.

6. Refreshments for special occasions such as birthday parties and holidays, with prior approval from the director may be served.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:1401 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of the Secretary, Division of Licensing and Certification, LR 13:246 (April 1987), amended by the Department of Social Services, Office of the Secretary, Bureau of Licensing, LR 20:450 (April 1994), LR 24:2345 (December 1998), LR 29:1116 (July 2003).

§5321. Health Service to the Child

A. A provider that gives medication assumes additional responsibility and liability for the safety of the children. Effective January 1, 2005, the staff person(s) administering medication shall be trained in medication administration. The training shall be obtained every two years.

B. No medication of any type, prescription, non-prescription, special medical procedure shall be administered by center staff unless authorized in writing by the parent. Authorization shall include:

1. child's name;
2. name of the medication;
3. date(s) to be administered;
4. dosage;
5. time to be administered;
6. special instructions, if applicable;
7. side effects;
8. signature of parent and date of signature; and
9. circumstances for administering "as needed"

medication.

C. Medication or medical procedures to be provided on an as needed basis or maintenance prescription shall be updated as changes occur, or at least every three months by the parent.

D. All medication sent to the center shall be in its original container, shall not have an expired date, and shall be clearly labeled with the child's name to ensure that medication is for individual use only.

E. The provider shall follow any special directions as indicated on the medication bottle, i.e., before or after meals, with food or milk, refrigerate, etc.

F. If medication label reads "to consult physician," a written physician authorization with child's name, date, medication name and dosage must be on file in order to

administer the medication in addition to the parental authorization.

G. Medication administration records shall be maintained verifying that the medication was given according to parent's authorization, which includes:

1. date;
2. time;
3. dosage administered;
4. signature (not initials) of the staff member who gave the medication; and
5. phone contact (date and time) with the parent prior to giving "as needed" medication.

H. When parents administer medication to their own children on the child care premises, the following information shall be documented:

1. date;
2. child's name;
3. time administered;
4. medication name;
5. dosage administered; and,
6. name of person administering medication.

I. The provider shall not apply topical ointments/sprays/creams (i.e. sunscreen, insect repellent, diaper rash ointment, etc.) without a written one-time authorization signed and dated from the parent, unless changes occur.

J. Upon arrival at the center, each child shall be observed for possible signs of illness, infections, bruises, injuries, physical condition, etc. When noted, results including an explanation from parent and/or child shall be documented.

K. Incidents of injuries or accidents shall be documented. Documentation shall include name of child, date and time of incident, location where incident took place, description of how incident occurred, part of body involved, and actions taken. Documentation of all injuries/accidents shall include time of parental notification and signature of person notifying the parent. The parent or designated person shall be notified immediately in the following situations:

1. blood not contained in an adhesive strip;
2. head injury;
3. human bite which breaks the skin;
4. any animal bite;
5. an impaled object;
6. broken or dislodged teeth; or
7. any injury requiring professional medical attention.

L. Documentation of illnesses or unusual behavior shall be maintained. Documentation shall include child's name, type/description of illness or unusual behavior, date and time of onset and actions taken, time of parental notification and signature of person notifying the parent. The parent or designated person shall be notified immediately in the following situations:

1. allergic reaction;
2. skin changes e.g. rash, spots, swelling, etc.;
3. unusual breathing;
4. dehydration;
5. any temperature reading over 101° oral, 102° rectal, or 100° axillary; or
6. any illness requiring professional medical attention.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:1401 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of the Secretary, Division of Licensing and Certification, LR 13:246 (April 1987), amended by the Department of Social Services, Office of the Secretary, Bureau of Licensing, LR 20:450 (April 1994), LR 24:2345 (December 1998), LR 29:1117 (July 2003).

§5323. Physical Environment

A. Indoor Space Required

1. The center shall be used exclusively by the children and center staff during operating hours. Area licensed for use as a child care center shall not be dually licensed. A child care facility, except those located in a church or school, shall be physically separated from any other business or enterprise.

2. A minimum of at least 35 square feet per child of indoor space shall be available. The space shall not include toilet facilities, hallways, lofts, storage or food preparation areas, or offices. Any room counted as play space shall be available for play during play hours. If rooms are used exclusively for dining or sleeping, they cannot be included in the licensed capacity.

3. For indoor space, the number of children using a room shall be based on the 35 square feet per child requirement except for group activities such as film viewing, parties, dining and sleeping.

4. Provisions shall be available indoors for temporarily isolating a child having or suspected of having a communicable disease so he/she can be removed from the other children. Movable partitions are permissible so that the space may be used for play when not needed for isolating an ill child.

5. An indoor area shall be maintained for the purpose of providing privacy for diapering, dressing and other personal care procedures for children beyond the usual diapering age.

B. Outdoor Space Required

1. Outdoor play space with a direct exit from the center into the outdoor play yard shall be available. If the exit does not open directly onto the play yard, the outdoor play yard shall be attached to the facility in such a manner to ensure that the children are continuously protected by a fence while going to and/or from the outdoor play yard.

2. The outdoor space shall provide a minimum of 75 square feet for each child in the outdoor play space at any one time. The minimum outdoor play space shall be available for at least one-third of the licensed capacity.

3. The outdoor play space shall be enclosed with a fence or other barrier in such a manner as to protect the children from traffic hazards; to prevent the children from leaving the premises without proper supervision; and to prevent contact with animals or unauthorized persons.

4. Crawlspace and mechanical, electrical, or other hazardous equipment shall be made inaccessible to children.

5. Areas where there are open cisterns, wells, ditches, fish ponds and swimming pools or other bodies of water shall be made inaccessible to children by fencing.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:1401 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of the Secretary, Division of Licensing and Certification, LR 13:246 (April 1987), amended by the Department of Social Services, Office of the Secretary, Bureau of Licensing, LR 20:450 (April 1994), LR 24:2345 (December 1998), LR 29:1118 (July 2003).

§5325. Furnishings and Equipment

A. A working telephone capable of incoming and outgoing calls shall be available at all times and readily available at the center. Coin operated telephones or cellular telephones are not acceptable for this purpose.

B. When a center has multiple buildings and a telephone is not located in each building where the children are housed, a written plan shall be posted in each building for securing emergency help.

C. Appropriate emergency numbers such as fire department, police department, and medical facility shall be prominently posted on or near the telephone.

D. The telephone number for poison control shall be prominently posted on or near the telephone.

E. The center's physical address shall be posted with the emergency numbers.

F. All equipment and materials shall be appropriate to the needs and ages of the children enrolled.

G. All play equipment and equipment necessary for the operation of the center shall be maintained in good repair.

H. Play equipment of sufficient quantity and variety for indoor and outdoor use encouraging physical play and quiet play/activities which is appropriate to the needs and ages of the children shall be provided.

I. Low, open shelves, bins, or other open containers shall be within easy reach of the children for the storage of play materials in each play area.

J. Individual, labeled space shall be available for each child's personal belongings.

K. Chairs and table space of a suitable size shall be available for each child two years of age or older.

L. Individual and appropriate sleeping arrangements shall be provided for each child. Each child shall be provided with a cot, mat, or crib (baby bed) of appropriate size, height, and material, sufficient to ensure his/her health and safety. Each infant shall have a crib separated from all other cribs (non-stackable). Playpens shall not be substituted for cribs.

M. Mats may be used only if the area used for napping is carpeted or if the center is centrally heated and cooled. If mats are used, they shall be of adequate size and material to provide for the health and safety of the child.

N. Each child's sleeping accommodations shall be assigned to him/her on a permanent basis and labeled.

O. Sheets for covering the cot or mat shall be provided by either the provider or the parent, unless the cots or mats are covered with vinyl or another washable surface.

P. Sheets and coverings shall be changed immediately when soiled or wet.

Q. A labeled sheet or blanket shall be provided by either the provider or the parent for covering the child.

R. Cribs, cots, or mats shall be spaced at least 18 inches apart.

S. Cribs shall have spaces between crib slats of no more than two and three-eighths inches.

T. Infant bed railings shall be in the up and locked position at all times when the child is in the bed.

U. Trampolines are prohibited.

V. Infant walkers are prohibited.

W. Toy chests with attached lids are prohibited.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:1401 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of the Secretary, Division of Licensing and Certification, LR 13:246 (April 1987), amended by the Department of Social Services, Office of the Secretary, Bureau of Licensing, LR 20:450 (April 1994), LR 24:2345 (December 1998), LR 29:1118 (July 2003).

§5327. Safety Requirements

A. Prescription and over-the-counter medications, poisons, cleaning supplies, harmful chemicals, equipment, tools and any substance with a warning label stating it is harmful or that it should be kept out of the reach of children, shall be locked away from and inaccessible to children. Whether a cabinet or an entire room, the storage area shall be locked.

B. Refrigerated medication shall be stored in a secure container to prevent access by children and avoid contamination of food.

C. Construction, remodeling, or alterations of structures shall be done in such a manner as to prevent hazards or unsafe conditions (fumes, dust, safety hazards).

D. Secure railings shall be provided for flights of more than three steps and for porches more than three feet from the ground.

E. Gates shall be provided at the head or foot of each flight of stairs to which children have access.

F. Accordion gates are prohibited unless there is documentation on file that the gate meets requirements as approved by the Office of Public Health, Sanitarian Services.

G. Unused electrical outlets shall be protected by a safety plug cover.

H. Strings and cords (such as those found on window coverings) shall not be within the reach of children.

I. First aid supplies shall be kept on-site and easily accessible to employees, but not within the reach of children.

J. All areas of the center used by the children, including sleep areas, shall be properly heated, cooled, and ventilated.

K. Areas used by the children shall be lighted in such a way as to allow visual supervision of the children at all times.

L. The center and yard shall be clean and free from hazards.

M. The provider shall prohibit the use of alcohol, tobacco, and the use or possession of illegal substances or unauthorized potentially toxic substances, fireworks, firearms, pellet or BB guns (loaded or unloaded) on the child care premises. This notice shall be posted.

N. The provider shall post "The Safety Box" newsletter issued by the Office of the Attorney General as required by Chapter 55 of Title 46 of the R.S. 46:2701-2711.

O.1. Fire drills shall be conducted at least once per month. These shall be conducted at various times of the day and night (if nighttime care is provided) and shall be documented. Documentation shall include:

- a. date and time of drill;
- b. number of children present;
- c. amount of time to evacuate the center;
- d. problems noted during drill and corrections noted; and
- e. signatures (not initials) of staff present.

2. It is recommended that one fire drill every six months be held at naptime.

P. The entire center shall be checked after the last child departs to ensure that no child is left unattended at the

center. Documentation shall include date, time, and signature of staff conducting the visual check.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:1401 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of the Secretary, Division of Licensing and Certification, LR 13:246 (April 1987), amended by the Department of Social Services, Office of the Secretary, Bureau of Licensing, LR 20:450 (April 1994), LR 24:2345 (December 1998), LR 29:1119 (July 2003).

§5329. Non-Vehicular Excursions

A. Written parental authorization shall be obtained for all non-vehicular excursions. Authorization shall include the name of child, type and location of activity, date and signature of parent, and shall be updated at least annually.

B. The provider shall maintain a record of all non-vehicular excursions activities to include date, time, list of children, staff, and other adults, and type of activity.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:1401 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of the Secretary, Division of Licensing and Certification, LR 13:246 (April 1987), amended by the Department of Social Services, Office of the Secretary, Bureau of Licensing, LR 20:450 (April 1994), LR 24:2345 (December 1998), LR 29:1119 (July 2003).

§5331. General Transportation (Contract, Center-Provided, Parent Provided)

A. Providers who transport or arrange transportation of children assume additional responsibility and liability for the safety of the children. Whether transportation is provided on a daily basis or for field trips only, these general regulations shall apply. Transportation arrangements shall conform to state laws, including seat belts and child restraints.

B. Only one child shall be restrained in a single safety belt.

NOTE: For additional information regarding state laws, contact Office of Public Safety.

C. The driver or attendant shall not leave the children unattended in the vehicle at any time.

D. Each child shall safely board or leave the vehicle from the curb side of the street and/or shall be escorted across the street.

E. The vehicle shall be maintained in good repair.

F. The use of tobacco in any form, use of alcohol and possession of illegal substances or unauthorized potentially toxic substances, firearms, pellet or BB guns (loaded or unloaded) in any vehicle while transporting children is prohibited.

G. The number of persons in a vehicle used to transport children shall not exceed the manufacturer's recommended capacity.

H. The provider shall maintain a copy of a valid appropriate Louisiana driver's license for all individuals who drive vehicles (staff, contracted persons, parents) used to transport children.

