

Notices of Intent

NOTICE OF INTENT

Department of Agriculture and Forestry
Office of Agricultural and Environmental Sciences

Organic Farming (LAC 7:XLIII.Chapter 1)

In accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, hereby proposes to amend regulations governing the state's organic certification program.

The United States Congress passed legislation that preempts the regulations of organic certification programs by the states. The United States Department of Agriculture has adopted rules and regulations governing organic certification programs. Therefore, the Department of Agriculture and Forestry is repealing the department's rules and regulations governing the organic certification program in Louisiana. The department is enacting a fee schedule for providing organic certification services as authorized by federal regulations.

All previous regulations, Sections 101-129, of the department governing the organic certification program are repealed. Sections 101 and 103 are re-enacted to read as follows.

This Rule is enabled by R.S. 40:608.3.

Title 7

AGRICULTURE AND ANIMALS

Part XLIII. Organic Farming

Chapter 1. Organic Certification Program

§101. Organic Certification

A. Organic certification is governed by federal regulations which may be found in the Code of Federal Regulations Volume 65, Number 246, Part IV, 7 CFR Part 205, Subparts A-E, and Subpart G, Sections 600-607, 642-663; 670-681.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:608.3 and 7 CFR 205.642.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, LR 30:

§103. Organic Certification Fees

A. Producers, processors, handlers, and distributors participating in the National Organic Program certified by the Department of Agriculture and Forestry will be charged organic certification fees.

B. The organic application fee, organic certification fee or annual update fee shall be paid by new applicants or those applicants updating organic certification and shall be paid in accordance with the following schedule.

Organic Certification Fee Schedule		
A nonrefundable \$25 application fee is required for all business types. (Submitted with organic certification application.)		
Organic Business Type	Initial	Annual Update
Producer Land Area Based on Acres	\$	
Less than 5 acres	150	75
5 to 25 acres	200	100
Greater than 25 acres	300	150
Plus C Each additional Increment of 25 acres	50	50
Producer Land Area Based on Square Feet	\$	
Less than 250 sq. ft.	100	50
250 to 1000 sq. ft.	150	75
Greater than 1000 sq. ft.	200	100
Plus C Each Additional Increment of 250 sq. ft.	50	50
Handler/Processor	\$	
Handler/Processor	500	500
Handler C Distributor only	300	300

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:608.3 and 7 CFR 205.642.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, LR 30:

§105. Certification; Evaluation

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:608.3.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, LR 20:394 (April 1994), repealed LR 30:

§107. Certification; Transitional Period

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:608.3.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, LR 20:395 (April 1994), repealed LR 30:

§109. Recertification

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:608.3.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, LR 20:395 (April 1994), repealed LR 30:

§111. Required Records; Verification

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:608.3.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, LR 20:395 (April 1994), repealed LR 30:

§113. Auditing

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:608.3.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, LR 20:395 (April 1994), repealed LR 30:

§115. Louisiana Certified Organic Mark

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:608.3.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, LR 20:395 (April 1994), repealed LR 30:

§117. Conditions of Retail Sale

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:608.3.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, LR 20:396 (April 1994), repealed LR 30:

§119. Drugs and Medicinal Claims

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:608.3.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, LR 20:396 (April 1994), repealed LR 30:

§121. Enforcement and Complaint Investigation

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:608.3.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, LR 20:396 (April 1994), repealed LR 30:

§123. Organic Certification Inspection Fees

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:608.3.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, LR 20:396 (April 1994), repealed LR 30:

§125. Louisiana Organic Standards Advisory Council

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:608.3.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, LR 20:397 (April 1994), repealed LR 30:

§127. Prohibited Acts

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:608.3.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, LR 20:397 (April 1994), repealed LR 30:

§129. Penalties

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:608.3.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, LR 20:397 (April 1994), repealed LR 30:

Family Impact Statement

The proposed amendments to Rules LAC XLIII Chapter 1 governing organic farming regulations should not have any known or foreseeable impact on any family as defined by R.S. 49:972 D or on family formation, stability and

autonomy. Specifically there should be no known or foreseeable effect on:

1. the stability of the family;
2. the authority and rights of parents regarding the education and supervision of their children;
3. the functioning of the family;
4. family earnings and family budget;
5. the behavior and personal responsibility of children;
6. the ability of the family or a local government to perform the function as contained in the proposed Rule.

All interested persons may submit written comments on the proposed Rule through, July 25, 2004 to Craig Roussel, Department of Agriculture and Forestry, 5825 Florida Blvd., Baton Rouge, LA 70806. No preamble concerning the proposed Rule is available.

Bob Odom
Commissioner

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES
RULE TITLE: Organic Farming**

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

Implementation of these rule changes will result in no costs or savings to state or local governmental units. The Louisiana Department of Agriculture and Forestry intends to repeal and amend the Organic Certification Program regulations to be in compliance with new federal regulations governing certification of organic producers or handlers. The changes in the regulations will allow the implementation of a federally accredited organic certification program by this department. The organic industry in Louisiana has requested that this department become accredited.

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

There will be an increase in gross revenue collections for the Fiscal Years 2005 of \$5,750 and 2006 of \$5,300, respectively, of this state department. The organic industry has not seen a significant growth in past years, therefore, future revenue collections or expected to stabilize at approximately \$5,300. The proposed fee change incorporates fees into the certification fee structure that were normally collected as separate fees used to cover costs for sample analysis. The federal regulations stipulate that all fees charged to organic producers must be part of the certification fee schedule.

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

This department has not collected organic certification fees since October 2002, when the federal rule was implemented. Prior to October 2002, this department had rules in place that set organic certification fees for a state organic program. When compared to these organic certification fees collected prior to October 2002, changes to the rule will represent a fee increase to the organic industry. However, certified organic producers in Louisiana, in order to maintain certification after October 2002, were forced to contract private out-of-state organic certifiers. Fees charged by private certifiers are substantially higher than the proposed fees by this department. Therefore, once this department obtains federal organic accreditation and the state rule changes are implemented, the fee structure proposed will actually offer a significant cost savings to organic producers in Louisiana.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT
(Summary)

The changes in the rule will assist the organic industry in Louisiana in being able to better compete with organic producers across the country. Louisiana grown produce marketed locally is fresher and is preferred by shoppers in Louisiana. A healthy and growing organic industry will create jobs and small business opportunities in rural areas where opportunities such as these are limited.

Skip Rhorer Robert E. Hosse
Assistant Commissioner General Government Section Director
0406#055 Legislative Fiscal Office

NOTICE OF INTENT

**Department of Civil Service
Board of Ethics**

Ethics

(LAC 52:I.101,611, 701, 704, 708, 801, 902, 1005, 1202, 1205, 1206, 1305, 1307, 1308, 1310, 1313, 1315, 1317, 1501, 1502, 1604, 1609, 1610, 1701-1725, 1801, 1803, 1902, 1905, 1906, 1907, 1909, 1910, 1911, 2001, and 2003)

In accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., notice is hereby given that the Department of Civil Service, Louisiana Board of Ethics has initiated rulemaking procedures to promulgate rules, and amendments to the rules for the Board of Ethics, as well as repeals the procedural rules for drug testing elected officials, since that statutory provision was declared unconstitutional.

**Title 52
ETHICS**

Part I. Board of Ethics

Chapter 1. Definitions

§101. Definitions

Adversarial Public Hearing Any public hearing conducted by the board, or any other related matter, concerning charges issued, or a public hearing concerning a person's failure to pay late fees.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:1134(A).

HISTORICAL NOTE: Promulgated by the Department of Civil Service, Board of Ethics, LR 23:1288 (October 1997), amended LR 24:1893 (October 1998), LR 30:

Chapter 6. Advisory Opinions

§611. Persons to be Heard

A. At any time during the board's general agenda, opportunity to appear before the board shall be provided to persons who would like to comment on an item of the board's general agenda, excluding those items scheduled as adversarial public hearings.

B. Subject to the provisions of this Section, the chairman shall have the authority to regulate the course of comments in connection with an item before the board, including the authority to begin and terminate the consideration of an item before the board, to continue consideration of the item to another time or location, and to limit comments which would be excessively cumulative or not related to the purpose of the matter; provided that nothing herein shall be

construed to prevent the right of any citizen to speak at a public meeting.

C. Any person requesting to appear before the board, shall notify the executive secretary of their interest in the matter, and the group, organization or company they represent, if any, prior to the item being called by the board for consideration. Regarding comments provided before the board, the chairman shall give first preference for speaking to the person submitting the item to the board and second preference to any person who is the subject of the matter submitted. Thereafter the chairman shall allow those persons who have notified the executive secretary of their wish to appear before the board in order of the receipt of said notification. The chairman may fix the maximum amount of time that each person has to provide comments. The chairman shall allot the time in an equitable manner among those persons who are to be heard.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:1134(A).

HISTORICAL NOTE: Promulgated by the Department of Civil Service, Board of Ethics, LR 30:

Chapter 7. Complaints

§701. General Requirements

A. The board shall consider any signed sworn or non-sworn complaint from any elector concerning a violation of any law within its jurisdiction or the regulations or orders issued by the board. The complaint may be based on firsthand knowledge or on information and belief. Upon consideration of a sworn complaint, the board may close the file, refer the complaint to investigation, or take such other action as it deems appropriate.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:1134(A).

HISTORICAL NOTE: Promulgated by the Department of Civil Service, Board of Ethics, LR 23:1292 (October 1997), amended LR 30:

§704. Notification

A. The executive secretary shall mail by certified mail a certified copy of the vote and explanation of the matter to the subject of the non-sworn complaint or other matter as provided in §703 of these rules within ten days after the vote occurs.

B. The executive secretary shall mail by certified mail a copy of the sworn complaint if one has been submitted to the Board to the subject of the sworn complaint and the complainant within ten days after the sworn complaint is received and considered.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:1134(A).

HISTORICAL NOTE: Promulgated by the Department of Civil Service, Board of Ethics, LR 23:1292 (October 1997), amended LR 30:

§708. Complaints; Action by the Board

A. The board shall have one year from the date upon which a sworn complaint is received to either dismiss the complaint or file formal charges.

1. The board shall consider any signed sworn or non-sworn complaint from any elector concerning a violation of any law within its jurisdiction or the regulations or orders issued by the board. The complaint may be based on firsthand knowledge or on information and belief. Upon consideration of a complaint, the board may close the file, refer the complaint to investigation, or take such other action as it deems appropriate.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:1134(A).

HISTORICAL NOTE: Promulgated by the Department of Civil Service, Board of Ethics, LR 23:1292 (October 1997), LR 30:

Chapter 8. Investigations

§801. General

A. Upon receiving a complaint or voting to consider a matter as provided in §703 of these rules, the board may instruct the staff to conduct a private investigation. In the event the board divides itself into panels, the board may instruct the chairman to assign each such matter to the appropriate panel for private investigation. The executive secretary or his designee shall provide written notification of the commencement of the investigation to the subject of the investigation and complainant not less than 10 days prior to the date set for the investigation.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:1134(A).

HISTORICAL NOTE: Promulgated by the Department of Civil Service, Board of Ethics, LR 23:1293 (October 1997), amended LR 30:

Chapter 9. Consent Opinions

§902. Procedures

A. If the board decides to offer a consent opinion, it shall direct its staff to prepare a draft to be sent to the subject of the allegation for acceptance, modification, or rejection. If the subject of the allegation accepts the terms of the proposed consent opinion, then the opinion shall be placed on the board's executive agenda for review. The board shall have the option to reject a proposed consent opinion and take further appropriate action. If the opinion is accepted by the board, the opinion shall be placed on the board's general business agenda for adoption and publication. If the subject of the allegation refuses the offer, then the item shall be placed upon the board's agenda for further action.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:1134(A).