I. The provider shall maintain in force at all times current commercial liability insurance for the operation of center vehicles to ensure medical coverage for children in the event of accident or injury. This policy shall extend coverage to any staff member who provides transportation for any child in the course and scope of his/her employment. The provider is responsible for payment of medical expenses

of a child injured while in the provider's care. Documentation shall consist of the insurance policy or current binder that includes the name of the child care facility, the name of the insurance company, policy number, period of coverage and explanation of the coverage. If transportation is provided by parents for field trips or transportation is provided by contract, whether daily or field trip, a copy of the current liability insurance shall be maintained on file.

J. The vehicle shall have evidence of a current safety inspection. In lieu of a visual inspection of a contracted vehicle, a signed statement by the agency representative verifying the expiration date of the current inspection is acceptable.

K. There shall be first aid supplies in each provider or contracted vehicle. First aid supplies (at least one per trip) shall be available for each field trip when parents provide transportation. In lieu of a visual inspection of a contracted vehicle, a signed statement by the agency representative verifying this information is acceptable.

L. There shall be information in each vehicle identifying the name of the director and the name, telephone number, and address of the center for emergency situations. In lieu of a visual inspection of a contracted vehicle, a signed statement by the agency representative verifying this information is acceptable.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:1401 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of the Secretary, Division of Licensing and Certification, LR 13:246 (April 1987), amended by the Department of Social Services, Office of the Secretary, Bureau of Licensing, LR 20:450 (April 1994), LR 24:2345 (December 1998), LR 29:1119 (July 2003).

§5333. Field Trips (Contract, Center-Provided, Parent Provided)

A. All requirements for general transportation, §5331, also apply to field trips.

B. In addition, the following standards shall apply when transportation is provided/arranged for field trips.

1. The provider shall maintain a signed parental authorization for each field trip. Field trip authorization shall include the type of service (contract vehicle, center owned vehicle, parent vehicle) used to transport children, event, location, child's name, date and time of event, parent's signature and date.

2. At least two staff, one of whom may be the driver, shall be in each vehicle unless the vehicle has a communication device and child/staff ratio is met in the vehicle.

3. The provider shall maintain a record of all field trips taken, to include date and destination, list of passengers (children, parents, staff) (going & returning) and method of transportation.

4. If transportation is provided by parents, a planned route shall be provided to each driver and a copy maintained in the center.

5. Children shall be supervised during boarding and exiting vehicles by an adult who remains on the outside of the vehicle.

6. The driver or staff person shall check the vehicle and account for each child upon arrival and departure at each destination to ensure no child is left on the vehicle or at any

destination. Documentation shall include the signature of the person conducting the check and the time the vehicle is checked for each loading and unloading of children.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:1401 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of the Secretary, Division of Licensing and Certification, LR 13:246 (April 1987), amended by the Department of Social Services, Office of the Secretary, Bureau of Licensing, LR 20:450 (April 1994), LR 24:2345 (December 1998), LR 29:1120 (July 2003).

§5335. Daily Transportation (Contract or Center-Provided)

A. All requirements in general transportation, §5331, also apply for daily transportation.

B. In addition, the following standards all apply when daily transportation is provided/arranged.

1. A staff person shall be present when the child is delivered to the center.

2. The driver plus one staff are required at all times in each vehicle when transporting any child under five years of age.

3. When transporting children five years of age and older, the driver plus one staff person shall be in each contracted or center provided vehicle unless the vehicle has a communication device which allows staff to contact emergency personnel, and the child/staff ratio is met in the vehicle.

4. Each driver or attendant shall be provided with a current master transportation list including each child's name, pick up and drop off locations and authorized persons to whom the child may be released. Documentation shall be maintained on file at the center whether provided by center or contract.

5. The driver or attendant shall maintain an attendance record for each trip. The record shall include the driver's name, the date, name of all passengers (children and adults) in the vehicle, the name of the person to whom the child was released and the time of release. Documentation shall be maintained on file at the center whether provided by center or contract.

6. The staff shall check the vehicle at the completion of each trip to ensure that no child is left on the vehicle. Documentation shall include the signature of the person conducting the check and the time the vehicle is checked. Documentation shall be maintained on file at the center whether provided by center or contract.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:1401 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of the Secretary, Division of Licensing and Certification, LR 13:246 (April 1987), amended by the Department of Social Services, Office of the Secretary, Bureau of Licensing, LR 20:450 (April 1994), LR 24:2345 (December 1998), LR 29:1120 (July 2003).

§5337. Contract Requirements

A. The provider shall maintain a contract which is signed by the provider and a representative of the transportation agency outlining circumstances under which transportation will be provided. This written contract shall be dated, time limited and shall include verbiage in §5331.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:1401 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of the Secretary, Division of Licensing and Certification, LR 13:246 (April 1987), amended by the Department of Social Services, Office of the Secretary, Bureau of Licensing, LR 20:450 (April 1994), LR 24:2345 (December 1998), LR 29:1120 (July 2003).

§5339. Care for Children during Nighttime Hours

A. All minimum standards for child care centers apply to providers who care for children after 9 p.m. and in which no individual child remains for more than 24 hours in one continuous stay.

B. In addition, the following standards shall apply.

1. There shall be a designated "staff-in-charge" employee who is at least 21 years of age.

2. Adequate staff shall be present in the center to meet the child/staff ratios as indicated in §5315; however, there shall always be a minimum of at least two staff present.

3. Meals shall be served to children who are in the center at the ordinary meal times.

4. Each child shall have a separate, age appropriate bed or cot with mat or mattress covered by a sheet for each child, as well as a covering for each child (bunk beds are not allowed).

5. There shall be a posted schedule of activities.

6. Evening quiet time activity such as story time, games, and reading shall be provided to each child arriving before bedtime.

7. Physical restraints shall not be used to confine children to bed.

8. The center's entrance and drop off zones shall be well-lighted during hours of operation.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:1401 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of the Secretary, Division of Licensing and Certification, LR 13:246 (April 1987), amended by the Department of Social Services, Office of the Secretary, Bureau of Licensing, LR 20:450 (April 1994), LR 24:2345 (December 1998), LR 29:1121 (July 2003).

Gwendolyn P. Hamilton
Secretary

0307#061

RULE

**Department of Treasury
Board of Trustees of the State
Employees' Retirement System**

DROP Legislative Required Changes and Additions
(LAC 58:I.2713, 3503, 3505, 3519 and 3701-3705)

Under the authority of R.S. 11:515 and in accordance with R.S. 49:951 et seq., the Department of the Treasury, Board of Trustees of the Louisiana State Employees' Retirement System ("LASERS") amended and reenacted LAC 58:I.2713 3503, 3505, 3519 and enacted Chapter 37, Sections 3701-3705 relative to the actuarial conversion of leave to its cash value. The amendments to the Rules change the manner for disbursements from the DROP accounts, and certain

provisions of the Optional Retirement Plan (ORP) required by Act 136 of the First Extraordinary Session of 2002, and enacted provision to control the actuarial conversion of leave to its cash value.

**Title 58
RETIREMENT**

Part I. Louisiana State Employees' Retirement System

Chapter 27. DROP Program

Subchapter C. Withdrawal

§2713. Time for Disbursement

A. The DROP account must be totally disbursed within the expected lifetime of the participant in accordance with federal laws. The expected lifetime is determined based on the age of the participant on the date of termination. All funds from the DROP account must be withdrawn in accordance with the Internal Revenue Services Guidelines.

B. - C. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 11:515.

HISTORICAL NOTE: Promulgated by the Department of Treasury, Board of Trustees of the State Employees' Retirement System, LR 22:373 (May 1996), amended LR 25:2466 (December 1999), LR 29:1121 (July 2003).

Chapter 35. Optional Retirement Plan

§3503. Participation

A. The following state employees shall be eligible to make an irrevocable election to participate in the optional retirement plan:

1. any unclassified state employee who is appointed by a statewide elected official and whose appointment is subject to confirmation by the Louisiana Senate;

2. any unclassified state employee who is a member of the immediate staff of any such employee described in Paragraph 1 of this Section;

3. the chief executive officer of the State Employee Group Benefits Program;

4. any member of the executive career service establishment by the State Civil Service Commission.

AUTHORITY NOTE: Promulgated in accordance with R.S. 11:511 and R.S. 11:515.

HISTORICAL NOTE: Promulgated by the Department of Treasury, Board of Trustees of the State Employees' Retirement System, LR 26:1491 (July 2000), amended LR 29:1121 (July 2003).

§3505. Election to Participate

A. An irrevocable election to participate in the ORP must be made in writing and filed with the system within 90 days after the eligible employee begins work. Elections shall be effective as of the date of appointment. If an eligible employee fails to make an election to participate in the ORP within 90 days of appointment, he shall become a member of the defined benefit plan as of the date of appointment.

AUTHORITY NOTE: Promulgated in accordance with R.S. 11:511 and R.S. 11:515.

HISTORICAL NOTE: Promulgated by the Department of Treasury, Board of Trustees of the State Employees' Retirement System, LR 26:1491 (July 2000), amended LR 29:1121 (July 2003).

§3519. Sunset

A. Currently the law provides that the authority to enroll eligible unclassified employees in the ORP shall terminate

on December 7, 2003. Those eligible unclassified employees who enroll or transfer prior to that date shall continue participation in the ORP in accordance with the provisions of the ORP even after that date. There is no sunset provision for the executive career services employees.

AUTHORITY NOTE: Promulgated in accordance with R.S. 11:511 and R.S. 11:515.

HISTORICAL NOTE: Promulgated by the Department of Treasury, Board of Trustees of the State Employees' Retirement System, LR 26:1492 (July 2000), amended LR 29:1121 (July 2003).

Chapter 37. Leave Conversion to Retirement Credit or Cash Payment

§3701. Conversion of Leave to Retirement Credit

A. All annual and sick leave certified by the employee's employing agency to be accrued in accordance with the leave accrual rates established by the Department of State Civil Service and for which payment cannot be made in accordance with law at the time of retirement shall be credited to the employee and may be converted to retirement credit in accordance with R.S. 11:424.

AUTHORITY NOTE: Promulgated in accordance with R.S. 11:511 and R.S. 11:515.

HISTORICAL NOTE: Promulgated by the Department of Treasury, Board of Trustees of the State Employees' Retirement System, LR 29:1122 (July 2003).

§3703. Lump Sum Payment of Leave

A. An employee, in lieu of conversion of leave to retirement credit, may request in writing that he be paid the actuarial value of such leave, as determined by the retirement system's actuary, in a lump sum cash payment. The employee shall be paid the actuarial value of the conversion of leave to cash. This lump sum cash payment shall be paid to the employee on the first of the month after all pertinent documentation is received from the employee's employing agency needed to finalize the employee's retirement benefit.

AUTHORITY NOTE: Promulgated in accordance with R.S. 11:511 and R.S. 11:515.

HISTORICAL NOTE: Promulgated by the Department of Treasury, Board of Trustees of the State Employees' Retirement System, LR 29:1122 (July 2003).

§3705. Tax Liability

A. The employee requesting the lump sum cash conversion of leave shall be solely responsible for any tax consequences of this decision, and the employee must acquire any tax advice from a private source (CPA or tax attorney) as LASERS shall not be responsible for any tax liability that may impact the employee as a result of the decision to take a lump sum cash distribution of leave in lieu of converting leave to retirement credit.

AUTHORITY NOTE: Promulgated in accordance with R.S. 11:511 and R.S. 11:515.

HISTORICAL NOTE: Promulgated by the Department of Treasury, Board of Trustees of the State Employees' Retirement System, LR 29:1122 (July 2003).

Robert L. Borden
Executive Director

0307#024

RULE

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

2003-2004 Resident Game Hunting Seasons
(LAC 76:XIX.101 and 103)

The Wildlife and Fisheries Commission has amended Rules and regulations governing the hunting of resident game birds and game quadrupeds.

Title 76

WILDLIFE AND FISHERIES

Part XIX. Hunting and WMA Regulations

Chapter 1. Resident Game Hunting Season

§101. General

A. The Resident Game Hunting Season, 2003-2004 regulations are hereby adopted by the Wildlife and Fisheries Commission. A complete copy of the *Regulation Pamphlet* may be obtained from the department.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:115.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 21:707 (July 1995), amended LR 22:585 (July 1996), LR 23:871 (July 1997), LR 24:1324 (July 1998), LR 25:1290 (July 1999), LR 26:1506 (July 2000), LR 27:1061 (July 2001), LR 28:1615 (July 2002), LR 29:1122 (July 2003).

§103. Resident Game Birds and Animals 2003-2004

A. Shooting Hours. One-half hour before sunrise to one-half hour after sunset.

B. Consult *Regulation Pamphlet* for seasons or specific regulations on Wildlife Management Areas or specific localities.

Species	Season Dates	Daily Bag Limit	Possession Limit
Quail	Nov. 15-Feb. 29	10	20
Rabbit	Oct. 4-Feb. 29	8	16
Squirrel	Oct. 4-Feb. 8	8	16
Deer	See Schedule	1 antlered and 1 antlerless (when legal on private lands)	6/season

C. Deer Hunting Schedule

Area	Archery	Muzzleloader (All Either Sex)	Still Hunt (No Dogs Allowed)	With or Without Dogs
1	Oct. 1-Jan. 31	Nov. 15-Nov. 21 Jan. 19-Jan. 25	Nov. 22-Dec. 5 Jan. 5-Jan. 18	Dec. 6-Jan. 4
2	Oct. 1-Jan. 31	Oct. 25-Oct. 31 Jan. 10-Jan. 16	Nov. 1-Dec. 5	Dec. 6-Jan. 9
3	Sept. 13-Jan. 15	Oct. 4-Oct. 10 Dec. 1-Dec. 5	Oct. 11-Nov. 30 Dec. 6-Dec. 31	
4	Oct. 1-Jan. 31	Nov. 8-Nov. 14 Jan. 10-Jan. 18	Nov. 15-Jan. 9	
5	Oct. 1-Jan. 31	Nov. 15-Nov. 21 Dec. 26-Jan. 1 Bucks Only	Nov. 28-Dec. 14	
6	Oct. 1-Jan. 31	Nov. 15-Nov. 21 Jan. 19-Jan. 25	Nov. 28-Dec. 14	Dec. 6-Jan. 18
7	Oct. 1-Jan. 31	Oct. 11-Oct. 17 Nov. 8-Nov. 14	Oct. 18-Nov. 7 Nov. 15-Nov. 30	Dec. 1-Dec. 31
8	Sept. 13-Jan. 15	Oct. 4-Oct. 10 Dec. 1-Dec. 5	Oct. 11-Nov. 30	Dec. 6-Dec. 31

D. Modern Firearm Schedule (Either Sex Seasons)

Parish	Modern Firearm Either-Sex Days
Acadia	Oct. 11-12, 18-19, 25-26, Nov. 1-2, 8-9, 15-16, 22-30
Allen	Area 2: Nov. 1-2, 8-9, 15-16, 22-30, Dec. 6-7
	Area 3: Oct. 11-12, 18-19, 25-26, Nov. 1-2, 8-9, 22-30, Dec. 6-7
	Area 8: Oct. 11-12, 18-19, 25-26, Nov. 1-2, 8-9, 22-30, Dec. 6-7
Ascension	Nov. 22-23, 26-30, Dec. 6-7, 13-14
Assumption	Nov. 22-23, 26-30, Dec. 6-7, 13-14
Avoyelles	Area 2: Nov. 1-2, 22-23, 28-30, Dec. 6-7
	Area 6: Nov. 22-23, 28-30, Dec. 6-7
Beauregard	Area 3: Oct. 11-12, 18-19, 25-26, Nov. 1-2, 8-9, 22-30, Dec. 6-7
	Area 8: Oct. 11-12, 18-19, 25-26, Nov. 1-2, 8-9, 22-30, Dec. 6-7
Bienville	Nov. 1-9, 15-16, 22-30, Dec. 6-7
Bossier	Nov. 1-9, 15-16, 22-30, Dec. 6-7
Caddo	Nov. 1-9, 15-16, 22-30, Dec. 6-7
Calcasieu	Area 3: Oct. 11-12, 18-19, 25-26, Nov. 1-2, 8-9, 22-30, Dec. 6-7
	Area 8: Oct. 11-12, 18-19, 25-26, Nov. 1-2, 8-9, 22-30, Dec. 6-7
Caldwell	Nov. 1-2, 22-23, 28-30, Dec. 6-7
Cameron	Oct. 11-12, 18-19, 25-26, Nov. 1-2, 8-9, 15-16, 22-30
Catahoula	Area 1: Nov. 22-23, 26-30, Dec. 6-7
	Area 2: Nov. 1-2, 22-23, 28-30, Dec. 6-7
Claiborne	Nov. 1-9, 15-16, 22-30, Dec. 6-7
Concordia	Nov. 22-23, 26-30, Dec. 6-7, 13-14, 20-21
DeSoto	Nov. 1-9, 15-16, 22-30, Dec. 6-7
East Baton Rouge	Nov. 22-23, 26-30, Dec. 6-7, 13-14
East Carroll	Nov. 15-16, 22-23, 28-30, Dec. 6-7, 13-14, 20-21, East of mainline Mississippi River Levee and south and east of La. 877 from West Carroll Parish line to La. 580, south of La. 580 to U.S. 65, west of U.S. 65 to Madison Parish line.
	Nov. 15-16, 28-30 the remainder of the parish.
East Feliciana	Nov. 22-23, 26-30, Dec. 6-7, 13-14
Evangeline	Area 2: Nov. 1-2, 8-9, 15-16, 22-30, Dec. 6-7
	Area 6: Nov. 22-23, 26-30, Dec. 6-7, 13-14
Franklin	Nov. 22-23, 26-30
Grant	Area 1: Nov. 22-23, 26-30, Dec. 6-7
	Area 2: Nov. 1-2, 8-9, 15-16, 22-23, 28-30, Dec. 6-7
Iberia	Area 3: Oct. 11-12, 18-19, 25-26, Nov. 1-2, 8-9, 22-30, Dec. 6-7
	Area 6: Nov. 22-23, 26-30, Dec. 6-7, 13-14
	Area 7: Oct. 18-19, Nov. 15-16, 22-23, 28-30, Dec. 6-7
Iberville	Nov. 22-23, 26-30, Dec. 6-7, 13-14
Jackson	Nov. 1-2, 8-9, 15-16, 22-30, Dec. 6-7
Jefferson	Nov. 22-23, 26-30, Dec. 6-7, 13-14
Jefferson Davis	Area 2: Nov. 1-2, 8-9, 15-16, 22-30, Dec. 6-7
	Area 3: Oct. 11-12, 18-19, 25-26, Nov. 1-2, 8-9, 22-30, Dec. 6-7
Lafayette	Area 3: Oct. 11-12, 18-19, 25-26, Nov. 1-2, 8-9, 22-23, 28-30
	Area 6: Nov. 22-23, 26-30, Dec. 6-7, 13-14
Lafourche	Nov. 22-23, 26-30, Dec. 6-7, 13-14
LaSalle	Area 1: Nov. 22-23, 28-30, Dec. 6-7
	Area 2: Nov. 1-2, 22-23, 28-30, Dec. 6-7
Lincoln	Nov. 1-2, 8-9, 15-16, 22-30, Dec. 6-7
Livingston	Area 1: Nov. 22-23, 26-30, Dec. 6-7, 13-14
	Area 6: Nov. 22-23, 26-30, Dec. 6-7, 13-14
Madison	Nov. 22-23, 26-30, Dec. 6-7, 13-14, 20-21
Morehouse	Area 2: Nov. 1-2, 8-9, 15-16, 22-30, Dec. 6-7
	Area 4: Nov. 15-16, 28-30
Natchitoches	Nov. 1-2, 8-9, 15-16, 22-23, 28-30, Dec. 6-7
Orleans	Closed to all deer hunting
Ouachita	Area 2: Nov. 1-2, 8-9, 15-16, 22-30, Dec. 6-7
	Area 4: Nov. 15-16, 28-30
Plaquemines	Nov. 22-23, 26-30, Dec. 6-7, 13-14

Parish	Modern Firearm Either-Sex Days
Pointe Coupee	Nov. 22-23, 26-30, Dec. 6-7, 13-14
Rapides	Area 1: Nov. 22-23, 26-30, Dec. 6-7
	Area 2: Nov. 1-2, 8-9, 15-16, 22-23, 28-30, Dec. 6-7
	Area 3: Oct. 11-12, 18-19, 25-26, Nov. 1-2, 8-9, 28-30, Dec. 6-7
	Area 6: Nov. 22-23, 26-30, Dec. 6-7
Red River	Nov. 1-9, 15-16, 22-30, Dec. 6-7
Richland	Nov. 15-16, 28-30
Sabine	Nov. 1-2, 8-9, 15-16, 22-23, 28-30, Dec. 6-7
St. Bernard	Nov. 22-23, 26-30, Dec. 6-7, 13-14
St. Charles	Nov. 22-23, 26-30, Dec. 6-7, 13-14
St. Helena	Nov. 22-23, 26-30, Dec. 6-7, 13-14
St. James	Nov. 22-23, 26-30, Dec. 6-7, 13-14
St. John	Nov. 22-23, 26-30, Dec. 6-7, 13-14
St. Landry	Area 3: Oct. 11-12, Nov. 28-30, Dec. 6-7
	Area 6: Nov. 22-23, 28-30, Dec. 6-7
St. Martin	Nov. 22-23, 26-30, Dec. 6-7, 13-14
St. Mary	Area 6: Nov. 22-23, 26-30, Dec. 6-7, 13-14
	Area 7: Oct. 18-19, Nov. 15-16, 22-23, 28-30, Dec. 6-7
St. Tammany	Area 1: Nov. 22-23, 26-30, Dec. 6-7, 13-14
	Area 6: Nov. 22-23, 26-30, Dec. 6-7, 13-14
Tangipahoa	Area 1: Nov. 22-23, 26-30, Dec. 6-7, 13-14
	Area 6: Nov. 22-23, 26-30, Dec. 6-7, 13-14
Tensas	Nov. 22-23, 26-30, Dec. 6-7, 13-14, 20-22
Terrebonne	Area 6: Nov. 22-23, 26-30, Dec. 6-7, 13-14
	Area 7: Oct. 18-19, Nov. 15-16, 22-23, 28-30, Dec. 6-7
Union	Nov. 1-2, 8-9, 15-16, 22-30, Dec. 6-7
Vermilion	Oct. 11-12, 18-19, 25-26, Nov. 1-2, 8-9, 15-16, 22-30
Vernon	Area 2: Nov. 1-2, 8-9, 15-16, 22-30, Dec. 6-7
	Area 3: Oct. 11-12, 18-19, 25-26, Nov. 1-2, 8-9, 22-30, Dec. 6-7
	Area 8: Oct. 11-12, 18-19, 25-26, Nov. 1-2, 8-9, 22-30, Dec. 6-7
Washington	Nov. 22-23, 26-30, Dec. 6-7, 13-14
Webster	Nov. 1-9, 15-16, 22-30, Dec. 6-7
West Baton Rouge	Nov. 22-23, 26-30, Dec. 6-7, 13-14
West Carroll	Nov. 28
West Feliciana	Area 1: Nov. 22-23, 26-30, Dec. 6-7, 13-14
	Area 6: Nov. 22-23, 26-30, Dec. 6-7, 13-14
Winn	Nov. 1-2, 8-9, 15-16, 22-23, 28-30, Dec. 6-7

E. Farm Raised White-Tailed Deer on Supplemented Shooting Preserves

Archery	Modern Firearm	Either Sex
Oct. 1-Jan. 31 (Either Sex)	Nov. 1-Jan. 31	Nov. 1-7 Dec. 1-7 Jan. 1-7

F. Exotics on Supplemented Shooting Preserves: Either Sex, No Closed Season

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:115.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 21:707 (July 1995), amended LR 22:585 (July 1996), LR 23:871 (July 1997), LR 24:1324 (July 1998), LR 25:1290 (July 1999), repromulgated LR 25:1526 (August 1999), amended LR 26:1506 (July 2000), LR 27:1061 (July 2001), LR 28:1615 (July 2002), LR 29:1122 (July 2003).

Terry D. Denmon
Chairman

0307#057

RULE

Department of Wildlife and Fisheries Wildlife and Fisheries Commission

General and Wildlife Management Area (WMA) Hunting (LAC 76:XIX.111)

The Wildlife and Fisheries Commission does hereby promulgate Rules and regulations governing the hunting of resident game birds and game quadrupeds.

Title 76

WILDLIFE AND FISHERIES

Part XIX. Hunting and WMA Regulations

Chapter 1. Resident Game Hunting Season

§111. General and Wildlife Management Area Hunting Rules and Regulations

A. Hunting Seasons and Wildlife Management Area Regulations

1. The Rules and regulations contained within this digest have been officially approved and adopted by the Wildlife and Fisheries Commission under authority vested by Sections 115 and 116 of Title 56 of the Louisiana Revised Statutes of 1950 and are in full force and effect in conjunction with all applicable statutory laws. The secretary of the Department of Wildlife and Fisheries has the authority to close or alter seasons in emergency situations in order to protect fish and wildlife resources.