HISTORICAL NOTE: Promulgated by the Department of Civil Service, Board of Ethics, LR 23:1293 (October 1997), amended LR 30:

Chapter 10. Hearings

§1005. Notice of Public Hearings

A. The executive secretary shall cause notice of public hearings to be posted on the board's website and mailed to requesting parties at least five days prior thereto, except as otherwise specifically provided in Section 1141(E) of the Code of Governmental Ethics or in the case of emergencies.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:1134(A).

HISTORICAL NOTE: Promulgated by the Department of Civil Service, Board of Ethics, LR 23:1294 (October 1997), amended LR 30:

Chapter 12. Penalties

§1202. Late Filing; Notice

A. The staff shall mail by certified mail a notice of delinquency within four business days after the due date for any report or statement, of which the staff knows or has reason to know is due by the filer, that is due under any law within the board's jurisdiction which has not been timely filed.

B. If the date on which a report is required to be filed occurs on a weekend or federal or state holiday, the report shall be filed no later than the first working day after the

date it would otherwise be due that is not a federal or state holiday.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:1134(A).

HISTORICAL NOTE: Promulgated by the Department of Civil Service, Board of Ethics, LR 23:1298 (October 1997), amended LR 26:628 (April 2000), LR 30:

§1205. Late Filing; Appeal and Good Cause

A. Any person assessed with automatic late filing fees may appeal, in writing, to the board within 30 days after the mailing of the assessment requiring the payment of late filing fees, setting forth the facts which tend to prove that the late filer had good cause for filing late. The late filer may request an appearance. The executive secretary shall place all such appeals on the board's agenda for consideration.

B. The board may waive late filing fees for good cause shown. Good cause means any actions or circumstances which, in the considered judgment of the board, were not within the control of the late filer and which were the direct cause of the late filing or any provision specified in R.S. 18:1511.5(B).

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:1134(A).

HISTORICAL NOTE: Promulgated by the Department of Civil Service, Board of Ethics, LR 23:1298 (October 1997), amended LR 30:

§1206. Late Filing; Failure to Pay Penalties Assessed

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:1134(A).

HISTORICAL NOTE: Promulgated by the Department of Civil Service, Board of Ethics, LR 23:1298 (October 1997), repealed LR 30:

Chapter 13. Records and Reports

§1305. Statements Filed Pursuant to Section 1120 of the Code

A. Statements Filed Pursuant to this Section contain:

1. the name and address of the elected official; and
2. a detailed description of the matter in question, including the description of the transaction to be voted upon as well as a description of the nature of the conflict, or potential conflict, and the reasons why despite the conflict the elected official is able to cast a vote that is fair, objective and in the public interest.

B. The executive secretary shall maintain these statements suitably indexed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:1134(A).

HISTORICAL NOTE: Promulgated by the Department of Civil Service, Board of Ethics, LR 23:1299 (October 1997), amended LR 30:

§1307. Notices Filed Pursuant to Section 56A of the Lobbyist Disclosure Act; Fundraisers held during the Regular Legislative Session.

A. Notices filed pursuant to this Section shall:

1. be filed not less than 30 days prior to the fundraising event;
2. be in writing on a form provided by the board or a form which is substantially the same as the form provided by the board; and
3. contain:
 - a. the name of the legislator by or for whom the fundraising function is being given;

- b. the date of the fundraising function;
- c. the location of the fundraising function;
- d. a statement that the information contained in the notice is true and accurate and that no required information has been deliberately omitted.

B. When filed by any one other than the legislator, the notice shall also provide the name of the individual, group or organization giving or sponsoring the fundraising function and the statement of accuracy shall be made by the individual or by a representative of the group or organization sponsoring the fundraising event.

C. The executive secretary shall maintain these statements suitably indexed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:1134(A).

HISTORICAL NOTE: Promulgated by the Department of Civil Service, Board of Ethics, LR 23:1299 (October 1997), amended LR 30:

§1308. Disclosure Forms Filed Pursuant to R.S. 39:1233.1

A. Disclosure forms filed pursuant to R.S. 39:1233.1 shall:

- 1. be in writing and on the form in §1911;

A.2. - B. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:1134(A).

HISTORICAL NOTE: Promulgated by the Department of Civil Service, Board of Ethics, LR 23:1299 (October 1997), amended LR 30:

§1310. Notices Filed Pursuant to Section 56.1A of the Lobbyist Disclosure Act; Fundraisers held during a Special Legislative Session.

A. Notices filed pursuant to this Section shall:

1. be filed not later than two business days after the issuance of a proclamation stating the object of a special session;

2. be in writing on a form provided by the board or a form which is substantially the same as the form provided by the board; and

3. contain:

- a. the name of the legislator by or for whom the fundraising function is being given;
- b. the date of the fundraising function;
- c. the location of the fundraising function.

B. When filed by anyone other than a legislator, the notice shall also provide the name of the individual, group or organization giving or sponsoring the fundraising function and the statement of accuracy shall be made by the individual or by a representative of the group or organization sponsoring the fundraising event.

C. The executive secretary shall maintain these statements suitably indexed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:1134(A).

HISTORICAL NOTE: Promulgated by the Department of Civil Service, Board of Ethics, LR 30:

§1313. Disclosure Forms Filed Pursuant to R.S. 27:96.A and R.S. 27:261.A

A. Disclosure forms filed pursuant to R.S. 27:96.A and R.S. 27:261.A shall:

1. be in writing and on a form provided by the board or a form which is substantially similar to the form provided by the board;

2. be filed no later than five days prior to the public officer's performance;

3. contain:

- a. the name and address of the public officer;
- b. the position held by the public officer;
- c. the date, time and place of the performance;
- d. the amount of compensation the public officer has contracted to receive for the performance; and,
- e. the identity of the person or entity providing the compensation;

4. include a copy of the contract.

B. The executive secretary shall maintain these forms suitably indexed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:1134(A).

HISTORICAL NOTE: Promulgated by the Department of Civil Service, Board of Ethics, LR 30:

§1315. Disclosure Forms Filed by Members of the Gaming Control Board Pursuant to R.S. 27:12.B

A. Disclosure forms filed pursuant to R.S. 27:12.B shall:

1. be in writing and on a form provided by the board or a form which is substantially similar to the form provided by the board;

2. filed before confirmation of the Gaming Control Board member and annually thereafter no later than January 31st of each calendar year;

3. contain:

- a. the name and address of the member;
- b. the position held by the member;
- c. all assets and liabilities, property and business interests, and sources of income of the member, the spouse of the member and the minor children of the member; and
- d. a sworn affidavit as to its accuracy.

B. The executive secretary shall maintain these forms suitably indexed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:1134(A).

HISTORICAL NOTE: Promulgated by the Department of Civil Service, Board of Ethics, LR 30:

§1317. Affidavits Filed by Employees and Agents of the Gaming Division Pursuant to R.S. 27:63.B and R.S. 27:226.B

A. Affidavits filed pursuant to R.S. 27:63.B and R.S. 27:226.B shall:

1. be in writing and on a form provided by the board or a form which is substantially similar to the form provided by the board;

2. filed at the time of appointment of the employee or agent and annually thereafter no later than May 31st of each calendar year; and

3. contain the name and address of the employee or agent and a statement that neither he nor his spouse has an interest in an applicant licensee or permittee.

B. The executive secretary shall maintain these forms suitably indexed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:1134(A).

HISTORICAL NOTE: Promulgated by the Department of Civil Service, Board of Ethics, LR 30:

Chapter 15. Exemption Pursuant to Provisions of Section 1123(22) of the Code

§1501. Application

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:1134(A).

HISTORICAL NOTE: Promulgated by the Department of Civil Service, Board of Ethics, LR 30:

§1502. Requirements

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:1134(A).

HISTORICAL NOTE: Promulgated by the Department of Civil Service, Board of Ethics, LR 30:

Chapter 16. The Board as Supervisory Committee of the Louisiana Campaign Finance Disclosure Act

§1604. Registration and Reporting; Forms

A. - C. ...

D. repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:1134(A).

HISTORICAL NOTE: Promulgated by the Department of Civil Service, Board of Ethics, LR 23:1301 (October 1997), amended LR 30:

§1609. Contribution Limit

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:1134(A).

HISTORICAL NOTE: Promulgated by the Department of Civil Service, Board of Ethics, LR 26:1429 (July 2000), repealed LR 30:

§1610. Monthly Reporting by Political Committees

1. If a political committee, other than a principal or subsidiary campaign committee of a candidate, chooses to file campaign finance disclosure reports on a monthly basis, written notification must be provided to the supervisory committee no less than 45 days prior to the next campaign finance disclosure report required by R.S. 18:1491.6 and R.S. to be filed by the political committee.

2. Such notification must be in writing on a form provided by the supervisory committee or a form which is substantially similar to the form provided by the supervisory committee, and be signed by the chairman of the political committee.

3. Upon receipt of the written notification from the political committee by the supervisory committee, the political committee shall file reports by the tenth of each month if the political committee accepted a contribution or some other receipt, or made an expenditure or some other disbursement during the preceding month. If the political committee is required to file a monthly report, the political committee shall begin filing monthly reports no later than the next month after which notification is received by the supervisory committee.

4. If a political committee intends to cease filing reports on a monthly basis written notification must be provided to the supervisory committee prior to the due date of the next monthly report; thereafter, the political committee must file the next monthly report and then commence filing reports in accordance with R.S. 18:1491.6.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:1134(A).

HISTORICAL NOTE: Promulgated by the Department of Civil Service, Board of Ethics, LR 30:

Chapter 17. Random Drug Testing for Elected Officials

§1701. General

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:1116.1 and R.S. 42:1141(B)(3).

HISTORICAL NOTE: Promulgated by the Department of Civil Service, Board of Ethics, LR 24:1893 (October 1998), repealed LR 30:

§1703. Designated Representative; Duties and Responsibilities

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:1116.1 and R.S. 42:1141(B)(3).

HISTORICAL NOTE: Promulgated by the Department of Civil Service, Board of Ethics, LR 24:1893 (October 1998), repealed LR 30:

§1705. Random Selection of Elected Officials

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:1116.1 and R.S. 42:1141(B)(3).

HISTORICAL NOTE: Promulgated by the Department of Civil Service, Board of Ethics, LR 24:1894 (October 1998), repealed LR 30:

§1707. Selection Process; Random Number Selector

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:1116.1 and R.S. 42:1141(B)(3).

HISTORICAL NOTE: Promulgated by the Department of Civil Service, Board of Ethics, LR 24:1894 (October 1998), repealed LR 30:

§1709. Selection Process; Percentage

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:1116.1 and R.S. 42:1141(B)(3).

HISTORICAL NOTE: Promulgated by the Department of Civil Service, Board of Ethics, LR 24:1894 (October 1998), repealed LR 30:

§1710. Notice

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:1116.1 and R.S. 42:1141(B)(3).

HISTORICAL NOTE: Promulgated by the Department of Civil Service, Board of Ethics, LR 24:1894 (October 1998), repealed LR 30:

§1711. Collection Agency; Duties and Responsibilities

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:1116.1 and R.S. 42:1141(B)(3).

HISTORICAL NOTE: Promulgated by the Department of Civil Service, Board of Ethics, LR 24:1894 (October 1998), repealed LR 30:

§1713. Collection Agency; Confidentiality

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:1116.1 and R.S. 42:1141(B)(3).

HISTORICAL NOTE: Promulgated by the Department of Civil Service, Board of Ethics, LR 24:1894 (October 1998), repealed LR 30:

§1715. NIDA-Certified and CAP-FUDT-Certified Laboratories

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:1116.1 and R.S. 42:1141(B)(3).

HISTORICAL NOTE: Promulgated by the Department of Civil Service, Board of Ethics, LR 24:1894 (October 1998), repealed LR 30:

§1717. Second Separate Test

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:1116.1 and R.S. 42:1141(B)(3).