2. Pursuant to Section 40.1 of Title 56 of the Louisiana Revised Statutes of 1950, the Wildlife and Fisheries Commission has adopted monetary values which are assigned to all illegally taken, possessed, injured or destroyed fish, wild birds, wild quadrupeds and other wildlife and aquatic life. Anyone taking, possessing, injuring or destroying fish, wild birds, wild quadrupeds and other wildlife and aquatic life shall be required to reimburse the Department of Wildlife and Fisheries a sum of money equal to the value of the wildlife illegally taken, possessed, injured or destroyed. This monetary reimbursement shall be in addition to any and all criminal penalties imposed for the illegal act.

B. Resident Game Birds and Animals

1. Shooting hours: one-half hour before sunrise to one-half hour after sunset.

C. Other Season Dates

1. Turkey. Please refer to separate pamphlet.

2. Raccoon and Opossum. No closed season. Raccoon and opossum can be taken at night by one or more licensed hunters with one or more dogs and one .22 rimfire firearm. A licensed hunter may take raccoon or opossum with .22 rimfire rifle, .36 caliber or smaller muzzleloader rifle or shotgun during daylight hours during the open rabbit season. Hunting from boats or motor vehicles is prohibited. No bag limit for nighttime or daytime raccoon or opossum hunting during the open trapping season except on certain WMAs as listed. The remainder of the year, the raccoon and opossum bag limit for daytime or nighttime is one per person per day or night. No one who hunts raccoons or opossums as prescribed above shall pelt during the closed trapping season nor sell skins or carcasses of raccoons and opossums taken during the open trapping season unless he is the holder of a

valid trapping license which shall be required in addition to his basic hunting license. Pelting or selling carcasses is illegal during closed trapping season.

3. Nutria. On WMAs and private property nutria may be taken recreationally from September 1 through February 29 during legal shooting hours by any legal hunting method with no limit except if taken with a shotgun, steel shot must be used. On WMAs during waterfowl seasons, nutria may be taken only with the use of shotguns with shot no larger than BB lead or F steel, and during gun deer seasons, anyone taking nutria must display 400 square inches of "hunter orange" and wear a "hunter orange" cap or hat. Pelting or selling of carcasses is illegal except when taken by a licensed trapper during the trapping season. Trespass upon private property without consent for the purpose of taking nutria is punishable by fines and possible jail time (R.S. 56:265).

4. Blackbirds and Crows. The season for crows shall be September 1 through January 2 with no limit; however crows, blackbirds, cowbirds and grackles may be taken year round during legal shooting hours if they are depredating or about to depredate upon ornamentals or shade trees, agricultural crops, livestock, wildlife, or when concentrated in such numbers as to cause a health hazard. Louisiana has determined that the birds listed above are crop depredators and that crows have been implicated in the spread of the West Nile virus in humans.

5. Pheasant. Closed.

6. Falconry. Special permit required. Resident and migratory game species except turkeys may be taken. Seasons and bag limits are the same as for statewide and WMA regulations except squirrels may be taken by licensed falconers until the last day of February. Refer to LAC 76:V.301 for specific Falconry Rules.

7. Licensed Hunting Preserve. October 1-April 30. Pen-raised birds only. No limit entire season. Refer to LAC 76:V.305 for specific Hunting Preserve Rules.

8. Deer Management Assistance Program (DMAP). Land enrolled in the voluntary program will be assessed a \$25 registration fee and \$0.05/acre fee. Deer management assistance tags must be in the possession of the hunter and attached and locked to antlerless deer (including those taken on either-sex days and those taken with bow or muzzleloader) through the hock in a manner that it cannot be removed before the deer is transported. Failure to do so is a violation of R.S. 56:115. Failing to follow DMAP Rules and regulations may result in suspension and cancellation of the program on those lands involved. Refer to LAC 76:V.111 for specific DMAP Rules.

9. Farm Raised White-Tailed Deer and Exotics on Licensed Supplemented Shooting Preserves

a. Definitions

Exotics For purposes of this Rule means any animal of the family Bovidae (except the Tribe Bovini [cattle]) or Cervidae which is not indigenous to Louisiana and which is confined on a Supplemented Hunting Preserve. **Exotics** shall include, but are not limited to, fallow deer, red deer, elk, sika deer, axis deer, and black buck antelope.

Hunting In its different tenses and for purposes of this Rule means to take or attempt to take, in accordance with R.S. 56:8.

Same as Outside For purposes of this Rule means hunting on a Supplemented Hunting Preserve must conform to applicable statutes and Rules governing hunting and deer hunting, as provided for in Title 56 of the Louisiana Revised Statutes and as established annually by the Wildlife and Fisheries Commission (LWFC).

Supplemented Hunting Preserve For purposes of this Rule means any enclosure for which a current Farm-Raising License has been issued by the Department of Agriculture and Forestry (LDAF) with concurrence of the Department of Wildlife and Fisheries (LDWF) and is authorized in writing by the LDAF and LDWF to permit hunting.

White-Tailed Deer For purposes of this Rule means any animal of the species *Odocoileus virginianus* which is confined on a Supplemented Hunting Preserve.

b. Seasons

i. Farm-Raised White-Tailed Deer: Consult the regulations pamphlet.

ii. Exotics: year round.

c. Methods of Take

i. White-Tailed Deer: Same as outside.

ii. Exotics: Exotics may be taken with longbow (including compound bow) and arrow; shotguns not larger than 10 gauge, loaded with buckshot or rifled slug; handguns and rifles no smaller than .22 caliber centerfire; or muzzleloading rifles or pistols, .44 caliber minimum, or shotguns 10 gauge or smaller, all of which must load exclusively from the muzzle or cap and ball cylinder, using black powder or an approved substitute only, and using ball or bullet projectile, including sabot bullets only.

d. Shooting Hours

i. White-Tailed Deer: Same as outside.

ii. Exotics: one-half hour before sunrise to one-half hour after sunset.

e. Bag Limit

i. Farm-Raised White-Tailed Deer: Same as outside.

ii. Exotics: No limit.

f. Hunting Licenses

i. White-Tailed Deer: Same as outside.

ii. Exotics: No person shall hunt any exotic without possessing a valid basic and big game hunting license.

g. Tagging. White-Tailed Deer and Exotics: Each animal shall be tagged in the left ear or left antler immediately upon being killed and before being moved from the site of the kill with a tag provided by the LDAF. The tag shall remain with the carcass at all times.

D. Hunting General Provisions

1. A basic resident or non-resident hunting license is required of all persons to hunt, take, possess or cause to be transported by any other person any wild bird or quadruped. See information below for exceptions.

2. All persons born on or after September 1, 1969 must show proof of satisfactorily completing a Hunter Safety course approved by LDWF to purchase a Basic Hunting License, except any active or veteran member of the United States armed services or any POST-certified law enforcement officer. Application for the exemption shall be filed in person at the Department of Wildlife and Fisheries main office building in the city of Baton Rouge. A person

younger than 16 years of age may hunt without such certificate if he is accompanied by, and is under the direct supervision of a person 18 years of age or older, except during a statewide youth deer hunt, the youth must have satisfactorily completed a Hunter Safety course approved by LDWF to participate.

3. A big game license is required in addition to the basic hunting license to hunt, take, possess or cause to be transported any deer or turkey. A separate wild turkey stamp is required in addition to the basic hunting license and the big game license to hunt, take, possess or cause to be transported any turkey.

4. Taking game quadrupeds or birds from aircraft or participating in the taking of deer with the aid of aircraft or from automobiles or other moving land vehicles is prohibited.

5. Methods of Taking Resident Game Birds and Quadrupeds

a. It is illegal to intentionally feed, deposit, place, distribute, expose, scatter, or cause to be fed, deposited, placed, distributed, exposed, or scattered raw sweet potatoes to wild game quadrupeds.

b. Use of a longbow (including compound bow) and arrow or a shotgun not larger than a 10 gauge fired from the shoulder without a rest shall be legal for taking all resident game birds and quadrupeds. Also, the use of a handgun, rifle and falconry (special permit required) shall be legal for taking all game species except turkey. It shall be illegal to hunt or take squirrels or rabbits at any time with a breech-loaded rifle or handgun larger than a .22 caliber rimfire or a muzzleloader rifle larger than .36 caliber. During closed deer gun season, it shall be illegal to possess shotgun shells loaded with slugs or shot larger than BB lead or F steel shot while small game hunting.

c. Still hunting is defined as stalking or stationary stand hunting without the use of dog(s). Pursuing, driving or hunting deer with dogs is prohibited when or where a still hunting season or area is designated, and will be strictly enforced. Shotguns larger than 10 gauge or capable of holding more than three shells shall be prohibited. Plugs used in shotguns must be incapable of being removed without disassembly. Refer to game schedules contained within these regulations for specific restrictions on the use of firearms and other devices.

6. Nuisance Animals. Landowners or their designees may remove beaver and nutria causing damage to their property without a special permit. Water set traps and firearms may be used to remove beaver; nutria may be removed by any means except that nutria cannot be taken by the use of headlight and gun between the hours of sunset and sunrise. With a special permit issued by the department, beavers may be taken between one-half hour after official sunset to one-half hour before official sunrise for a period of three consecutive calendar evenings from the effective date of the permit. For specific details contact a regional office near you. Any nuisance beaver or nutria trapped or shot outside open trapping season cannot be pelted or sold. A trapping license is required to sell or pelt nuisance beavers or nutria taken during open trapping season. Squirrels found destroying commercial crops of pecans may be taken year-round by permit issued by the department. This permit shall

be valid for 30 days from the date of issuance. Contact the local regional office for details.

7. Threatened and endangered species Louisiana black bear, Louisiana pearl shell (mussel), sea turtles, gopher tortoise, ringed sawback turtle, brown pelican, bald eagle, peregrine falcon, whooping crane, Eskimo curlew, piping plover, interior least tern, ivory-billed woodpecker, red-cockaded woodpecker, Bachman's warbler, West Indian manatee, Florida panther, pallid sturgeon, Gulf sturgeon, Attwater's greater prairie chicken, whales and red wolf. Taking or harassment of any of these species is a violation of state and federal laws.

8. Unregulated Quadrupeds. Holders of a legal hunting license may take coyotes, unmarked hogs where legal, and armadillos year round during legal daylight shooting hours. The running of coyotes with dogs is prohibited in all turkey hunting areas during the open turkey season. Coyote hunting is restricted to "chase only" during still hunting segments of the firearm and archery only season for deer. Foxes and bobcats are protected quadrupeds and may be taken only with traps by licensed trappers during the trapping season. Remainder of the year "chase only" allowed by licensed hunters.

9. Hunting and/or Discharging Firearms on Public Roads. Hunting, standing, loitering or shooting game quadrupeds or game birds with a gun during open season while on a public highway or public road right-of-way is prohibited. Hunting or the discharge of firearms on roads or highways located on public levees or within 100 feet from the centerline of such levee roads or highways is prohibited. Spot lighting or shining from public roads is prohibited by state law. Hunting from all public roads and rights-of-way is prohibited and these provisions will be strictly enforced.

10. Tags. Any part of the deer or wild turkey divided shall have affixed thereto the name, date, address and big game license number of the person killing the deer or wild turkey and the sex of that animal. This information shall be legibly written in pen or pencil, on any piece of paper or cardboard or any material, which is attached or secured to or enclosing the part or parts. On lands enrolled in DMAP, deer management assistance tags must be attached and locked through the hock of antlerless deer, (including those taken with bow, muzzleloader and those antlerless deer taken on either-sex days) in a manner that it cannot be removed, before the deer is moved from the site of the kill.

11. Sex Identification. Positive evidence of sex identification, including the head, shall remain on any deer taken or killed within the State of Louisiana, or on all turkeys taken or killed during any special gobbler season when killing of turkey hens is prohibited, so long as such deer or turkey is kept in camp or field, or is in route to the domicile of its possessor, or until such deer or turkey has been stored at the domicile of its possessor or divided at a cold storage facility and has become identifiable as food rather than as wild game.

E. General Deer Hunting Regulations

1. One antlered and one antlerless (when legal on private lands) deer per day except on Wildlife Management Areas, Federal Refuges and National Forest Lands where the daily limit shall be one deer per day. Six per season (all segments included) by all methods of take.

2. A legal buck is a deer with visible antler of hardened bony material, broken naturally through the skin. Killing bucks without at least one visible antler as described above and killing does is prohibited except where specifically allowed and except in West Baton Rouge and Pointe Coupee Parishes and that portion of Iberville Parish west of the Mississippi River (excluding the Sherburne Wildlife Management Complex and those private lands which are totally surrounded by the Sherburne Complex) where a legal buck shall be defined as a deer with at least six points or a deer with both spikes 3 inches long or less. To be counted as a point, a projection must be at least 1 inch long and its length must exceed the length of its base. The beam tip is counted as a point but not measured as a point.

3. Deer hunting restricted to legal bucks only, except where otherwise allowed.

4. Either-sex deer is defined as male or female deer. Taking or possessing spotted fawns is prohibited.

5. It is illegal to hunt or shoot deer with firearms smaller than .22 caliber centerfire or a shotgun loaded with anything other than buckshot or rifled slug. Handguns may be used for hunting.