HISTORICAL NOTE: Promulgated by the Department of Civil Service, Board of Ethics, LR 24:1894 (October 1998), repealed LR 30:

§1721. Good Cause for Failure to Report to Collection Site

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:1116.1 and R.S. 42:1141(B)(3).

HISTORICAL NOTE: Promulgated by the Department of Civil Service, Board of Ethics, LR 24:1894 (October 1998), repealed LR 30:

§1723. Medical Review Officer; Duties and Responsibilities

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:1116.1 and R.S. 42:1141(B)(3).

HISTORICAL NOTE: Promulgated by the Department of Civil Service, Board of Ethics, LR 24:1894 (October 1998), repealed LR 30:

§1725. Test Result Records

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:1116.1 and R.S. 42:1141(B)(3).

HISTORICAL NOTE: Promulgated by the Department of Civil Service, Board of Ethics, LR 24:1894 (October 1998), repealed LR 30:

§1727. Violations

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:1116.1 and R.S. 42:1141(B)(3).

HISTORICAL NOTE: Promulgated by the Department of Civil Service, Board of Ethics, LR 24:1894 (October 1998), repealed LR 30:

Chapter 18. Electronic Filing

§1801. In General

A. ...

B. To file electronic reports, a filer must complete and submit the affidavit provided by the board to obtain a password for electronic filing. The affidavit should be completed and received by the board at least five business days prior to the reporting deadline. All filers whose affidavits are received at least five business days prior to a reporting deadline will be issued a user id and a password for the next reporting deadline.

C. Although a filer using the electronic filing software system has until midnight on the day of a filing deadline to electronically file a report, staff support is only available during regular business hours.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:1116.1 and R.S. 42:1141(B)(3).

HISTORICAL NOTE: Promulgated by the Department of Civil Service, Board of Ethics, LR 24:1896 (October 1998), amended LR 30:

§1803. Validation of Reports

A. - B. ...

C. Reports required to be filed under oath may be submitted electronically.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:1134(A).

HISTORICAL NOTE: Promulgated by the Department of Civil Service, Board of Ethics, LR 25:24 (January 1999), amended LR 30:

Chapter 19. Lobbyist Disclosure Act

§1902. Filing Fees

A. Lobbyist registration fees submitted pursuant to R.S. 24:53 shall be made by check or money order payable to the Board of Ethics.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:1134(A).

HISTORICAL NOTE: Promulgated by the Department of Civil Service, Board of Ethics, LR 25:624 (April 1999), amended LR 30:

§1905. Personal Financial Disclosure Form

**Appendix A
Personal Financial Disclosure Form
for Governors and Gubernatorial Candidates
Filed pursuant to LSA_R.S. 42:1124**

1. FULL NAME	2. SPOUSE'S FULL NAME
3. RESIDENCE ADDRESS	
4. SPOUSE'S OCCUPATION (IF ANY)	
5. SPOUSE'S PRINCIPAL BUSINESS ADDRESS	
6. This report covers calendar year _____	
7. Check if Amended Report _____	

Note: Where amounts are required herein, indicate such amounts by use of one of the following categories:

- I. less than \$5,000;
- II. \$5,000 to \$24,999;
- III. \$25,000 to \$49,999;
- IV. \$50,000 to \$99,999;
- V. \$100,000 to \$199,999;
- VI. \$200,000 or more.

Use as many pages of each section of the form as are required. Machine copies of the form's pages may be used. Complete all sections (if not applicable, so indicate). Please type or print.

8. Affidavit

I do hereby certify, after having been first duly sworn, that the information contained in this personal financial disclosure form is true and correct to the best of my knowledge, information, and belief.

Person Filing Report

Sworn to and subscribed before me this _____ day of _____, 19____.

Notary Public

Page _____ of _____

A. Positions

The name, address of, position in, and amount of interest in each business in which you or your spouse (either individually or collectively) were a director, officer, partner, member, or trustee during the calendar year. (Note: For purposes of this section "business" is defined as any corporation, partnership, sole proprietorship, firm, enterprise, franchise, association, business, organization, self-employed individual, holding company, trust, or any other legal entity or person.)

1. Individual, Spouse, or Both	2. Full Name and Address of Business	3. Position	4. Amount
<input type="checkbox"/> Individual <input type="checkbox"/> Spouse <input type="checkbox"/> Both			
<input type="checkbox"/> Individual <input type="checkbox"/> Spouse <input type="checkbox"/> Both			
<input type="checkbox"/> Individual <input type="checkbox"/> Spouse <input type="checkbox"/> Both			
<input type="checkbox"/> Individual <input type="checkbox"/> Spouse <input type="checkbox"/> Both			
<input type="checkbox"/> Individual <input type="checkbox"/> Spouse <input type="checkbox"/> Both			
<input type="checkbox"/> Individual <input type="checkbox"/> Spouse <input type="checkbox"/> Both			
<input type="checkbox"/> Individual <input type="checkbox"/> Spouse <input type="checkbox"/> Both			
<input type="checkbox"/> Individual <input type="checkbox"/> Spouse <input type="checkbox"/> Both			
<input type="checkbox"/> Individual <input type="checkbox"/> Spouse <input type="checkbox"/> Both			
<input type="checkbox"/> Individual <input type="checkbox"/> Spouse <input type="checkbox"/> Both			

B. Business Interests

The name, address, and amount of interest in each business with which your sole relationship during the calendar year was as an owner of an interest and in excess of 10 percent held by you or your spouse (either individually or collectively). (Note: For purposes of this section "business" is defined as any corporation, partnership, sole proprietorship, firm, enterprise, franchise, association, business, organization, self-employed individual, holding company, trust, or any other legal entity or person.)

1. Individual, Spouse, or Both	2. Full Name and Address of Business	3. Position	4. Amount
<input type="checkbox"/> Individual <input type="checkbox"/> Spouse <input type="checkbox"/> Both			
<input type="checkbox"/> Individual <input type="checkbox"/> Spouse <input type="checkbox"/> Both			
<input type="checkbox"/> Individual <input type="checkbox"/> Spouse <input type="checkbox"/> Both			
<input type="checkbox"/> Individual <input type="checkbox"/> Spouse <input type="checkbox"/> Both			
<input type="checkbox"/> Individual <input type="checkbox"/> Spouse <input type="checkbox"/> Both			
<input type="checkbox"/> Individual <input type="checkbox"/> Spouse <input type="checkbox"/> Both			
<input type="checkbox"/> Individual <input type="checkbox"/> Spouse <input type="checkbox"/> Both			
<input type="checkbox"/> Individual <input type="checkbox"/> Spouse <input type="checkbox"/> Both			
<input type="checkbox"/> Individual <input type="checkbox"/> Spouse <input type="checkbox"/> Both			
<input type="checkbox"/> Individual <input type="checkbox"/> Spouse <input type="checkbox"/> Both			

C. Income

The name, address, type, and amount of each source of income in excess of \$1,000 received by you or your spouse (either individually or collectively) during the calendar year. "Income" means any income from whatever source derived, including but not limited to the following types: compensation for services, including fees, salaries, commissions, and similar items; income derived from business; gains derived from dealings in property; interest; rents; royalties; dividends; annuities; income from life insurance and endowment contracts; pensions; income from discharge of indebtedness; distributive share of partnership income; and income from interest in an estate or trust. For income from compensation, give a very brief description of the services rendered. For income from mental health, medical health, or legal services, if the disclosure of the source of the income would reveal the identity of a patient or client, then either mental health, medical health, or legal services should be given as the source.

1. Individual, Spouse, or Both	2. Name and Address of Source of Income	3. Type	4. Amount	5. Description of Services
<input type="checkbox"/> Individual <input type="checkbox"/> Spouse <input type="checkbox"/> Both				
<input type="checkbox"/> Individual <input type="checkbox"/> Spouse <input type="checkbox"/> Both				
<input type="checkbox"/> Individual <input type="checkbox"/> Spouse <input type="checkbox"/> Both				
<input type="checkbox"/> Individual <input type="checkbox"/> Spouse <input type="checkbox"/> Both				
<input type="checkbox"/> Individual <input type="checkbox"/> Spouse <input type="checkbox"/> Both				
<input type="checkbox"/> Individual <input type="checkbox"/> Spouse <input type="checkbox"/> Both				
<input type="checkbox"/> Individual <input type="checkbox"/> Spouse <input type="checkbox"/> Both				
<input type="checkbox"/> Individual <input type="checkbox"/> Spouse <input type="checkbox"/> Both				
<input type="checkbox"/> Individual <input type="checkbox"/> Spouse <input type="checkbox"/> Both				
<input type="checkbox"/> Individual <input type="checkbox"/> Spouse <input type="checkbox"/> Both				

D. Real Estate Holdings

The address and a short description (i.e., size, use of land) of each parcel of real property having a fair market value in excess of \$2,000 in which you or your spouse (either individually or collectively) had an interest during the calendar year.

1. Individual, Spouse, or Both	2. Address of Real Property	3. Description
<input type="checkbox"/> Individual <input type="checkbox"/> Spouse <input type="checkbox"/> Both		
<input type="checkbox"/> Individual <input type="checkbox"/> Spouse <input type="checkbox"/> Both		
<input type="checkbox"/> Individual <input type="checkbox"/> Spouse <input type="checkbox"/> Both		
<input type="checkbox"/> Individual <input type="checkbox"/> Spouse <input type="checkbox"/> Both		
<input type="checkbox"/> Individual <input type="checkbox"/> Spouse <input type="checkbox"/> Both		
<input type="checkbox"/> Individual <input type="checkbox"/> Spouse <input type="checkbox"/> Both		
<input type="checkbox"/> Individual <input type="checkbox"/> Spouse <input type="checkbox"/> Both		
<input type="checkbox"/> Individual <input type="checkbox"/> Spouse <input type="checkbox"/> Both		
<input type="checkbox"/> Individual <input type="checkbox"/> Spouse <input type="checkbox"/> Both		
<input type="checkbox"/> Individual <input type="checkbox"/> Spouse <input type="checkbox"/> Both		

E. Transactions

A brief description, the date, and amount of each purchase, sale, exchange, donation, or gift, other acquisition or disposition, in excess of \$1,000, by you or your spouse (either individually or collectively) during the calendar year in any real property, and of any stocks, bonds, commodities futures, or other forms of securities, including but not limited to, any option to acquire and/or dispose of any stocks, bonds, commodities futures, other forms of securities, negotiable instruments, movable or immovable property, or any other interest.

1. Individual, Spouse, or Both	2. Description	3. Position	4. Amount
<input type="checkbox"/> Individual <input type="checkbox"/> Spouse <input type="checkbox"/> Both			
<input type="checkbox"/> Individual <input type="checkbox"/> Spouse <input type="checkbox"/> Both			
<input type="checkbox"/> Individual <input type="checkbox"/> Spouse <input type="checkbox"/> Both			
<input type="checkbox"/> Individual <input type="checkbox"/> Spouse <input type="checkbox"/> Both			
<input type="checkbox"/> Individual <input type="checkbox"/> Spouse <input type="checkbox"/> Both			
<input type="checkbox"/> Individual <input type="checkbox"/> Spouse <input type="checkbox"/> Both			
<input type="checkbox"/> Individual <input type="checkbox"/> Spouse <input type="checkbox"/> Both			
<input type="checkbox"/> Individual <input type="checkbox"/> Spouse <input type="checkbox"/> Both			
<input type="checkbox"/> Individual <input type="checkbox"/> Spouse <input type="checkbox"/> Both			
<input type="checkbox"/> Individual <input type="checkbox"/> Spouse <input type="checkbox"/> Both			

F. Liabilities

The name, address, and amount of each liability in excess of \$10,000 owed to any creditor by you or your spouse (either individually or collectively) during the calendar year. (Note: Exclude any loan secured by a personal motor vehicle, household furniture, or appliance if such loan does not exceed the purchase price of the item that secures it.)

1. Individual, Spouse, or Both	2. Full Name and Address of Business	3. Amount
<input type="checkbox"/> Individual <input type="checkbox"/> Spouse <input type="checkbox"/> Both		
<input type="checkbox"/> Individual <input type="checkbox"/> Spouse <input type="checkbox"/> Both		
<input type="checkbox"/> Individual <input type="checkbox"/> Spouse <input type="checkbox"/> Both		
<input type="checkbox"/> Individual <input type="checkbox"/> Spouse <input type="checkbox"/> Both		
<input type="checkbox"/> Individual <input type="checkbox"/> Spouse <input type="checkbox"/> Both		
<input type="checkbox"/> Individual <input type="checkbox"/> Spouse <input type="checkbox"/> Both		
<input type="checkbox"/> Individual <input type="checkbox"/> Spouse <input type="checkbox"/> Both		
<input type="checkbox"/> Individual <input type="checkbox"/> Spouse <input type="checkbox"/> Both		
<input type="checkbox"/> Individual <input type="checkbox"/> Spouse <input type="checkbox"/> Both		
<input type="checkbox"/> Individual <input type="checkbox"/> Spouse <input type="checkbox"/> Both		

§1906. Lobbying Expenditure Form

LOBBYING REGISTRATION FORM
To be used for initial registrations and renewals

Lobbyist's Registration Number

Instructions

- Print in ink or type.
- Complete form and return with \$110 registration fee to the Board of Ethics, 2415 Quail Dr., 3rd Floor, Baton Rouge, LA 70808, (225) 763-8777 or (800) 842-6630.
- Initial registrations must be submitted within 5 days of (1) employment as a lobbyist or (2) first action requiring registration. Registrations expire as of December 31 unless a renewal is submitted between December 1 and January 31.

FOR OFFICE USE ONLY

Postmark Date: _____

1. NAME _____
Last First MI

2. BUSINESS PHONE _____
Area Code and Phone Number

3. BUSINESS ADDRESS _____
Street and No. City State Zip

MAILING ADDRESS _____
Street and No. City State Zip

4. EMPLOYER _____

5. EMPLOYER'S ADDRESS _____
Street and No. City State Zip

6. LIST BELOW (a) Names of persons, groups, or organizations which you represent; (b) the address of each such person, group, or organization you represent; (c) the type of business each is engaged in or the purpose or function of the organization or group; (d) whether or not the client or someone else pays you to lobby.

1. Name _____
 Address _____
 Business or purpose _____
 Does this person pay you? _____
 If No, then who pays you? _____

2. Name _____
 Address _____
 Business or purpose _____
 Does this person pay you? _____
 If No, then who pays you? _____

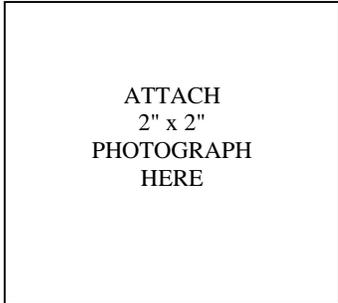
3. Name _____
Address _____
Business or purpose _____
Does this person pay you? _____
If No, then who pays you? _____

4. Name _____
Address _____
Business or purpose _____
Does this person pay you? _____
If No, then who pays you? _____

CERTIFICATION OF ACCURACY

I hereby certify that the information contained herein is true and correct to the best of my knowledge, information, and belief; and that no information required by the Lobbyist Disclosure Act [LSA-R.S. 24:50 et seq.] has been deliberately omitted.

Signature of Lobbyist



AUTHORITY NOTE: Promulgated in accordance with R.S. 42:1134(A).

HISTORICAL NOTE: Promulgated by the Department of Civil Service, Board of Ethics, LR 30:

If the answer to either question in Number 9 above is YES, please complete Schedule B and attach.

CERTIFICATION OF ACCURACY

I hereby certify that the information contained herein is true and correct to the best of my knowledge, information, and belief; that all reportable expenditures have been included herein; and that no information required by the Lobbyist Disclosure Act [LSA-R.S. 24:50 et seq.] has been deliberately omitted.

Signature of Lobbyist

SCHEDULE A: EXPENDITURES FOR LEGISLATION

This schedule must be completed if you answered YES to either question 7 or 8 on the Lobbying Expenditure Report. If, during the period January 1 through June 30 or the period July 1 through December 31, you made either (a) an expenditure for any one legislator exceeding \$50 on any one occasion or (b) aggregate expenditures exceeding \$250 for any one legislator during a reporting period, then you must provide the aggregate total of expenditures made on that legislator in that reporting period. **NOTE: Report covering July-December is cumulative. You must include reportable expenditures from the first half of the year in Column #2.**

1. LEGISLATOR'S NAME	2. AMOUNT OF EXPENDITURES MADE ON A LEGISLATOR FOR WHOM YOU EITHER SPENT OVER \$50 ON ONE OCCASION OR MADE EXPENDITURES EXCEEDING \$250 BETWEEN JANUARY 1 AND JUNE 30.	3. AMOUNT OF EXPENDITURES MADE ON A LEGISLATOR FOR WHOM YOU EITHER SPENT OVER \$50 ON ONE OCCASION OR MADE EXPENDITURES EXCEEDING \$250 BETWEEN JULY 1 AND DECEMBER 31.	4. TOTAL OF COLUMNS 2 AND 3.

SCHEDULE B: EXPENDITURES FOR RECEPTIONS, ETC.

This schedule must be completed if you answered YES to either question 9 on the Lobbying Expenditure Report. The following information must be provided for all receptions, social gatherings, or other functions to which the entire legislature, either house, any standing committee, select committee, statutory committee, committee created by resolution of either house, subcommittee of any committee, recognized caucus, or any delegation thereof, was invited.

1. NAME(S) OF GROUP(S) INVITED	2. DATE OF RECEPTION	3. LOCATION OF RECEPTION	4. TOTAL AMOUNT OF EXPENDITURES FOR ATTENDING LEGISLATORS*

*** No amount expended on persons other than attending legislators is reportable.**

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:1134(A).

HISTORICAL NOTE: Promulgated by the Department of Civil Service, Board of Ethics, LR 30:

2. Name _____
Address _____
Business or purpose _____
 New Representation
Does this person pay you? _____
If No, who pays you? _____
 Terminated Representation as of _____

3. Name _____
Address _____
Business or purpose _____
 New Representation
Does this person pay you? _____
If No, who pays you? _____
 Terminated Representation as of _____

CERTIFICATION OF ACCURACY

I hereby certify that the information contained herein is true and correct to the best of my knowledge, information, and belief; and that no information required by the Lobbyist Disclosure Act [LSA-R.S. 24:50 et seq.] has been deliberately omitted.

Signature of Lobbyist

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:1134(A).

HISTORICAL NOTE: Promulgated by the Department of Civil Service, Board of Ethics, LR 30:

§1911. Disclosure Statement Pursuant to R.S. 39:1233.1

LSA-R.S. 39:1233.1 DISCLOSURE STATEMENT	
<p>The Louisiana Code of Governmental Ethics generally prohibits any member or chief executive officer of a local depositing authority from serving as an officer, director, or employee of a bank in which agency funds are deposited L.S.A.-R.S. 39:1233.1 creates a narrow exception allowing a local governing authority member or chief executive officer to serve in such a capacity, despite the agency's deposit of funds in the bank, if he (1) recuses himself from voting in favor of any such bank and does not otherwise participate in the depositing authority's consideration of any matter affecting actual or potential business with the bank, (2) discloses the reason for recusal and files these reasons, in writing, in the minutes or record of the agency, and (3) files this disclosure form with the Board of Ethics within 15 days of any such recusal. Any such disclosure statement shall be deemed filed when it is received in the office of the Board of Ethics or at the time it is postmarked by the United States Postal Service, if it is subsequently received in the office of the Board of Ethics, whichever is earlier. This exception may be used only by members of "local depositing authorities." Local depositing authorities are defined by law to include all parishes, municipalities, boards, commissions, sheriffs and tax collectors, judges, clerks of court, and any other public bodies or officers of any parish, municipality or township, but do not include the state, state commissions, state boards and other state agencies. Unless a written advisory opinion has been obtained from the Board of Ethics, members and chief executive officers of special agencies created by, representing OR comprised of more than one political subdivision are NOT included in this exception. Sole decision makers may NOT take advantage of this exception.</p>	
<p>NOTE: This exception is narrow—completion of this form will not cure any violation of the Ethics Code except those situations specifically addressed in LSA-R.S. 39:1233.1.</p>	
1. Name and address of official	2. Office held (Please include the office title and the political subdivision.)
3. Name and address of bank	4. Position(s) held at bank (If officer, state office held. If employee, give job title.)
5. Position with bank is _____ compensated _____ noncompensated. (Check one)	
6. Description of transaction from which you recused yourself from participating (for example, consideration of method of selecting bank(s) to be used, selection of a bank or banks, decision affecting deposits, decision to discontinue use of a bank, etc.) Include the date of each instance on which you recused yourself from voting or otherwise participating in any such transaction.	
7. _____ <div style="display: flex; justify-content: space-between; width: 100%;"> Signature of Official Date </div>	
Mail or hand deliver to: Ethics Administration Program, 2415 Quail Drive, Third Floor, Baton Rouge, Louisiana 70808. If you have any questions, please call (225) 763-8777 or (800) 842-6630.	

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:1134(A).

HISTORICAL NOTE: Promulgated by the Department of Civil Service, Board of Ethics, LR 30:

Chapter 20. Exemption Pursuant to the Provisions of Section 1123 (34)

§2001. Application

A. A member of a municipal or parish governing authority in a parish or municipality with a population of 25,000 or less (according to the most recently published decennial census), or a member of such elected official's immediate family or a legal entity in which he has a controlling interest may make an application which is under the supervision or jurisdiction of his agency for the approval of the subdivision or resubdivision of property, and for the zoning of such property or for a building permit and any inspections performed pursuant thereto, provided the elected official recuses himself from acting in his official governmental capacity in matters concerning such application, and provides the written notice as required in §2003 is filed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:1134(A).

HISTORICAL NOTE: Promulgated by the Department of Civil Service, Board of Ethics, LR 30:

§2003. Reporting Requirements

A. Written notices filed pursuant to R.S. 42: 1123(34) of the Code shall:

1. be filed with the board and with the elected official's governing authority no later than ten days prior to any hearing pertaining to such application or if no hearing is held at least ten days prior to final action on such application; and
2. be in writing, on a form provided by the board or a form which is substantially similar to the form provided by the board, and shall contain the following:
 - a. name, address, and the office held by the elected official;
 - b. name and address, and relation to elected official, if the applicant is a member of the elected official's immediate family;
 - c. name and business address of the legal entity, if applicable;
 - d. name and population of municipality or parish;
 - e. description of the application being made;
 - f. date of hearing or final action regarding such application;
 - g. statement that:

NOTICE OF INTENT

Board of Elementary and Secondary Education

Bulletin 111 Louisiana School, District, and State
Accountability System
(LAC 28:LXXXIII.Chapters 7, 15, 17, and 31)

- i. the zoning of such subdivided property will not be less restrictive than the zoning of the original parcel;
- ii. no variance or special exemption from any planning or zoning regulation or requirement or any building code or permit will be requested or granted;
- iii. the property will be used for residential purposes only;
- iv. application for the subdivision, resubdivision, or zoning of no more than twelve lots per calendar year and the construction of no more than twelve residential units per calendar year by the elected official, his immediate family members and any legal entity in which they own a controlling interest has been submitted; and
- v. no public funds will be used to construct any infrastructure for the use or benefit of such property;
- h. signed certificate of accuracy.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:1134(A).

HISTORICAL NOTE: Promulgated by the Department of Civil Service, Board of Ethics, LR 30:

Interested persons may direct their comments to R. Gray Sexton, Louisiana Board of Ethics, 2415 Quail Drive, Third Floor, Baton Rouge, LA 70808, (225) 763-8777, until 4:45 p.m. on July 10, 2004.