6. Taking game quadrupeds or birds from aircraft, participating in the taking of deer with the aid of aircraft or from automobiles or other moving land vehicles is prohibited.

7. Still hunting is defined as stalking or stationary stand hunting without the use of dog(s). Pursuing, driving or hunting deer with dogs or moving vehicles, including ATVs, when or where a still hunting season or area is designated, is prohibited and will be strictly enforced. The training of deer dogs is prohibited in all still hunting areas during the gun still hunting and archery only season. Deer hunting with dogs is allowed in all other areas having open deer seasons that are not specifically designated as still hunting only. Except in wildlife management areas, a leashed dog may be used to trail and retrieve wounded or unrecovered deer during legal hunting hours. Any dog used to trail or retrieve wounded or unrecovered deer shall have on a collar with owner's name, address, and phone number. In addition, a dog may be used to trail and retrieve unrecovered deer after legal hunting hours; however, no person accompanying a dog after legal hunting hours may carry a firearm of any sort.

8. Areas not specifically designated as open are closed.

9. Muzzleloader Segment: (Special license and muzzleloader firearms specifications apply only to the special state, WMA, National Forest and Preserves, and Federal Refuge seasons.) Still hunt only. Specific WMAs will also be open, check WMA schedule for specific details. Muzzleloader license required for resident hunters between the ages of 16 and 59 inclusive and non-residents 16 years of age and older. Either-sex deer may be taken in all deer hunting areas except as specified on Public Areas. It is unlawful to carry a gun, other than a muzzleloader, including those powered by air or other means, while hunting during the special muzzleloader segment. Except, it is lawful to carry a .22 caliber rimfire pistol loaded with #12 shot (ratshot only).

a. Legal Muzzleloader Firearms for Special Season: Rifles or pistols, .44 caliber minimum, or shotguns 10 gauge

or smaller, all of which must load exclusively from the muzzle or cap and ball cylinder, use black powder or approved substitute only, take ball or bullet projectile only, including sabot bullets and may be fitted with magnified scopes. This includes muzzleloaders known as "inline" muzzleloaders.

10. Archery Segment: Consult regulations pamphlet. WMA seasons are the same as outside except as noted below. Archery license required for resident bow hunters between the ages of 16 and 59 inclusive and non-residents 16 years of age and older. Residents 60 years of age and older may use a crossbow without a special permit or license. Either-sex deer may be taken in all areas open for deer hunting except when a bucks only season is in progress for gun hunting, archer's must conform to the bucks only regulations. Either-sex deer may be taken on WMAs at anytime during archery season except when bucks only seasons are in progress on the respective WMA. Also, archery season restricted on Atchafalaya Delta, Salvador, Lake Boeuf, and Pointe-aux-Chenes WMAs (see schedule).

a. Bow and arrow regulations: Hunting arrows for deer must have well-sharpened metal broadhead blades not less than 7/8 inch in width. Bow and arrow fishermen must have a sport fishing license and not carry any arrows with broadhead points unless a big game season is in progress.

i. It is unlawful:

(a). to carry a gun, including those powered by air or other means, while hunting with bow and arrow during the special bow and arrow deer season except it is lawful to carry a .22 caliber rimfire pistol loaded with #12 shot (ratshot) only;

(b). to have in possession or use any poisoned or drugged arrow, arrows with explosive tips, or any bow drawn, held or released by mechanical means except that hand held releases are lawful;

(c). to hunt deer with a bow having a pull less than 30 pounds;

(d). to hunt with a bow or crossbow fitted with an infrared or laser sight.

11. Hunter Orange. Any person hunting deer shall display on his head, chest and/or back a total of not less than 400 square inches of "hunter orange" during the open deer gun season including muzzleloader season. Persons hunting on privately owned, legally posted land may wear a hunter orange cap or hat in lieu of the 400 square inches. These provisions shall not apply to persons hunting deer from elevated stands on property that is privately owned and legally posted or to archery deer hunters hunting on legally posted lands where firearm hunting is not allowed by agreement of the landowner or lessee. However, anyone hunting deer on such lands where hunting with firearms is allowed shall be required to display the 400 square inches or a hunter orange cap or hat while walking to and from elevated stands. While a person is hunting from an elevated stand, the 400 square inches or cap or hat may be concealed. Warning: deer hunters are cautioned to watch for persons hunting other game or engaged in activities not requiring "hunter orange."

12. Special Handicapped Either-Sex Deer Season on Private Land. See regulations pamphlet for dates. Restricted to individuals with Physically Challenged Hunter Permit.

13. Special Youth Deer Hunt on Private Lands (Either-Sex). See regulations pamphlet for dates. Youth must be under the age of 16, must have proof of successfully completing a Department approved hunter safety course, and must be accompanied by an adult licensed to hunt big game. In West Baton Rouge and Pointe Coupee Parishes and that portion of Iberville Parish west of the Mississippi River antler restrictions for bucks shall be waived.

F. Description of Areas

1. Area 1

a. All of the following parishes are open: East Feliciana, St. Helena, Concordia, Franklin, Tensas, East Baton Rouge, Madison, Washington.

b. Portions of the following parishes are also open:

i. Catahoula **C** All except that portion lying west of Boeuf River from Caldwell parish line to Ouachita River, north and east of Ouachita River to La. 559 at Duty Ferry, west of La. 559 to La. 124. North and west of La. 124 westward to LaSalle parish line.

ii. Grant **C** East of U.S. 165 and south of La. 8.

iii. LaSalle **C** Portion south of La. 8 from Little River eastward to La. 127 in Jena, east of La. 127 from Jena northward to U.S. 165, east of U.S. 165 from La. 127 northward to La. 124. South of La. 124 eastward to Catahoula Parish line.

iv. Livingston **C** North of I-12.

v. Rapides **C** East of U.S. 165 and north of Red River.

vi. St. Tammany **C** All except that portion south of I-12, west of Hwy. 1077 to La. 22, south of La. 22 to Tchefuncte River, west of Tchefuncte River southward to Lake Pontchartrain.

vii. Tangipahoa **C** North of I-12.

viii. West Feliciana **C** All except that portion known as Raccourci and Turnbull Island.

c. Still hunting only in all or portions of the following parishes:

i. Catahoula **C** South of Deer Creek to Boeuf River, east of Boeuf and Ouachita Rivers to La. 8 at Harrisonburg, west of La. 8 to La. 913, west of La. 913 and La. 15 to Deer Creek.

ii. East Feliciana and East Baton Rouge **C** East of Thompson Creek from the Mississippi state line to La. 10. North of La. 10 from Thompson Creek to La. 67 at Clinton, west of La. 67 from Clinton to Mississippi state line. South of Mississippi state line from La. 67 to Thompson Creek. Also that portion of East Baton Rouge Parish east of La. 67 from La. 64 north to Parish Line, south of Parish Line from La. 64 eastward to Amite River. West of Amite River southward to La. 64, north of La. 64 to La. 37 at Magnolia, east of La. 37 northward to La. 64 at Indian Mound, north of La. 64 from Indian Mound to La. 67. Also, that portion of East Feliciana Parish east of La. 67 from parish line north to La. 959, south of La. 959 east to La. 63, west of La. 63 to Amite River, west of Amite River, southward to parish line, north of parish line westward to La. 67.

iii. Franklin **C** All

iv. St. Helena **C** North of La. 16 from Tickfaw River at Montpelier westward to La. 449, east and south of La. 449 from La. 16 at Pine Grove northward to La. 1045, south of La. 1045 from its junction with La. 449 eastward to

the Tickfaw River, west of the Tickfaw River from La. 1045 southward to La. 16 at Montpelier.

v. Tangipahoa **C**That portion of Tangipahoa Parish north of La. 10 from the Tchefuncte River to La. 1061 at Wilmer, east of La. 1061 to La. 440 at Bolivar, south of La. 440 to the Tchefuncte River, west of the Tchefuncte River from La. 440 southward to La. 10.

vi. Washington and St. Tammany **C**East of La. 21 from the Mississippi state line southward to the Bogue Chitto River, north of the Bogue Chitto River from La. 21 eastward to the Pearl River Navigation Canal, east of the Pearl River Navigation Canal southward to the West Pearl River, north of the West Pearl River from the Pearl River Navigation Canal to Holmes Bayou, west of Holmes Bayou from the West Pearl River northward to the Pearl River, west of the Pearl River from Holmes Bayou northward to the Mississippi state line, south of the Mississippi state line from the Pearl River westward to La. 21. Also, that portion of Washington Parish west of La. 25 from the Mississippi state line southward to the Bogue Chitto River, then west of the Bogue Chitto River to its junction with the St. Tammany Parish line, north of the St. Tammany Parish line to the Tangipahoa Parish line, east of the Tangipahoa Parish line to the Mississippi state line, south of the Mississippi state line to its junction with La. 25.

vii. West Feliciana **C**West of Thompson Creek to Illinois-Central Railroad, north of Illinois-Central Railroad to Parish Road #7, east of Parish Road #7 to the junction of U.S. 61 and La. 966, east of La. 966 from U.S. 61 to Chaney Creek, south of Chaney Creek to Thompson Creek.

2. Area 2

a. All of the following parishes are open:

i. Bienville, Jackson, Union, Bossier, Lincoln, Webster, Caddo, Natchitoches, Winn, Claiborne, Red River, DeSoto, Sabine, Caldwell.

ii. except: Kisatchie National Forest which has special regulations. Caney, Corney, Middlefork tracts of Kisatchie have the same regulations as Area 2, except still hunting only for deer and except National Forest Land within the Evangeline Unit, Calcasieu Ranger District described in Area 2 description shall be still hunting only.

b. Portions of the following parishes are also open:

i. Allen **C**North of U.S. 190 from the parish line westward to Kinder, east of U.S. 165 from Kinder northward to La. 10 at Oakdale, north of La. 10 from Oakdale, westward to the parish line;

ii. Avoyelles **C**That portion west of I-49.

iii. Catahoula **C**That portion lying west of Boeuf River from Caldwell parish line to Ouachita River, north and east of Ouachita River to La. 559 at Duty Ferry. West of La. 559 to La. 124. North and west of La. 124 westward to LaSalle parish line.

iv. Evangeline **C**All except the following portions: east of I-49 to junction of La. 29, east of La. 29 south of I-49 to Ville Platte, and north of U.S. 167 east of Ville Platte.

v. Grant **C**All except that portion south of La. 8 and east of U.S. 165.

vi. Jefferson Davis **C**North of U.S. 190.

vii. LaSalle **C**All except south of La. 8 from Little River eastward to La. 127 in Jena, east of La. 127 from Jena northward to U.S. 165, east of U.S. 165 from La. 127

northward to La. 124. South of La. 124 eastward to Catahoula parish line.

viii. Morehouse **C**West of U.S. 165 (from Arkansas state line) to Bonita, north and west of La. 140 to junction of La. 830-4 (Cooper Lake Road), west of La. 830-4 to Bastrop, west of La. 139 to junction of La. 593, west and south of La. 593 to Collinston, west of La. 138 to junction of La. 134 and north of La. 134 to Ouachita line at Wham Brake.

ix. Ouachita **C**All except south of U.S. 80 and east of Ouachita River, east of La. 139 from Sicard to junction of La. 134, south of La. 134 to Morehouse line at Wham Brake.

x. Rapides **C**All except north of Red River and east of U.S. 165. South of La. 465 to junction of La. 121, west of La. 121 and La. 112 to Union Hill, and north of La. 113 from Union Hill to Vernon Parish line, and that portion south of Alexandria between Red River and U.S. 167 to junction of U.S. 167 with I-49 at Turkey Creek exit, east of I-49 southward to parish line.

xi. Vernon **C**North of La. 10 from the parish line westward to La. 113, south of La. 113 eastward to the parish line. Also the portion north of La. 465, west of La. 117 from Kurthwood to Leesville, and north of La. 8 from Leesville to Texas state line.

c. Still hunting only in all or portions of the following parishes:

i. Claiborne and Webster **C**Caney, Corney and Middlefork tracts of Kisatchie National Forest. (See Kisatchie National Forest Regulations);

ii. Ouachita **C**East of Ouachita River;

iii. Rapides **C**West of U.S. 167 from Alexandria southward to I-49 at Turkey Creek Exit, west of I-49 southward to Parish Line, north of Parish Line westward to U.S. 165, east of U.S. 165 northward to U.S. 167 at Alexandria. North of La. 465 from Vernon Parish line to La. 121, west of La. 121 to I-49, west of I-49 to La. 8, south and east of La. 8 to La. 118 (Mora Road), south and west of La. 118 to Natchitoches Parish line;

iv. Vernon **C**East of Mora-Hutton Road from Natchitoches Parish line to Hillman Loop Road, south and east of Hillman Loop Road to Comrade Road, south of Comrade Road to La. 465, east and north of La. 465 to Rapides Parish line.

3. Area 3

a. All of Acadia, Cameron and Vermilion Parishes are open.

b. Portions of the following parishes are also open:

i. Allen **C**South of U.S. 190 and west of La. 113;

ii. Beauregard **C**West of La. 113. Also east of La. 27 from the parish line north to DeRidder and north of U.S. 190 westward from DeRidder to Texas line;

iii. Calcasieu **C**South of U.S. 90. Also east of La. 27 from Sulphur northward to the parish line;

iv. Iberia **C**West of U.S. 90 and north of La. 14;

v. Jefferson Davis **C**All except north of U.S. 190;

vi. Lafayette **C**West of I-49 and U.S. 90;

vii. Rapides **C**South of La. 465 to junction of La. 121, west of La. 121 and La. 112 to Union Hill and north of La. 113 from Union Hill to Vernon Parish line;

viii. St. Landry **C**West of U.S. 167;

ix. Vernon West and north of La. 113, south of La. 465, east of La. 117 from Kurthwood to Leesville, and south of La. 8 from Leesville to Texas state line.

4. Area 4

a. All of East Carroll and Richland parishes are open.

b. Portions of the following parishes are open:

i. Morehouse East of U.S. 165 (from Arkansas state line) to Bonita, south and east of La. 140 to junction of La. 830-4 (Cooper Lake Road), east of La. 830-4 to Bastrop, east of La. 139 at Bastrop to junction of La. 593, east and north of La. 593 to Collinston, east of La. 138 to junction of La. 134 and south of La. 134 to Ouachita line at Wham Brake.

ii. Ouachita South of U.S. 80 and east of Ouachita River, east of La. 139 from Sicard to junction of La. 134, south of La. 134 to Morehouse line at Wham Bake.

5. Area 5

a. All of West Carroll Parish is open.

6. Area 6

a. All of Orleans Parish is closed to all forms of deer hunting.

b. All of the following parishes are open: Ascension, Plaquemines, St. John, Assumption, Pointe Coupee, St. Martin, Iberville, St. Bernard, Jefferson, St. Charles, Lafourche, St. James, West Baton Rouge.

c. Portions of the following parishes are also open:

i. Avoyelles All except that portion west of I-49;

ii. Evangeline That portion east of I-49 to junction of La. 29, east of La. 29 south of I-49 to Ville Platte and north of U.S. 167 east of Ville Platte;

iii. Iberia East of U.S. 90;

iv. Lafayette East of I-49 and U.S. 90;

v. Livingston South of I-12;

vi. Rapides South of Alexandria between Red River and U.S. 167 to the junction of U.S. 167 with I-49 at Turkey Creek Exit, east of I-49 southward to parish line;

vii. St. Landry East of U.S. 167;

viii. St. Mary North of U.S. 90;

ix. St. Tammany That portion south of I-12, west of Hwy. 1077 to La. 22, south of La. 22 to Tchefuncte River, west of Tchefuncte River southward to Lake Pontchartrain;

x. Tangipahoa South of I-12;

xi. Terrebonne North of La. 182 from Assumption Parish line eastward to Houma, east of Houma Navigation Canal southward to the Gulf of Mexico;

xii. West Feliciana West of Mississippi River, known as Raccourci and Turnbull Islands;

d. Still hunting only in all or portions of the following parishes:

i. Avoyelles North of La. 1 from Simmesport westward to La. 115 at Marksville, east of La. 115 from Marksville northward to the Red River near Moncla, south and west of the Red River to La. 1 at Simmesport;

ii. Plaquemines East of the Mississippi River;

iii. Rapides South of Alexandria between Red River and U.S. 167 to the junction of U.S. 167 with I-49 at Turkey Creek Exit, east of I-49 southward to parish line;

iv. St. Bernard All the parish shall be still hunting only except that portion of St. Bernard known as the spoil area between the MRGO on the east and Access Canal on

the west, south of Bayou Bienvenue and north of Bayou la Loutre;

v. St. John South of Pass Manchac from Lake Pontchartrain to U.S. 51, east of U.S. 51 from Pass Manchac to La. 638 (Frenier Beach Road). North of La. 638 from U.S. 51 to Lake Pontchartrain. West of Lake Pontchartrain from La. 638 to Pass Manchac.

vi. St. Landry Those lands surrounding Thistlethwaite WMA bounded north and east by La. 359, west by La. 10, and south by La. 103.

7. Area 7

a. Portions of the following parishes are open:

i. Iberia and St. Mary Parishes South of La. 14 and west U.S. Hwy. 90.

ii. Terrebonne South of La. 182 from Assumption Parish line eastward to Houma, west of Houma Navigation Canal southward to the Gulf of Mexico.

8. Area 8

a. Portions of the following parishes are open:

i. Allen That portion east of La. 113 from the parish line to U.S. 190, north of U.S. 190 eastward to Kinder, west of U.S. 165 northward to La. 10 at Oakdale and south of La. 10 from Oakdale westward to parish line;

ii. Vernon That portion east of La. 113 from the parish line northward to Pitkin, and south of La. 10 from Pitkin southward to the parish line;

iii. Beauregard That portion east of La. 113. Also that portion west of La. 27 from parish line northward to DeRidder, south of U.S. 190 from DeRidder to Texas state line;

iv. Calcasieu That portion east of La. 27 from the parish line southward to Sulphur and north of U.S. 90 from Sulphur to the Texas state line.

G. Wildlife Management Area Regulations

1. General

a. The following Rules and regulations concerning the management, protection and harvest of wildlife have been officially approved and adopted by the Wildlife and Fisheries Commission in accordance with the authority provided in Louisiana Revised Statutes of 1950, Section 109 of Title 56. Failure to comply with these regulations will subject individual to citation and/or expulsion from the management area.

b. Citizens are cautioned that by entering a WMA managed by the LDWF they may be subjecting themselves and/or their vehicles to game and/or license checks, inspections and searches.

c. Wildlife management area seasons may be altered or closed anytime by the Department Secretary in emergency situations (floods, fire or other critical circumstances).

d. Hunters may enter the WMA no earlier than 3:00 a.m. unless otherwise specified. On days when Daily permits are required, permit stations will open 2 hours before legal shooting hours. Hunters must check out and exit the WMA no later than two hours after sunset, except for Lake Boeuf, Salvador/Timken and Pointe-aux-Chenes or as otherwise specified.

e. Lands within WMA boundaries will have the same seasons and regulations pertaining to baiting and use of dogs as the WMA within which the lands are enclosed;

however, with respect to private lands enclosed within a WMA, the owner or lessee may elect to hunt deer according to the regular season dates applicable to the geographic area in which the lands are located, provided that the lands are first enrolled in DMAP. Interested parties should contact the nearest LDWF regional office for additional information.

f. Dumping garbage or trash on WMAs is prohibited. Garbage and trash may be properly disposed of in designated locations if provided.

g. Disorderly conduct or hunting under influence of alcoholic beverages, chemicals and other similar substances is prohibited.

h. Commercial activities prohibited without prior approval or unless otherwise specified.

i. Damage to or removal of trees, shrubs, hard mast (acorn, pecans, etc.) and wild plants is prohibited without prior approval. Gathering and/or removal of soft fruits, mushrooms and berries shall be limited to five gallons per person per day. Persons engaged in commercial activities must obtain a permit from the Region Office.

j. Burning of marshes is prohibited except by permit. Permits may be obtained from the Fur and Refuge Division. Hunting actively burning marsh prohibited.

k. Nature Trails. Access to trails shall be limited to pedestrians only. No vehicles, ATVs, horses, mules, bicycles, etc. allowed. Removal of vegetation (standing or down) or other natural material prohibited.

l. Deer seasons are for legal buck deer unless otherwise specified.

m. Small game, when listed under the WMA regulations may include both resident game animals and game birds as well as migratory species of birds.

n. Oysters may not be harvested from any WMA, except that oysters may be harvested from private oyster leases and State Seed Grounds located within a WMA, when authorized by the Wildlife and Fisheries Commission and upon approval by the Department of Health and Hospitals.

o. Free ranging livestock prohibited.

2. Permits

a. A WMA hunting permit is required to hunt on WMAs.

b. Daily. Daily permits when required shall be obtained at permit stations on or near each WMA after first presenting a valid hunting license to a Department employee. Hunters must retain permit in possession while hunting. Hunters may enter the area no earlier than two hours before legal shooting time unless otherwise specified. Hunters must checkout daily and exit the area not later than two hours after sunset unless otherwise specified.

c. Self-Clearing Permits. A Self-Clearing Permit is required for all activities (hunting, fishing, hiking, birdwatching, sightseeing, etc.) on WMAs unless otherwise specified. The Self-Clearing Permit will consist of three portions: check in, check out and a Vehicle Tag. On WMAs where Self-Clearing Permits are required, all persons must obtain a WMA Self-Clearing Permit from an Information Station. The check in portion must be completed and put in a permit box before each day's activity on the day of the activity. Users may check-in one day in advance of use. The check out portion must be carried by each person while on the WMA and must be completed and put in a permit box immediately upon exiting the WMA or within 72 hours after

checking in if hunting from a camp. Each person must leave the Vehicle Tag portion of his permit on the dashboard of the vehicle used to enter into the WMA in such a way that it can be easily read from outside of the vehicle. This must be done only when the vehicle is parked and left unattended on the WMA. If an ATV, boat or other type vehicle was used to enter the WMA, then the vehicle tag must be attached to that vehicle in such a manner that it can be readily seen and read. No permit is required of fishers and boaters who do not travel on a WMA road and/or launch on the WMA as long as they do not get out of the boat and onto the WMA. When Mandatory Deer Checks are specified on WMAs, hunters must check deer at a check station. Call the appropriate Region office for the location of the deer check station on these WMAs. (Self-Clearing Permits are not required for persons only traveling through the WMA provided that the most direct route is taken and no activities or stops take place.)

d. Wild Louisiana Stamp. Persons using WMAs or other department administered lands for purposes other than hunting and fishing, such as camping, shooting on rifle ranges, berry picking, hiking, photography, bird-watching and the like, must possess one of the following: a valid Wild Louisiana stamp, a valid Louisiana fishing license, or a valid Louisiana hunting license. Persons younger than 16 or older than 60 years of age are exempt from this requirement.

3. Special Seasons

a. Youth Deer Hunt. Only youths younger than 16 years of age may hunt. All other seasons are closed except Handicapped Seasons. Youths must possess a hunter safety certification or proof of successful completion of a hunter safety course. Each youth must be accompanied by one adult 18 years of age or older. If the accompanying adult is in possession of a hunter safety certification, a valid Louisiana hunting license or proof of successful completion of a hunter safety course, this requirement is waived for the youth. Adults may not possess a firearm. Youths may possess only one firearm while hunting. Legal firearms are the same as described for deer hunting. The supervising adult shall maintain visual and voice contact with the youth at all times. An adult may supervise only one youth during this special hunt. Contact the appropriate region office for special check station locations when daily permits are required and maps of specific hunting areas. Either-sex deer may be taken on WMAs with youth hunts. Consult the regulations pamphlet for WMAs offering youth hunts.

b. Handicapped Season. An either-sex deer season will be held for hunters possessing a Physically Challenged Hunter Permit on WMAs during the dates specified under the individual WMA. Participants must possess a Physically Challenged Hunter Permit. Contact region office for permit application and map of specific hunting area. Consult the regulations pamphlet for WMAs offering Handicapped Seasons. Pointe-aux-Chenes will have an experimental Lottery Handicapped waterfowl hunt. Contact New Iberia Office, Fur and Refuge Division for details.

c. Deer Lottery Hunts. Hunts restricted to those persons selected as a result of the pre-application lottery. Consult the regulations pamphlet for deadlines. A non-refundable application fee must be sent with application. Contact region offices for applications. Consult regulations pamphlet for WMAs offering lottery hunts.

d. Youth Deer Lottery Hunts. Hunts restricted to those persons selected as a result of a pre-hunt lottery application drawing. Contact region offices to apply or for more information. A non-refundable application fee must be sent with application. Consult regulations pamphlet for deadline and WMAs offering Youth Deer Lottery Hunts.

e. Turkey Lottery Hunts. Hunts restricted to those persons selected by lottery. Consult the regulations pamphlet for deadlines. All turkeys must be reported at Self Clearing station. Contact Region Offices for more details. Consult separate Turkey Hunting Regulations pamphlet for WMAs offering lottery hunts.