R. Gray Sexton
Administrator

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES
RULE TITLE: Ethics**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)
The estimated cost to implement the rules/amendments is \$2,720 in FY 03-04 and \$2,720 in FY 04-05, which accounts for the cost to publish the Notice of Intent and the Rule in the *Louisiana Register*.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
The proposed rules/amendments will have no anticipated effect on revenue collections of state or local governmental units.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)
The proposed rules/amendments will have no effect on the cost or economic benefits of affected persons.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
The proposed rules/amendments will not have an effect on competition and employment.

Maris E. LeBlanc
Deputy General Counsel
0406#054

Robert E. Hosse
General Government Section Director
Legislative Fiscal Office

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, notice is hereby given that the Board of Elementary and Secondary Education approved for advertisement revisions to *Bulletin 111 The Louisiana School, District, and State Accountability System* (LAC 28:LXXXIII). Act 478 of the 1997 Regular Legislative Session called for the development of an accountability system for the purpose of implementing fundamental changes in classroom teaching by helping schools and communities focus on improved student achievement. The State's Accountability System is an evolving system with different components. The proposed changes more closely align the State's Accountability System with the "No Child Left Behind Act of 2001" and allow staff to expedite the release of preliminary School Performance Scores as follows.

Recent guidelines from the U.S. Department of Education allow some additional flexibility when considering limited English proficient students, and consecutive years failing the adequate yearly progress test. Appealing only current data allows accountability decisions to be made before school begins each fall as required by the "No Child Left Behind Act of 2001."

**Title 28
EDUCATION**

**Part LXXXIII. Bulletin 111 The Louisiana School,
District, and State Accountability System
Chapter 7. Subgroup Component**

**§703. Inclusion of Students in the Subgroup
Component**

A. - C.3. ...

a. Scores shall not be included in AMO or improvement in percent proficient calculations for LEP students who have not been enrolled in an English-speaking school for one full school year.

D. - E. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:10.1.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2743 (December 2003), amended LR 30:

§709. Failing the Subgroup Component

A. - B. ...

C. Any school that has failed the subgroup component in the same subject for two consecutive years will enter school improvement 2 (e.g. special education in mathematics in year one and economically disadvantaged in math in year

two. The school has failed the subgroup component for two consecutive years and therefore, must enter SI 2).

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:10.1.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2744 (December 2003), amended LR 30:

Chapter 15. School Improvement (formerly Corrective Actions)

§1503. Entry into School Improvement

A. - A.1.b. ...

2. Any school that fails the subgroup component in the same subject for two consecutive years is in school improvement 2.

A.3. - C. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:10.1.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2745 (December 2003), amended LR 30:

§1505. Exit from School Improvement

A. - A.2. ...

3. it is in school improvement for failure to meet its required growth on the SPS component, and it meets its required growth for one year and is not academically unacceptable and has not failed the subgroup component in the same subject for two consecutive years.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:10.1.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2746 (December 2003), amended LR 30:

Chapter 17. Requirements for Schools in School Improvement (SI)

§1703. School Improvement 2 Requirements (SI 2)

A.1. ...

2. it fails the subgroup component in the same subject for two consecutive years; or

A.3. - B.1. ...

2. it passes the subgroup component in the same subject that caused it to enter SI 2 for the current year, but not two consecutive years; or

B.3. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:10.1.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2746 (December 2003), amended LR 30:

§1704. School Improvement 3 Requirements

A. - A.2. ...

3. it fails the subgroup component in the same subject that caused it to enter SI 2 for the current year; or

A.4. - B.1. ...

2. it passes the subgroup component in the same subject that caused it to enter SI 3 for the current year, but not two consecutive years; or

B.3. - D. ...

E. All Title I schools in SI 3, who have failed the subgroup component in the same subject that caused them to enter SI 2, shall offer supplemental educational services to their students as stated in Chapter 27.

E.1. - E.3. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:10.1.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2746 (December 2003), amended LR 30:

§1705. School Improvement 4 Requirements

A. - B.2. ...

3. it fails the subgroup component in the same subject that caused it to enter SI 3 for the current year; or

B.4. - C.1. ...

2. it passes the subgroup component in the same subject that caused it to enter SI 4 for the current year, but not two consecutive years; or

C.3. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:10.1.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2747 (December 2003), amended LR 30:

§1706. School Improvement 5 Requirements

A. - B.2. ...

3. it fails the subgroup component in the same subject that caused it to enter SI 4 for the current year; or

B.4. - C.1. ...

2. it passes the subgroup component in the same subject that caused it to enter SI 5 for the current year, but not two consecutive years; or

C.3. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:10.1.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2747 (December 2003), amended LR 30:

§1707. School Improvement 6 Requirements

A. - B.2. ...

3. it fails the subgroup component in the same subject that caused it to enter SI 5 for the current year; or

B.4. - C.1. ...

2. it passes the subgroup component in the same subject that caused it to enter SI 6 for the current year, but not two consecutive years; or

C.3. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:10.1.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2747 (December 2003), amended LR 30:

Chapter 31. Data Correction and Appeals/Waivers Procedure

§3101. Appeals/Waivers Process

A. ...

B. Districts may address data errors from the most recent spring test administration, and attendance and dropout data from the prior academic year that were not addressed during the data clean-up period by submitting a data correction request letter (signed by the district superintendent) by August 1st of each year. The LDE shall review data correction requests and make decisions regarding the requests by September 1st. The LDE shall notify LEAs of its decision and/or actions regarding the request by October 1st. All data corrections approved by LDE shall be completed for the fall final accountability results release each fall.

C. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:10.1.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2751 (December 2003), amended LR 30:

§3103. Definitions

Appeal A request for the calculation or recalculation of the School Performance Score (SPS), growth target, and/or subgroup component scores based on the most recent spring test administration, and attendance and dropout data from the prior academic year.

Waiver A temporary "withholding" of accountability decisions for no more than one accountability year. Waivers shall be denied to aggrieved parties attempting to subvert the intent of provisions outlined in the state statute.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:10.1.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2751 (December 2003), amended LR 30:

§3107. General Guidelines: Local Board of Education-Level Requests

A. - B. ...

C. Supporting documentation for appeal/waiver requests should clearly outline those data from the most recent spring tests administration, and attendance and dropout data from the prior academic year that are erroneous. Further, computations by the local boards of education should provide evidence that the school's SPS and/or subgroup component results are significantly affected by the data in question and that corrections impact rewards, or school improvement status. The local school system shall be responsible for supplying the LDE with information necessary for recalculating the school's SPS and/or subgroup component results per LDE's instructions.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:10.1.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2752 (December 2003), amended LR 30:

Interested persons may submit comments until 4:30 p.m., August 9, 2004, to Nina Ford, State Board of Elementary and Secondary Education, P. O. Box 94064, Capitol Station, Baton Rouge, LA 70804-9064.

Family Impact Statement

In accordance with Section 953 and 974 of Title 49 of the Louisiana Revised Statutes, there is hereby submitted a Family Impact Statement on the rule proposed for adoption, repeal or amendment. All Family Impact Statements shall be kept on file in the State Board Office which has adopted, amended, or repealed a rule in accordance with the applicable provisions of the law relating to public records.

1. Will the proposed Rule affect the stability of the family? No.

2. Will the proposed Rule affect the authority and rights or parents regarding the education and supervision of their children? No.

3. Will the proposed Rule affect the functioning of the family? No.

4. Will the proposed Rule affect family earnings and family budget? No.

5. Will the proposed Rule affect the behavior and personal responsibility of children? No.

6. Is the family or a local government able to perform the function as contained in the proposed Rule? No.

Weegie Peabody
Executive Director

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES RULE TITLE: **Bulletin 111 Louisiana School, District, and State Accountability System**

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

There are no estimated implementation costs to state governmental units. The proposed changes delineate the inclusion of Limited English Proficient students in accountability, establish that schools must fail the same subject or the 3rd academic indicator 2 consecutive years to be identified as failing Subgroup AYP, and limits appeals/waiver requests to problems with the most recent year's data used for accountability.

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

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

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

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

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There will be no effect on competition and employment.

Marlyn J. Langley
Deputy Superintendent
Management and Finance
0406#031

H. Gordon Monk
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

Board of Elementary and Secondary Education

Bulletin 741 Louisiana Handbook for School
Administrators High School Diploma and Endorsements
(LAC 28:I.901)

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, notice is hereby given that the Board of Elementary and Secondary Education approved for advertisement revisions to *Bulletin 741 The Louisiana Handbook for School Administrators*, referenced in LAC 28:I.901.A, promulgated by the Board of Elementary and Secondary Education in LR 1:483 (November 1975). This policy change removes the requirement that students complete a high school major (4 primary courses + 2 related courses, including a computer/technology course) to graduate from high school. It restores the previous requirements for a standard diploma of 15 required courses and 8 elective courses. Regarding the Academic Endorsement, the proposed policy replaces the requirement that students complete a high school major with the requirement that students complete an "academic area of

concentration" as an eligibility requirement. "Academic area of concentration" is defined as the TOPS curriculum plus one additional math, science, or social studies course. The optional articulated credit requirement for the Career/Tech Endorsement is changed from 3 Carnegie credits to 3 college hours to align with the requirement for the Academic Endorsement. The proposed policy establishes that the diploma endorsement policy shall be effective for incoming freshmen in 2003-2004 and thereafter.

The policy change also reflects the changes to the mathematics program of studies. These changes are also reflected in Policy 2.105.17. A separate Fiscal Impact Statement has been completed for that policy change.

This change to the graduation requirements will allow school districts more time to provide the courses necessary for students to complete an area of concentration and will not prevent students from receiving a diploma if they do not complete an area of concentration but meet all other requirements for graduation.

Title 28 EDUCATION

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

§901. School Approval Standards and Regulations

A. Bulletin 741

* * *

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education LR 1:483 (November 1975), amended by the Board of Elementary and Secondary Education, LR 28:269 (February 2002), LR 28:272 (February 2002), LR 28:991 (May 2002), LR 28:1187 (June 2002), LR 30:

* * *

2.099.02 High School Diploma and Endorsements Standard Diploma

The 23 units required for graduation shall include 15 required units and 8 elective units; the elective units can be earned at technical colleges as provided in Standard 2.103.35.

High School Area of Concentration

All high schools shall provide students the opportunity to complete an area of concentration with an academic focus and/or a career focus.

1. To complete an academic area of concentration, students shall meet the current course requirements for the Tuition Opportunity Program for Students (TOPS) Opportunity Award plus one additional Carnegie unit in mathematics, science, or social studies.

2. To complete a career area of concentration, students shall meet the minimum requirements for graduation including four elective primary credits in the area of concentration and two related elective credits, including one computer/technology course.

The computer/technology course shall be one of the following:

- Computer/Technology Literacy (1/2 credit)
- Computer Applications or Business Computer Applications (1 credit)
- Computer Architecture (1 credit)

- Computer Science I, II (1 credit each)
- Computer Systems and Networking I, II (1 credit each)
- Desktop Publishing (1/2 credit)
- Digital Graphics & Animation (1/2 credit)
- Multimedia Presentations (1 credit)
- Web Mastering or Web Design (1/2 credit)
- Independent Study in Technology Applications (1 credit)
- Word Processing (1 credit)
- Telecommunications (1/2 credit)
- Introduction to Business Computer Applications (1 credit)
- Technology Education Computer Applications (1 credit)
- Advanced Technical Drafting (1 credit)
- Computer Electronics I (1 credit)
- Computer Electronics II (1 credit)

Academic Endorsement

Graduating seniors in 2005 and thereafter who meet the requirements for a standard diploma, and satisfy the following performance indicators shall be eligible for an academic endorsement to the standard diploma:

1. Students shall complete the academic area of concentration.

2. Students shall pass all four components of the GEE 21 with a score of Basic or above, or one of the following combinations of scores with the English Language Arts score at Basic or above:

- One Approaching Basic, 1 Mastery or Advanced, Basic or above in the remaining two
- Two Approaching Basic, 2 Mastery or above

3. Students shall complete one of the following requirements:

- Senior Project
- One Carnegie unit in an AP course with a score of 3 or higher on the AP exam
- One Carnegie unit in an IB course with a score of 4 or higher on the IB exam
- Three college hours of non-remedial, articulated credit in mathematics, social studies, science, foreign language, or English Language Arts

4. Students shall meet the current minimum grade-point average requirement for the TOPS Opportunity Award.

5. Students shall achieve an ACT Composite Score of 23.

Career/Technical Endorsement

Graduating seniors in 2005 and thereafter who meet the requirements for a standard diploma, and satisfy the following performance indicators shall be eligible for a career/technical endorsement to the standard diploma:

1. Students shall meet the current course requirements for the Tuition Opportunity Program for Students (TOPS) Opportunity Award or the TOPS Tech Award.

2. Students shall complete the career area of concentration.

3. Students shall pass the English Language Arts, mathematics, science, and social studies components of the GEE 21 at the Approaching Basic level or above.

4. Students shall complete a minimum of 90 work hours of work-based learning experience (as defined in the SDE Diploma Endorsement Guidebook) and complete one of the following requirements:

- Industry-based certification from the list of industry-based certifications approved by BESE
- Three college hours in a Career/Technical area that articulate to a postsecondary institution, either by actually obtaining the credits and/or being waved from having to take such hours

Industry-based certification is a portable, recognized credential (tangible evidence) that an individual has successfully demonstrated skill competencies on a core set of content and performance standards in a specific set of work-related tasks, single occupational area, or a cluster of related occupational areas.

Articulated credit/dual enrollment is a program of study allowing high school students to earn credits toward a high school diploma and a postsecondary degree or certification simultaneously. Written agreements formalize programs of study, the transfer of academic and vocational credits among institutions, and the role of secondary and postsecondary instructors.

5. Students shall meet the current minimum grade-point average requirement for the TOPS Opportunity Award or the TOPS Tech Award.

6. Students shall achieve the current minimum ACT Composite Score (or SAT Equivalent) for the TOPS Opportunity Award or the TOPS Tech Award.

Minimum Requirements for High School Graduation

English 4 units
 Shall be English I, II, and III, in consecutive order; and English IV or Business English.

Mathematics 3 units
 (Effective for incoming freshmen 2005-2006 and beyond.)

All students must complete one of the following:

- Algebra I (1 unit) or
- Algebra I-Pt. 1 and Algebra I-Pt. 2 (2 units) or
- Integrated Mathematics I (1 unit)

The remaining unit(s) shall come from the following: Integrated Mathematics II, Integrated Mathematics III, Geometry, Algebra II, Financial Mathematics, Advanced Mathematics I, Advanced Mathematics II, Pre-Calculus, Calculus, Probability and Statistics, and Discrete Mathematics

(Effective for incoming freshmen 1997-98-2004-2005)

Shall be selected from the following courses and may include a maximum of 2 entry level courses (designated by E): Introductory Algebra/Geometry (E), Algebra I-Part 1 (E), Algebra I-Part 2, Integrated Mathematics I (E), Integrated Mathematics II, Integrated Mathematics III, Applied Mathematics I (E), Applied Mathematics II, Applied Mathematics III, Algebra I (E), Geometry, Algebra II, Financial Mathematics, Advanced Mathematics I, Advanced Mathematics II, Pre-Calculus, Calculus, Probability and Statistics, and Discrete Mathematics

Science 3 units

Shall be 1 unit of Biology I; 1 unit of Physical Science or Integrated Science (but not both), or Chemistry I, Physics I, or Physics of Technology I;

1 unit from Aerospace Science, Biology II, Chemistry II, Earth Science, Environmental Science, Physics II, Physics of Technology II, Agriscience I, Agriscience II, or any other course not already taken from the Physical Science cluster, or a locally designed elective.

- If a student takes Physical Science or Integrated Science, s/he may then take Chemistry I, Physics I, or Physics of Technology I as the required science course. If a student takes Chemistry I, Physics I, or Physics of Technology I to fulfill the Physical Science requirement, s/he may not then take Physical Science or Integrated Science as the third required science course but may take such courses as one of the eight allowed elective graduation requirements.
- Both Agriscience I and II must be completed for one unit of science credit.

All Advanced Placement Science Courses will be accepted for credit.

Social Studies 3 units
 Shall be American History, one-half unit of Civics, one-half unit of Free Enterprise; and one of the following: World History, World Geography, or Western Civilization.

Health Education 1/2 unit

Physical Education 1 1/2 units

Shall be Physical Education I and Physical Education II, or Adaptive Physical Education for eligible special education students.

NOTE: The substitution of JROTC is permissible. A maximum of four units may be used toward graduation.

Electives 8 units

Total 23 units

Refer to Standards 2.037.02 and 2.058.02 relative to appropriate student scheduling and counseling.

Family Impact Statement

1. Will the proposed Rule effect the stability of the family? No.
2. Will the proposed Rule effect the authority and rights of parents regarding the education and supervision of their children? No.
3. Will the proposed Rule effect the functioning of the family? No.
4. Will the proposed Rule effect family earnings and family budget? No.
5. Will the proposed Rule effect the behavior and personal responsibility of children? No.
6. Is the family or a local government able to perform the function as contained in the proposed rule? Yes.

Interested persons may submit comments until 4:30 p.m., August 9, 2004, to Nina Ford, State Board of Elementary and Secondary Education, P.O. Box 94064, Capitol Station, Baton Rouge, LA 70804-9064.

Weegie Peabody
 Executive Director

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Bulletin 741 Louisiana Handbook for School Administrators High School Diploma and Endorsements

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

There will not be any implementation costs. This policy change removes the requirement that students complete an area of concentration to receive a standard diploma.

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

There are no effects on revenue collections.

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

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

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There are no effects on competition and employment.

Marlyn Langley
Deputy Superintendent
Management and Finance
0406#042

H. Gordon Monk
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

Board of Elementary and Secondary Education

Bulletin 741 Louisiana Handbook for School Administrators Mathematics (LAC 28:I.901)

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, notice is hereby given that the Board of Elementary and Secondary Education approved for advertisement revisions to *Bulletin 741 The Louisiana Handbook for School Administrators*, referenced in LAC 28:I.901.A, promulgated by the Board of Elementary and Secondary Education in LR 1:483 (November 1975). This policy change revises the mathematics program of studies. It requires all students to take either Algebra I, Algebra I-Pt.1 and Algebra I-Pt.2, or Integrated Math I. The remaining unit(s) shall come from the following: Integrated Mathematics II, Integrated Mathematics III, Geometry, Algebra II, Financial Mathematics, Advanced Mathematics I, Advanced Mathematics II, Pre-Calculus, Calculus, Probability and Statistics, and Discrete Mathematics.

The mathematics program of study was revised to ensure that all students complete Algebra I or the equivalent, to eliminate the possibility of students taking courses that repeat much of the same content (e.g. Algebra I and Integrated Math I), to reduce the number of courses, and to ensure that all students are completing a rigorous curriculum that meets the requirements of the Content Standards and Grade-level Expectations.

**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 (February 2002), LR 28:272 (February 2002), LR 28:991 (May 2002), LR 28:1187 (June 2002), LR 30:

* * *

Mathematics

2.105.17 Effective for 2005-2006 incoming freshmen and thereafter, three units of mathematics shall be required for graduation. All students must complete one of the following:

- Algebra I (1 unit) or
- Algebra I-Pt. 1 and Algebra I-Pt. 2 (2 units)
- or
- Integrated Mathematics I (1 unit)

The remaining unit(s) shall come from the following:

Integrated Mathematics II, Integrated Mathematics III, Geometry, Algebra II, Financial Mathematics, Advanced Mathematics I, Advanced Mathematics II, Pre-Calculus, Calculus, Probability and Statistics, and Discrete Mathematics.

(Effective for incoming freshmen 1997-98–2004-2005)

The three required courses shall be selected from the following courses and may include a maximum of two entry level courses (designated by E): Introductory Algebra/Geometry (E), Algebra I-Part 1 (E), Algebra I-Part 2, Integrated Mathematics I (E), Integrated Mathematics II, Integrated Mathematics III, Applied Mathematics I (E), Applied Mathematics II, Applied Mathematics III, Algebra I (E), Geometry, Algebra II, Financial Mathematics, Advanced Mathematics I, Advanced Mathematics II, Pre-Calculus, Calculus, Probability and Statistics, and Discrete Mathematics.

Students who score at the unsatisfactory achievement level on the mathematics component of Grade 8 LEAP 21 shall pass a high school remedial course in mathematics before enrolling in any course in the Secondary Program of Studies for Mathematics.

The mathematics course offerings shall be as follows:

Course Title	Unit(s)
Advanced Mathematics I	1
Advanced Mathematics II	1
Algebra I	1
Algebra I-Part I	1
Algebra I-Part II	1
Algebra II	1
Calculus	1
Discrete Mathematics	1
Financial Mathematics	1
Geometry	1
Integrated Mathematics I	1
Integrated Mathematics II	1
Integrated Mathematics III	1
Pre-Calculus	1
Probability and Statistics	1

Financial Mathematics may be taught by teachers certified in Business Education.

* * *

Family Impact Statement

In accordance with Section 953 and 974 of Title 49 of the Louisiana Revised Statutes, there is hereby submitted a Family Impact Statement on the rule proposed for adoption,

repeal or amendment. All Family Impact Statements shall be kept on file in the State Board Office which has adopted, amended, or repealed a rule in accordance with the applicable provisions of the law relating to public records.

1. Will the proposed Rule affect the stability of the family? No.

2. Will the proposed Rule affect the authority and rights of parents regarding the education and supervision of their children? No.

3. Will the proposed Rule affect the functioning of the family? No.

4. Will the proposed Rule affect family earnings and family budget? No.

5. Will the proposed Rule affect the behavior and personal responsibility of children? No.

6. Is the family or a local government able to perform the function as contained in the proposed Rule? Yes.

Interested persons may submit comments until 4:30 p.m., August 9, 2004, to Nina Ford, State Board of Elementary and Secondary Education, P.O. Box 94064, Capitol Station, Baton Rouge, LA 70804-9064.

Weegie Peabody
Executive Director

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: **Bulletin 741 Louisiana Handbook for School Administrators Mathematics**

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

There will not be any implementation costs. This policy change revises the mathematics program of studies required for graduation.

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

There are no effects on revenue collections.

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

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

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There are no effects on competition and employment.

Marlyn J. Langley
Deputy Superintendent
Management and Finance
0406#033

H. Gordon Monk
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

Board of Elementary and Secondary Education

Bulletin 746 Louisiana Standards for State Certification of School Personnel Certification Add-On (Endorsement) Policy for Teaching Levels and Teaching Areas Within Levels (LAC 28:I.903)

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, notice is hereby given that the Board of Elementary and Secondary Education approved for advertisement an amendment to *Bulletin 746 Louisiana*

Standards for State Certification of School Personnel, referenced in LAC 28:I.903(A). The proposed revision expands certification add-on (endorsement) options for teaching levels and for teaching areas within levels as follows: (a) Adds the requirement of the appropriate content area exam for individuals holding middle, secondary, mild/moderate, or an all-level K-12 certificate who wish to add Grades PK-3; (b) Expands options for demonstrating content mastery to include course work OR the Praxis exam for individuals holding middle, secondary, mild/moderate, or all-level K-12 certificates who wish to add Elementary Grades 1-5; (c) Streamlines the process by which an individual can obtain a secondary level add-on in a non-core academic area; and (d) Allows for individuals to obtain an all-level K-12 add-on in health and physical education in a streamlined fashion similar to the other all-level K-12 add-on certification areas, and clarifies the distinction between the two all-level music certifications (instrumental, vocal).