f. Trapping. Permits to take furbearers from WMAs may be obtained at appropriate offices when required. Consult Annual Trapping Regulations for specific dates. All traps must be run daily. Traps with teeth are illegal. On WMAs where permits are required, each trapper must submit an annual trapping report to the Region Office where his permit was obtained. Non-compliance will result in forfeiture of trapping privileges on the WMAs. Permits may be obtained only between hours of 8 a.m. to 4:30 p.m. on normal working days at region offices. Hunter orange required when a deer gun season is in progress. A permit is required to carry a firearm outside of the normal hunting season and is available at the Region Office. Authorized trappers, with proper permits, may carry and use a loaded firearm (including in a motorized vehicle under power) at any time during daylight hours for the specific purpose of harvesting furbearers.

g. Raccoon Hunting. A licensed hunter may take raccoon or opossum, one per person per day, during daylight hours only, during the open rabbit season on WMAs. Nighttime Experimental Season dates for specific WMAs are for nighttime raccoon hunting and permits may be required. There is no bag limit for raccoons at night unless specified in the annual regulations pamphlet. Raccoon hunters with dogs must submit an annual report of their kill to the region office for WMAs where permits are required. Non-compliance will result in forfeiture of raccoon or all hunting privileges on WMAs. Permits, when required, may be obtained at region offices only between hours of 8 a.m. to 4:30 p.m. on normal working days.

h. Commercial Fishing. Permits are required of all commercial fishermen using Grassy Lake, Pomme de Terre and Spring Bayou WMAs. Drag seines (except minnow and bait seines) are prohibited except experimental bait seines allowed on Dewey Wills WMA north of La. 28 in Diversion Canal. Commercial fishing is prohibited during regular waterfowl seasons on Grand Bay, Silver Lake and Lower Sunk Lake on Three Rivers WMA. Commercial fishing is prohibited on Salvador/Timken, Ouachita and Pointe-aux-Chenes WMAs except commercial fishing on Pointe-aux-Chenes is allowed in Cut Off Canal and Wonder Lake. No commercial fishing activity shall impede navigation and no unattended vessels or barges will be allowed. Non-compliance with permit regulations will result in revocation of commercial fishing privileges for the period the license is issued and one year thereafter. Commercial fishing is allowed on Pass-a-Loutre and Atchafalaya Delta WMAs. See Pass-a-Loutre for additional commercial fishing regulations on mullet.

i. Sport Fishing. Sport fishing, crawfishing and frogging are allowed on WMAs when in compliance with current laws and regulations except as otherwise specified under individual WMA listings.

j. Additional Department Lands. The Department manages additional lands that are included in the WMA system and available for public recreation. Small tracts are located in Rapides, Vernon, Evangeline, St. Helena and other parishes. These small tracts have been acquired from the Farmers Home Administration or other sources for conservation purposes. Contact the appropriate Wildlife and Fisheries Region Office for specific information and any additional season dates.

4. Firearms

a. Firearms having live ammunition in the chamber, magazine, cylinder or clip when attached to firearms are not allowed in or on vehicles, boats under power, motorcycles, ATVs, ATCs or in camping areas on WMAs. Firearms may not be carried on any area before or after permitted hours except in authorized camping areas.

b. Firearms and bows and arrows are not allowed on WMAs during closed seasons except on designated shooting ranges or as permitted for trapping. Bows and broadhead arrows are not allowed on WMAs except during deer archery season, turkey season or as permitted for bowfishing.

c. Encased or broken down firearms and any game harvested may be transported through the areas by the most direct route provided that no other route exists except as specified under Wildlife Management Area listing.

d. Loaded firearms are not allowed near WMA check stations.

e. Centerfire rifles and handguns larger than .22 caliber rimfire, shotgun slugs or shot larger than BB lead or F steel shot cannot be carried onto any WMA except during modern firearm deer season.

f. Target shooting and other forms of practice shooting are prohibited on WMAs except as otherwise specified.

g. Discharging of firearms on or hunting from designated roads, ATV trails or their rights-of-way is prohibited during the modern firearm and muzzleloader deer season.

5. Methods of Taking Game

a. Moving deer or hogs on a WMA with organized drivers and standers, drivers or making use of noises or noise-making devices is prohibited.

b. On Wildlife Management Areas, Federal Refuges and National Forest Lands the daily limit shall be one deer per day, six per season (all segments included) by all methods of take.

c. Baiting or hunting over bait is prohibited on all WMAs (hogs included). Unmarked hogs may be taken on some WMAs by properly licensed hunters from the beginning of archery season on the area until February 29 and only with guns/ammunition or bow and arrow legal for specified seasons in progress. Consult the specific WMA for additional information. Proper licenses and permits are required for hunting.

d. Hunters who kill deer on WMAs that require daily permits must have deer checked at the check station on same day of kill. Deer may not be skinned or have any

external body parts removed including but not limited to feet, legs, tail, head or ears before being checked out.

e. Deer hunting on WMAs is restricted to still hunting only. No WMA will be open for deer during early still hunt season unless specified in the regulation pamphlet.

f. Construction of and/or hunting from permanent tree stands or permanent blinds on WMAs is prohibited. Any permanent stand or permanent blind will be removed and destroyed.

g. On Wildlife Management Areas and Refuges, all deer stands must be removed from the area no later than two hours after the end of legal shooting hours each day. Hunting from utility poles, high tension power lines, oil and gas exploration facilities or platforms is prohibited.

h. A permanent blind is any blind using non-natural materials or having a frame which is not dismantled within two hours after the end of legal shooting time each day. Blinds with frames of wood, plastic, metal, poles, wire, mesh, webbing or other materials may be used but must be removed from the WMA within two hours after the end of legal shooting time each day. Blinds made solely of natural vegetation and not held together by nails or other metallic fasteners may be left in place but cannot be used to reserve hunting locations. All decoys must be removed from the WMA daily.

i. It is illegal to save or reserve hunting locations using permanent stands or blinds. Stands or blinds attached to trees with screws, nails, spikes, etc. are illegal.

j. Tree climbing spurs, spikes or screw-in steps are prohibited.

k. Unattended decoys will be confiscated and forfeited to the Department of Wildlife and Fisheries and disposed of by the Department. This action is necessary to prevent preemption of hunting space.

l. Hunters shall not hunt, take or pursue birds or animals from moving vehicles on any WMA. No person shall take birds or animals from or by any motor boat or sail boat unless the motor has been completely shut off and/or the sail furled and its progress therefrom has ceased.

m. Spot lighting (shining) from vehicles is prohibited on all WMAs.

n. Horses and mules may be ridden on Wildlife Management Areas except where prohibited and except during gun seasons for deer and turkey. Riding is restricted to designated roads and trails. Hunting and trapping from horses and mules is prohibited except for quail hunting or as otherwise specified.

o. All hunters except waterfowl hunters and mourning dove hunters (including archers and small game hunters) on WMAs must display 400 square inches of "Hunter Orange" and wear a "Hunter Orange" cap during open gun season for deer. Quail hunters, woodcock hunters and archers (while on the ground) as well as hunters participating in special dog seasons for rabbit and squirrel are required to wear a minimum of a "Hunter Orange" cap. Also all persons afield during hunting seasons are encouraged to display "Hunter Orange."

p. Archery Season for Deer. The archery season on WMAs is the same as outside and is open for either sex deer except as otherwise specified on individual WMAs. Archery season restricted on Atchafalaya Delta and closed on certain WMAs when special seasons for youth or handicapped hunts

are in progress. Consult regulations pamphlet for specific seasons.

q. Either sex deer may be taken on WMAs at any time during archery season except when bucks only seasons are in progress on the respective WMAs. Archers must abide by bucks only regulations and other restrictions when such seasons are in progress.

r. Muzzleloader Season for Deer. Either sex unless otherwise specified. See WMA deer schedule.

6. Camping

a. Camping on WMAs, including trailers, houseboats, recreational vehicles and tents, is allowed only in designated areas and for a period not to exceed sixteen 16 consecutive days, regardless if the camp is attended or unattended. Houseboats shall not impede navigation. At the end of the 16 day period, camps must be removed from the area for at least 48 hours. Camping area use limited exclusively to outdoor recreational activities.

b. Houseboats are prohibited from overnight mooring within WMAs except on stream banks adjacent to Department-owned designated camping areas. Overnight mooring of vessels that provide lodging for hire are prohibited on WMAs. On Atchafalaya Delta WMA and Pass-a-Loutre, houseboats may be moored in specially designated areas throughout the hunting season. At all other times of the year, mooring is limited to a period not to exceed 16 consecutive days. Permits are required for the mooring of houseboats on Pass-a-Loutre and Atchafalaya Delta WMAs. Permits must be obtained from the New Iberia office.

c. Discharge of human waste onto lands or waters of any WMA is strictly prohibited by State and Federal law. In the event public restroom facilities are not available at a WMA, the following is required. Anyone camping on a WMA in a camper, trailer, or other unit (other than a houseboat or tent) shall have and shall utilize an operational disposal system attached to the unit. Tent campers shall have and shall utilize portable waste disposal units and shall remove all human waste from the WMA upon leaving. Houseboats moored on a WMA shall have a permit or letter of certification from the Health Unit (Department of Health and Hospitals) of the parish within which the WMA occurs verifying that it has an approved sewerage disposal system on board. Further, that system shall be utilized by occupants of the houseboats when on the WMA.

d. No refuse or garbage may be dumped from these boats.

e. Firearms may not be kept loaded or discharged in a camping area.

f. Campsites must be cleaned by occupants prior to leaving and all refuse placed in designated locations when provided or carried off by campers.

g. Non-compliance with camping regulations will subject occupant to immediate expulsion and/or citation, including restitution for damages.

h. Swimming is prohibited within 100 yards of boat launching ramps.

7. Restricted Areas

a. All oil and gas production facilities (wells, pumping stations and storage facilities) are off limits.

b. No unauthorized entry or hunting in restricted areas or refuges.

8. Dogs. All use of dogs on WMAs, except for bird hunting and duck hunting, is Experimental as required by law. Having or using dogs on any WMA is prohibited except for nighttime experimental raccoon hunting, squirrel hunting, rabbit hunting, bird hunting, duck hunting and bird dog training when allowed; see individual WMA season listings for WMAs that allow dogs and dates. Dogs running at large are prohibited on WMAs. The owner or handler of said dogs shall be liable. Only recognizable breeds of bird dogs and retrievers are allowed for quail and migratory bird hunting. Only beagle hounds which do not exceed 15 inches at the front shoulders and which have recognizable characteristics of the breed may be used on WMAs having experimental rabbit seasons.

9. Vehicles

a. An all-terrain vehicle is an off-road vehicle (not legal for highway use) with factory specifications not to exceed the following: weight 750 pounds, length 85 inches, and width 48 inches. ATV tires are restricted to those no larger than 25 x 12 with a maximum 1-inch lug height and a maximum allowable tire pressure of 7 psi as indicated on the tire by the manufacturer.

b. Vehicles having wheels with a wheel-tire combination having a radius of 17 inches or more from the center of the hub (measured horizontal to ground) are prohibited.

c. The testing, racing, speeding or unusual maneuvering of any type of vehicle is prohibited within wildlife management areas due to property damages resulting in high maintenance costs, disturbance of wildlife and destruction of forest reproduction.

d. Tractor or implement tires with farm tread designs R1, R2 and R4 known commonly as spade or lug grip types are prohibited on all vehicles.

e. Airboats, aircraft, personal water craft and hover craft are prohibited on all WMAs and Refuges. Personal water craft are defined as a vessel which uses an inboard motor powering a water jet pump as its primary source of propulsion and is designed to be operated by a person sitting, standing or kneeling on the vessel rather than in the conventional manner of sitting or standing inside the vessel. Personal water craft allowed on designated areas of Alexander State Forest WMA.

f. No internal combustion engines allowed in certain Greentree reservoirs.

g. Driving or parking vehicles on food or cover plots and strips is prohibited.

h. Blocking the entrance to roads and trails is prohibited.

i. Motorized vehicles, including ATVs, and motorcycles, are restricted entirely to designated roads and ATV trails as indicated on WMA maps. WMA maps available at all region offices. This restriction does not apply to bicycles.

j. Use of special ATV trails for handicapped persons is restricted to special ATV handicapped permittees. Handicapped ATV permittees are restricted to handicapped ATV trails or other ATV trails only as indicated on WMA maps. Persons 60 years of age and older, with proof of age, are also allowed to use special handicapped trails and need not obtain a permit. However, these persons must abide by all Rules in place for these trails. Handicapped persons

should make application for a Physically Challenged Hunter Program Permit with the Department.

k. Entrances to ATV trails will be marked with peach colored paint. Entrances to handicapped-only ATV trails will be marked with blue colored paint. Routes of all trails are as indicated on WMA maps. Deviation from the trails indicated on the map constitutes a violation of WMA Rules and regulations.

l. Roads and trails may be closed due to poor condition, construction or wet weather.

m. ATVs, and motorcycles cannot be left overnight on WMAs except on designated camping areas. ATVs are prohibited from two hours after sunset to 3 a.m.. ATVs are prohibited from March 1 through August 31 except certain trails may be open during this time period to provide access for fishing or other purpose. These trails will be marked by signs at the entrance of the trail and designated on WMA maps. Raccoon hunters may use ATVs during nighttime raccoon take seasons only.

n. Caution: Many department-maintained roadways on WMAs are unimproved and substandard. A maximum 20 mph speed limit is recommended for all land vehicles using these roads.