Changes to this policy expand options for teachers to add teaching area endorsements to existing certificates. This will ease school district compliance with certification regulations in staffing the schools and may provide greater employment opportunities for teachers who add endorsements to their certificates.

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, LR 1:183, 311, 435, 541 (April, July, September, December 1975), amended LR 28:2505 (December 2002), LR 29:117 (February 2003), LR 29:119 (February 2003), LR 29:121 (February 2003), LR 30:

* * *

Certification Add-On (Endorsement) Policy Teaching Levels and Teaching Areas Within Levels

The following requirements must be completed to add a certification level and/or a certification area within levels to an existing valid teaching certificate.

To add Early Childhood (Grades PK-3)

- Requirements for individual holding a valid elementary certificate (e.g., 1-4, 1-5, 1-6, or 1-8):

1. Achieve passing score for PRAXIS Early Childhood Education exam (#0020)

or

Accumulate 12 credit hours of combined Nursery School and Kindergarten coursework.

- Requirements for individual holding a valid upper elementary or middle school certificate (e.g., 4-8, 5-8, 6-8), secondary school certificate (e.g., 6-12, 7-12, 9-12), special education mild/moderate certificate, or all-level K-12 certificate (art, dance, foreign language, health, PE, H&PE, music):

1. Achieve passing score for PRAXIS Elementary Education: Content Knowledge Exam (#0014)

2. Achieve passing score for PRAXIS Early Childhood Education Exam (#0020)
or
Accumulate 12 credit hours of combined Nursery School and Kindergarten coursework.
3. Accumulate 9 semester hours of reading coursework.

To add Elementary (Grades 1-5):

- Requirements for individual holding a valid early childhood certificate (e.g., PK-K, PK-3):
 1. Achieve passing score for PRAXIS Elementary Education: Content Knowledge (#0014).
 2. Achieve passing score for PRAXIS Principles of Learning and Teaching K-6.
 3. Accumulate 9 semester hours of reading, 12 semester hours of mathematics, 12 semester hours of science, and 12 semester hours of social studies coursework.
- Requirements for individual holding a valid upper elementary or middle school certificate (e.g., 4-8, 5-8, 6-8), secondary certificate (e.g., 6-12, 7-12, 9-12), special education mild/moderate certificate, or all-level K-12 certificate (art, dance, foreign language, health, PE, H&PE, music):
 1. Achieve passing score for PRAXIS Elementary Education: Content Knowledge (#0014)
or
Accumulate 12 semester hours of mathematics, 12 semester hours of science, 12 semester hours of English language arts, and 12 semester hours of social studies coursework.
 2. Achieve passing score for PRAXIS Principles of Learning and Teaching K-6.
 3. Accumulate 9 semester hours of reading coursework.

To add Middle School (Grades 4-8) Specialty Area English, Mathematics, Science, or Social Studies:

- Requirements for individual holding a valid early childhood certificate (e.g., PK-K, PK-3), elementary certificate (e.g., 1-4, 1-5, 1-6, 1-8), upper elementary or middle school certificate (e.g., 4-8, 5-8, 6-8), secondary certificate (e.g., 6-12, 7-12, 9-12), mild/moderate certificate, or an all-level K-12 certificate (art, dance, foreign language, health, PE, H&PE, music):
 1. Achieve passing score for PRAXIS Middle School: Specialty Area Exam in the specific content area
or
Accumulate 30 credit hours in the specialty content area.
 2. Achieve passing score for PRAXIS Principles of Learning and Teaching 5-9.
 3. Accumulate 6 semester hours of reading.

To add Secondary Specialty Core Content Area as defined in the No Child Left Behind Act of 2001 (English, Foreign Language, Math, Sciences, Social Studies, Speech):

- Requirements for individual holding a valid early childhood certificate (e.g., PK-K, PK-3), elementary certificate (e.g., 1-4, 1-5, 1-6, 1-8), upper elementary or middle school certificate (e.g., 4-8, 5-8, 6-8), or special education mild/moderate certificate:

1. Achieve passing score for PRAXIS secondary specialty area exam in the content area
or
Accumulate 30 credit hours in the specialty content area.
 2. Achieve passing score for PRAXIS Principles of Learning and Teaching 7-12.
- Requirements for individual holding a valid secondary certificate (e.g., 6-12, 7-12, 9-12) or an all-level K-12 certificate [art, dance, foreign language, health, H&PE, music]:
 1. Achieve passing score for PRAXIS secondary specialty area exam in the content area
or
Accumulate 30 credit hours in the specialty content area.

To add Secondary Specialty Non-NCLB Content Area (agriculture, business, computer science, family and consumer sciences, journalism, marketing, and technology education):

- Requirements for individual holding a valid early childhood certificate (e.g., PK-K, PK-3), elementary certificate (e.g., 1-4, 1-5, 1-6, 1-8), upper elementary or middle school certificate (e.g., 4-8, 5-8, 6-8), or special education mild/moderate certificate:
 1. Achieve passing score for PRAXIS secondary specialty area exam in the content area
or
Accumulate 21 credit hours in the specialty content area.
 2. Achieve passing score for PRAXIS Principles of Learning and Teaching 7-12.
- Requirements for individual holding a valid secondary certificate (e.g., 6-12, 7-12, 9-12) or an all-level K-12 certificate (art, dance, foreign language, health, H&PE, music):
 1. Achieve passing score for PRAXIS secondary specialty area exam in the content area
or
Accumulate 21 credit hours in the specialty content area.

To add Special Education Mild/Moderate:

- Requirements for individual holding a valid early childhood certificate (e.g., PK-K, PK-3), elementary certificate (e.g., 1-4, 1-5, 1-6, 1-8), upper elementary or middle school certificate (e.g., 4-8, 5-8, 6-8), secondary certificate (e.g., 6-12, 7-12, 9-12), or an all-level K-12 certificate [art, dance, foreign language, health, PE, H&PE, music]:
 1. Complete 15 semester hours of special education coursework, as follows:
 - Methods/Materials for Mild/Moderate Exceptional Children (3 hrs.)
 - Assessment and Evaluation of Exceptional Learners (3 hrs.)
 - Behavioral Management of Mild/Moderate Exceptional Children (3 hrs.)
 - Vocational and Transition Services for Students with Disabilities (3 hrs.)
 - Practicum in Assessment and Evaluation of M/M Exceptional Learners (3 hrs.)

2. Earn a passing score on the PRAXIS special education mild/moderate pedagogy exam(s) required in Louisiana.

To add an All-Level (K-12) Area (art, dance, foreign language, health & physical education, music):

• Requirements for individual holding a valid early childhood certificate (e.g., PK-K, PK-3), elementary certificate (e.g., 1-4, 1-5, 1-6, 1-8), upper elementary or middle school certificate (e.g., 4-8, 5-8, 6-8), secondary certificate (e.g., 6-12, 7-12, 9-12), all level K-12 certificate, or special education mild/moderate certificate:

1. Achieve passing score for PRAXIS specialty area exam in area of endorsement

or

Accumulate 30 semester hours in the specialty area.

NOTE: An individual already certified in one Music Education area (Instrumental Music or Vocal Music) may add the second music area with coursework, as follows:

To add Instrumental Music, 12 semester hours to include brass, percussion, string, and woodwind instruments;

To add Vocal Music, 12 semester hours to include piano and voice.

NOTES:

1. For purposes of add-on endorsements, reference to a PRAXIS exam means the current applicable exam in policy with the current established passing scores.
2. Add-on (endorsement) certifications not identified in this policy will continue to follow requirements currently in place in Bulletin 746.

* * *

Family Impact Statement

In accordance with Section 953 and 974 of Title 49 of the Louisiana Revised Statutes, there is hereby submitted a Family Impact Statement on the rule proposed for adoption, repeal or amendment. All Family Impact Statements shall be kept on file in the State Board Office which has adopted, amended, or repealed a rule in accordance with the applicable provisions of the law relating to public records.

1. Will the proposed Rule affect the stability of the family? No.
2. Will the proposed Rule affect the authority and rights or parents regarding the education and supervision of their children? No.
3. Will the proposed Rule affect the functioning of the family? No.
4. Will the proposed Rule affect family earnings and family budget? No.
5. Will the proposed Rule affect the behavior and personal responsibility of children? No.
6. Is the family or a local government able to perform the function as contained in the proposed Rule? No.

Interested persons may submit written comments until 4:30 p.m., August 9, 2004, to Nina Ford, State Board of Elementary and Secondary Education, P.O. Box 94064, Capitol Station, Baton Rouge, LA 70804-9064.

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Bulletin 746 Louisiana Standards for State Certification of School Personnel Certification Add-On (Endorsement) Policy for Teaching Levels and Teaching Areas Within Levels

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

The proposed revision expands certification add-on (endorsement) options for teaching levels and for teaching areas within levels as follows: (a) Adds requirement of the appropriate content area exam for individuals holding middle, secondary, mild/moderate, or an all-level K-12 certificate who wish to add Grades PK-3; (b) Expands options for demonstrating content mastery to include course work OR the Praxis exam for individuals holding middle, secondary, mild/moderate, or all-level K-12 certificates who wish to add Elementary Grades 1-5; (c) Streamlines the process by which an individual can obtain a secondary level add-on in a non-core academic area; and (d) Allows individuals to obtain an all-level K-12 add-on in health and physical education in a streamlined fashion similar to the other all-level K-12 add-on certification areas, and clarifies the distinction between the two all-level music certifications (instrumental, vocal). Adoption of this policy will cost the Department of Education approximately \$700 (printing and postage) in dissemination costs.

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

This policy will have no effect on revenue collections.

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

There are no estimated costs. Individuals with additional certification areas on their certificates may compete more effectively for available jobs.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed changes would offer increased employment opportunities for some certified teachers.

Marlyn J. Langley
Deputy Superintendent
Management and Finance
0406#034

H. Gordon Monk
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

Board of Elementary and Secondary Education

Bulletin 746 Louisiana Standards for State Certification of School Personnel General-Special Education Mild/Moderate Undergraduate Blended Program (LAC 28:I.903)

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, notice is hereby given that the Board of Elementary and Secondary Education approved for advertisement an amendment to *Bulletin 746 Louisiana Standards for State Certification of School Personnel*, referenced in LAC 28:I.903(A). This policy amends the new undergraduate certification program structure for Special Education Mild to Moderate Disabilities, as follows: (1)

Delete PK-3 program option for Mild Moderate Disabilities, leaving options for Grades 1-5, 4-8, and 6-12 only, and thus a three-tiered rather than a four-tiered structure; (2) Delete narrative pages detailing licensure options and the Council for Exceptional Children [CEC] performance based standards and review procedures; and (3) Add footnotes stipulating that the Council for Exception Children [CEC] performance-based standards for accreditation and licensure must be met; that 50 percent of student teaching hours must include working with and actually teaching students with disabilities; that three of the flexible hours must be in the humanities to satisfy Board of Regents requirements; and that minimum credit hours have been listed in the structure, but addition of content hours may occur within flexible hours and needed further credit hours may be added to meet additional Board of Regents and/or institutional requirements.