10. Commercial Activities. Hunting Guides/Outfitters: No person or group may act as a hunting guide, outfitter or in any other capacity for which they are paid or promised to be paid directly or indirectly by any other individual or individuals for services rendered to any other person or persons hunting on any Wildlife Management Area, regardless of whether such payment is for guiding, outfitting, lodging or club memberships.

11. Wildlife Management Areas Basic Season Structure. For season dates, bag limits, shooting hours, special seasons and other information consult the annual regulations pamphlet for specific details.

12. Resident Small Game (squirrel, rabbit, quail, dove, woodcock, snipe, rail and gallinule). Consult regulations pamphlet.

13. Waterfowl (ducks, geese and coots). Consult regulations pamphlet. Hunting after 2 p.m. prohibited on all WMAs except for Atchafalaya Delta, Biloxi, Lake Boeuf, Pass-a-Loutre, Pointe-aux-Chenes, Salvador/Timken and Wisner WMAs. Consult specific WMA regulations for shooting hours on these WMAs.

14. Archery. Consult regulations pamphlet.

15. Hogs. Consult regulations pamphlet.

16. Outlaw Quadrupeds and Birds. Consult regulations pamphlet. During hunting seasons specified on WMAs, incidental take of outlaw quadrupeds and birds is allowed by properly licensed hunters and only with guns or bows and arrows legal for season in progress on WMA. However, crows, blackbirds, grackles and cowbirds may not be taken before September 1 or after January 2.

17. Wildlife Management Areas Hunting Schedule and Regulations

a. Acadiana Conservation Corridor

b. Alexander State Forest. Vehicles restricted to paved and graveled roads. No parking on or fishing or swimming from bridges. No open fires except in recreation areas.

c. Atchafalaya Delta. Water control structures are not to be tampered with or altered by anyone other than

employees of the Department of Wildlife and Fisheries at any time. ATVs, ATCs and motorcycles prohibited except as permitted for authorized WMA trappers.

- d. Attakapas
- e. Bayou Macon. All night activities prohibited except as otherwise provided. Mules are allowed for nighttime raccoon hunting.
- f. Bayou Pierre
- g. Bens Creek
- h. Big Colewa Bayou. All nighttime activities prohibited.
- i. Big Lake
- j. Biloxi
- k. Bodcau
- l. Boeuf
- m. Boise-Vernon
- n. Buckhorn
- o. Camp Beauregard. Daily military clearance required for all recreational users. Registration for use of Self Clearing Permit required once per year. All game harvested must be reported. Retriever training allowed on selected portions of the WMA. Contact the Region office for specific details.
- p. Dewey W. Wills. Crawfish: 100 pounds per person per day.
- q. Elm Hall. No ATVs allowed.
- r. Floy McElroy
- s. Fort Polk. Daily military clearance required to hunt or trap. Registration for use of Self Clearing Permit required once per year. Special regulations apply to ATV users.
- t. Grassy Lake. Commercial Fishing: Permitted except on Smith Bay, Red River Bay and Grassy Lake proper on Saturday and Sunday and during waterfowl season. Permits available from area supervisor at Spring Bayou headquarters or Opelousas Region Office. No hunting in restricted area.
- u. Jackson-Bienville. ATVs are allowed on non-public maintained gravel roads and timber management woods, roads and trails.
- v. Joyce. Swamp Walk: Adhere to all WMA Rules and regulations. No firearms or hunting allowed within 100 yards of walkways. Check hunting schedule and use walkway at your own risk.
- w. Lake Boeuf. Hunting allowed until 12:00 noon on all game.
- x. Lake Ramsay. Foot traffic only. Call vehicles restricted to Parish Roads.
- y. Little River
- z. Loggy Bayou
- aa. Manchac. Crabs: No crab traps allowed. Attended lift nets are allowed.
- bb. Maurepas Swamp
- cc. Ouachita. Waterfowl Refuge: North of La. Hwy. 15 closed to all hunting, fishing and trapping during duck season including early teal season. Crawfish: 100 pounds per person per day limit. Night crawfishing prohibited. No traps or nets left overnight. Commercial Fishing: Closed. All nighttime activities prohibited except as otherwise provided.
- dd. Pass-a-Loutre. Commercial Fishing: Same as outside. Commercial mullet fishing open only in: South Pass, Pass-a-Loutre, North Pass, Southeast Pass, Northeast

Pass, Dennis Pass, Johnson Pass, Loomis Pass, Cadro Pass, Wright Pass, Viveats Pass, Cognevich Pass, Blind Bay, Redfish Bay, Garden Island Bay, Northshore Bay, East Bay (west of barrier islands) and oil and gas canals as described on the Department Pass-a-Loutre WMA map. ATVs, ATCs and motorcycles prohibited on this area. Oyster harvesting is prohibited.

ee. Pearl River. All roads closed 8 p.m. to 4:30 a.m. to all vehicles. Old Hwy. 11 will be closed when river gauge at Pearl River, Louisiana, reaches 16.5 feet. All hunting will be closed when the river stage at Pearl River reaches 16.5 feet except waterfowl hunting south of Hwy. 90. No hunting in the vicinity of Nature Trail. Observe "No Hunting" signs. Rifle range open noon until 4 p.m. Friday, and 8 a.m. to 4:30 p.m. Saturday and Sunday with a fee.

ff. Peason Ridge. Daily military clearance required to hunt or trap. Registration for use of Self Clearing Permit required once per year. Special federal regulations apply to ATV users.

gg. Pointe-aux-Chenes. Hunting until 12 noon on ALL GAME, except for mourning DOVE hunting and experimental youth deer hunt as specified in regulation pamphlet. Point Farm: Gate will be open during each Saturday of the second split of mourning dove season and all weekends during month of February. No motorized vessels allowed in the drainage ditches. Recreational Fishing: Shrimp may be taken by the use of cast nets only. During the inside open shrimp season, 25 pounds per boat per day (heads on) shall be allowed. Size count to conform with open season requirements. During the inside closed season, 10 pounds per boat per day (heads on) may be taken for bait. Oyster harvesting is prohibited. Fish may be taken only by rod and reel or hand lines for recreational purposes only. Crabs may be taken only through the use of hand lines or nets; however, none are to remain set overnight. Twelve dozen crabs are allowed per boat or vehicle per day. Crawfish may be harvested in unrestricted portions of the wildlife management area and shall be limited to 100 pounds per boat or group. Fishing gear used to catch crawfish shall not remain set overnight. The harvest of all fish, shrimp, crabs and crawfish are for recreational purposes only and any commercial use is prohibited. Mudboats or vessels with engines larger than 25 h.p. prohibited in the Montegut and Grand Bayou marsh management units. Public is permitted to travel anytime through the WMA for access purposes only, in the waterways known as Grand Bayou, Humble Canal, Little Bayou Blue and Grand Bayou Blue. All other motorized vehicles, horses and mules are prohibited unless authorized by the department.

hh. Pomme de Terre. Commercial Fishing: permitted Monday through Friday, except closed during duck season. Commercial Fishing permits available from area supervisor, Opelousas Region Office or Spring Bayou headquarters. Sport Fishing: Same as outside except allowed after 2 p.m. only during waterfowl season. Crawfish: April 1 - July 31, recreational only, 100 lbs. per boat or group daily.

ii. Red River. Crawfishing prohibited on Wetland Restoration Areas.

jj. Russell Sage. Transporting trash or garbage on WMA roads is prohibited. All nighttime activities prohibited except as otherwise provided. Note: All season dates on Chauvin Tract (U.S. 165 North) same as outside, except still

hunt only and except deer hunting restricted to archery only. Waterfowl hunting after 2 p.m. prohibited. All vehicles including ATVs prohibited.

kk. Sabine

ll. Sabine Island. Sabine Island boundaries are Sabine River on the west, Cut-Off Bayou on the north, and Old River and Big Bayou on the south and east.

mm. Salvador/Timken. Hunting until 12 noon only for all game. All nighttime activities prohibited, including frogging. Recreational Fishing: Shrimp may be taken by the use of cast nets only. During the inside open shrimp season, 25 pounds per boat per day (heads on) shall be permitted. Size count to conform with open season requirements. During the inside closed season, 10 pounds per boat per day (heads on) may be taken for bait. Fish may be taken only by rod and reel or hand lines for recreational purposes only. Crabs may be taken only through the use of hand lines or nets; however, none of the lines are to remain set overnight. Twelve dozen crabs maximum are allowed per boat or vehicle per day. Crawfish may be harvested in unrestricted portions of the wildlife management area and shall be limited to 100 pounds per boat or group. Fishing gear used to catch crawfish shall not remain set overnight. The harvest of all fish, shrimp, crabs and crawfish are for recreational purposes only and any commercial use is prohibited. Boats powered by internal combustion engines having horsepower ratings above 25 hp are permitted only in oil company access canals, Louisiana Cypress Canal, the Netherlands Pond including the West Canal, Lakes - "Baie Des Chactas" and Baie du Cabanage" and the Rathborne Access ditch. Use of mudboats powered by internal combustion engines with four cylinders or less is permitted in interior ditches from September 6-February 1. Pulling boats over levees, dams or water control structures or any other activities which cause detriment to the integrity of levees, dams and water control structures is prohibited. ATVs, ATCs and motorcycles prohibited on this area.

nn. Sandy Hollow. Bird Dog Training: Consult regulation pamphlet. Wild birds only (use of pen-raised birds prohibited). Bird Dog Field Trials: Permit required from Baton Rouge Region Office. Horseback Riding: Organized trail rides prohibited. Riding allowed only on designated roads and trails. Horses and mules are specifically prohibited during turkey and gun season for deer except as allowed for bird dog field trials. No horses and mules on green planted areas. No motorized vehicles allowed off designated roads.

oo. Sherburne. Crawfishing: Recreational crawfishing only on the North and South Farm Complexes. Crawfish harvest limited to 100 pounds per vehicle or boat per day. No traps or nets left overnight. No motorized watercraft allowed on farm complex. Commercial crawfishing allowed on the remainder of the area. Permit is required. Retriever training allowed on selected portions of

the WMA. Contact the Region office for specific details. Vehicular traffic prohibited on east Atchafalaya River levee within Sherburne WMA boundaries. Rifle and Pistol Range open daily. Skeet ranges open by appointment only, contact Hunter Education Office. No trespassing in restricted area behind ranges. Note: Atchafalaya National Wildlife Refuge, and U.S. Army Corps of Engineers land holdings adjacent to the Sherburne Wildlife Management Area will have the same Rules and regulations as Sherburne WMA. No hunting or trapping in restricted area.

pp. Sicily Island Hills

qq. Soda Lake. No motorized vehicles allowed. All trapping and hunting prohibited except archery hunting for deer.

rr. Spring Bayou. Commercial Fishing: permitted Monday through Friday except slat traps and hoop nets permitted any day. Permits available from area supervisor or Opelousas Region Office. Closed until after 2 p.m. during waterfowl season. Sport Fishing: Same as outside except allowed only after 2 p.m. during waterfowl season. Crawfish: recreational only. No hunting allowed in headquarters area. Only overnight campers allowed in the improved Boggy Bayou Camping area. Rules and regulations posted at camp site. A fee is assessed for use of this camp site. Water skiing allowed only in Old River and Grand Lac.

ss. Thistlethwaite. No hunting or trapping in restricted area (See WMA Map). All motorized vehicles restricted to improved roads only. All users must enter and leave through main gate only. No entry into restricted areas.

tt. Three Rivers

uu. Tunica Hills. All vehicles restricted to Parish roads. ATVs restricted to designated trails. Driving on food plots prohibited. Access to restricted areas is unauthorized. Refer to WMA map. Camping prohibited on area. North of Hwy. 66 (Angola Tract) closed to the general public March 1-September 30 except spring turkey hunting access allowed for those individuals drawn for special lottery hunt.

vv. Union. All nighttime activities prohibited except as otherwise provided.

ww. West Bay

xx. Wisner

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:115 and R.S. 56:116.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 25:1279 (July 1999), amended LR 26:1494 (July 2000), LR 27:1049 (July 2001), LR 28:1603 (July 2002), LR 29:1124 (July 2003).

Terry D. Denmon
Chairman

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