**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), LR 28:2505, 2508 (December 2002), LR 29:117, 119 (February 2003), LR 29:119, 121 (February 2003), LR 29:121, 123 (February 2003), LR 30:

**SPECIAL EDUCATION MILD/MODERATE UNDERGRADUATE BLENDED PROGRAM
FOR GRADES 1-5, GRADES 4-8, GRADES 6-12¹
Effective August 1, 2005**

Mild/Moderate Special Education Undergraduate Program Structure		Mild/Moderate Special Education Grades 1-5	Mild/Moderate Special Education Grades 4-8	Mild/Moderate Special Education Grades 6-12
General Education Coursework	English	12 hours	12 hours	6 hours
	Mathematics	12 hours	12 hours	6 hours
	Sciences	15 hours	15 hours	9 hours
	Social Studies	12 hours	12 hours	6 hours
	Arts	3 hours	3 hours	3 hours
FOCUS AREA SPECIAL EDUCATION AND CONTENT		Special Education, Reading/ Language Arts and Mathematics	Special Education and One Middle School Content Area	Special Education and One High School Content Area
		Special Education Focus Area: A total of 18 hours of special education coursework. ² Reading/Language Arts Focus Area: A total of 12 hours of content/methodology. Mathematics Focus Area: A total of 9 hours of content/methodology	Special Education Focus Area: A total of 18 hours of special education coursework. ² One Middle School Content Focus Area: Total of 19 hours in one of the following content areas: English, Mathematics, Science, or Social Studies. (Note: General Education coursework may be used to create the 19 hours.)	Special Education Focus Area: A total of 18 hours of special education coursework. ² One High School Content Focus Area: A total of 31 hours in one content area (Note: General Education coursework may be used to create the 31 hours.)
Knowledge of the Learner and the Learning Environment	Child Development/Psychology, Adolescent Psychology, Educational Psychology, The Learner with Special Needs, Classroom Organization and Management, and Multicultural Education.	15 hours	15 hours	15 hours
Methodology and Teaching	Reading		6 hours	3 hours
	Teaching Methodology and Strategies	6 hours (Science and Social Studies must be addressed.)	6 hours	6 hours
	Student teaching ³	9 hours	9 hours	9 hours
Flexible Hours for the University's Use⁴		1 hour	9-12 hours	12-21 hours
TOTAL HOURS⁵		124 hours	124 hours	124 hours

¹Students who do not possess basic technology skills should be provided coursework or opportunities to develop those skills early in their program.

²Council for Exceptional Children (CEC) performance-based standards for accreditation and licensure must be met.

³Students must spend a minimum of 270 clock hours in student teaching, with at least 180 of such hours spend in actual teaching. A substantial portion of the 180 hours of actual student teaching shall be on an all-day basis. Fifty percent (50%) of the student teaching must include working with and actual teaching of students with disabilities.

⁴Three of the flexible hours must be in the humanities. This must occur to meet General Education Requirements for the Board of Regents.

⁵In addition to the student teaching experience, students should be provided actual teaching experience (in addition to observations) in classroom settings during the sophomore, junior, and senior years within schools with varied socioeconomic and cultural characteristics. It is recommended that pre-service teachers be provided a minimum of 180 hours of direct teaching experience in field-based settings prior to student teaching.

Minimum credit hours have been listed. Programs may use available flexible hours to add more content hours to the various elements of the program. Institutions may add credit hours to meet additional Board of Regents and/or institutional requirements.

No final grade below a "C" will be accepted by the State Department of Education in any coursework within the undergraduate program, with the exception of general education requirements.

* * *

Interested persons may submit written comments until 4:30 p.m., August 9, 2004, to Nina Ford, State Board of Elementary and Secondary Education, P.O. Box 94064, Capitol Station, Baton Rouge, LA 70804-9064.

Weegie Peabody
Executive Director

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Bulletin 746 Louisiana Standards for State Certification of School Personnel General-Special Education Mild/Moderate Undergraduate Blended Program

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

This policy amends the new undergraduate certification program structure for Special Education Mild to Moderate Disabilities, as follows: (1) delete PK-3 program option for Mild Moderate Disabilities, leaving options for Grades 1-5, 4-8, and 6-12 only, and thus a three-tiered rather than a four-tiered structure; (2) Delete narrative pages detailing licensure options on the Council for Exceptional Children [CEC] performance based standards and review procedures; and (3) Add footnotes stipulating that the Council for Exceptional Children [CEC] performance-based standards for accreditation and licensure must be met; that 50 percent of student teaching hours must include working with and actually teaching students with disabilities; that three of the flexible hours must be in the humanities to satisfy Board of Regents requirement; and that minimum credit hours and needed further credit hours may be added to meet additional Board of Regents and/or institutional requirements. adoption of this policy will cost the Department of Education approximately \$700 (printing and postage) in dissemination costs.

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

This policy will have no effect on revenue collections.

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

There are no estimated costs.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

This policy will have no effect on competition and employment.

Marlyn J. Langley
Deputy Superintendent
Management and Finance
0406#043

H. Gordon Monk
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

Board of Elementary and Secondary Education

Bulletin 746 Louisiana Standards for State Certification of School Personnel Reading Competencies Policy for Alternate Teacher Certification Programs (LAC 28:I.903)

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, notice is hereby given that the Board of Elementary and Secondary Education approved for advertisement an amendment to *Bulletin 746 Louisiana Standards for State Certification of School Personnel*, referenced in LAC 28:I.903.A. This change in current Bulletin 746 policy allows an option for alternate teacher certification program candidates to either complete a specified number of semester hours in reading or pass a reading competency assessment as a demonstration of proficiency in the reading competencies adopted by the State Board of Elementary and Secondary Education.

These changes to current Bulletin 746 policy amend language in the reading competencies policy for alternate teacher certification programs to align this policy with statute that specifies coursework reading requirements for undergraduate teacher education programs.

Title 28 EDUCATION

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

Subchapter A. Bulletins and Regulations

§Section 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, 435, 541 (April, July, September, December 1975), amended LR 28:2505 (December 2002), LR 29:117 (February 2003), LR 29:119 (February 2003), LR 29:121 (February 2003), LR 30:

* * *

Louisiana Alternate Certification Programs

Practitioner Teacher Program Alternative Path to Certification

State-approved private providers and Louisiana colleges or universities with an approved teacher education program may choose to offer a Practitioner Teacher Program. Practitioner Teacher Programs may offer certification in Grades 1-5, 4-8, 6-12, All-Level K-12 (art, dance, foreign language, health and physical education, and music), or Mild-Moderate Special Education. The Practitioner Teacher Program is a streamlined certification path that combines intensive coursework and full-time teaching.

1. Admission to the Program. Program providers will work with district personnel to identify Practitioner Teacher Program candidates who will be employed by districts during the fall and spring. To be admitted, individuals should:

a. Possess a baccalaureate degree from a regionally accredited university.

b. Have a 2.50 GPA on undergraduate work. Appropriate, successful work experience can be substituted for the required GPA, at the discretion of the program provider. However, in no case may the GPA be less than 2.20. (Note: State law requires that upon completion of the program, the teacher candidate has a 2.50 GPA for certification.)

c. Pass the PRAXIS Pre-Professional Skills Test (e.g., reading, writing, and mathematics). (Individuals who already possess a graduate degree will be exempted from this requirement.)

d. Pass the PRAXIS content specific examinations:

(1) Candidates for Grades 1-5 (regular and special education): pass the Elementary Education: Content Knowledge (0014) specialty examination;

(2) Candidates for Grades 4-8 (regular and special education): pass the middle school subject-specific licensing examination(s) for content area(s) to be certified;

(3) Candidates for Grades 6-12 (regular and special education): pass the secondary subject-specific examination(s) in the content area(s) to be certified. If no examination has been adopted for Louisiana in the certification area, candidates must present a minimum of 31 semester hours of coursework specific to the content area.

(4) Candidates for All-Level K-12 areas of art, dance, foreign language, health and physical education, and music: pass the subject-specific examination for content area(s) to be certified. If no examination has been adopted for Louisiana in the certification area, candidates must present a minimum of 31 semester hours of coursework specific to the content area. Provider must develop a process to assure that candidates demonstrate necessary performance skills in the all-level certification area.

e. Meet other non-course requirements established by the college or university.

2. Teaching Preparation (Summer)

9 credit hours

(or equivalent 135 contact hours)

All teachers will participate in field-based experiences in school settings while completing the summer courses (or equivalent contact hours).

GRADES 1-5, 4-8, and 6-12 practitioner teachers will successfully complete courses (or equivalent contact hours)

pertaining to child or adolescent development or psychology, the diverse learner, classroom management/organization, assessment, instructional design, and instructional strategies before starting their teaching internships.

MILD/MODERATE SPECIAL EDUCATION 1-12 practitioner teachers will successfully complete courses (or equivalent contact hours) that focus on special needs of the mild/moderate exceptional child, classroom management, behavioral management, assessment and evaluation, methods and materials for mild/moderate exceptional children, and vocational and transition services for students with disabilities.

ALL-LEVEL K-12 practitioner teachers will successfully complete courses (or equivalent contact hours) pertaining to child AND adolescent psychology, the diverse learner, classroom management and organization, assessment; instructional design, and instructional strategies across grade levels K-12 before starting their teaching internships.

3. Teaching Internship and First-Year Support

12 credit hours

(or equivalent 180 contact hours)

Practitioner teachers will assume full-time teaching positions in districts. During the school year, these individuals will participate in two seminars (one seminar during the fall and one seminar during the spring) that address immediate needs of the Practitioner Teacher Program teachers and will receive one-on-one supervision through an internship provided by the program providers. The practitioner teacher will also receive support from school-based mentor teachers provided by the Louisiana Teacher Assistance and Assessment Program (LaTAAP) and principals. NOTE: For all-level areas (art, dance, foreign language, health and physical education, and music), experiences should be provided across grades K-12.

4. Teaching Performance Review (End of First Year)

Program providers, principals, mentors, and practitioner teachers will form teams to review first-year teaching performance of practitioner teachers and determine the extent to which the practitioner teachers have demonstrated teaching proficiency. If practitioner teachers demonstrated proficiency, they will enter into the assessment portion of the Louisiana Teacher Assistance and Assessment Program during the next fall. (If a practitioner teacher who passed the assessment portion of the Louisiana Teacher Assistance and Assessment program prior to entering the Practitioner Teacher Program continues to demonstrate the Louisiana Components of Effective Teaching at the "competent" level, the team may, by unanimous decision, exempt the teacher from completing the assessment part of the Louisiana Teacher Assistance and Assessment Program.)

If weaknesses are cited, teams will identify additional types of instruction needed to address the areas of need. Prescriptive plans that require from one to nine credit hours (or 15 to 135 equivalent contact hours) of instruction will be developed for practitioner teachers. In addition, teams will determine whether practitioner teachers should participate in the new teacher assessment during the fall or whether the

practitioner teachers should receive additional mentor support and be assessed after the fall.

5. Prescriptive Plan Implementation

(Second Year) 1-9 credit hours
(15 to 135 contact hours)

Practitioner teachers who demonstrate areas of need will complete prescriptive plans.

6. PRAXIS Review (Second Year)

Program providers will offer review sessions to prepare practitioner teachers to pass remaining components of the PRAXIS.

7. Certification Requirements

(Requirements must be met within a three-year time period. A practitioner teacher's license will not be renewed if all course requirements are not met with these three years.)

Private providers and colleges or universities will submit signed statements to the Louisiana Department of Education that indicate that the student completing the Practitioner Teacher Program alternative certification path met the following requirements:

A. Passed the PPST components of the PRAXIS (Note: This test was required for admission.)

B. Completed the Teaching Preparation and Teaching Internship segments of the program with an overall 2.50 or higher GPA.

C. Completed prescriptive plans (if weaknesses were demonstrated).

D. Passed the specialty examination (PRAXIS) for the area(s) of certification. (Note: This test was required for admission.)

(1) Grades 1-5 (regular and special education):
Elementary Education: Content Knowledge Examination #0014

(2) Grades 4-8 (regular and special education):
Middle school subject-specific licensing examination(s) for the content area(s) to be certified.

(3) Grades 6-12 (regular and special education):
Secondary subject-specific examination(s) in the content area(s) to be certified. If no examination was adopted for Louisiana in the certification area, candidates were required to present a minimum of 31 semester hours of coursework specific to the content area for admission to the program.

(4) All-Level K-12 areas (art, dance, foreign language, health and physical education, and music):
Subject-specific examination(s) for content area(s) to be certified. If no examination was adopted for Louisiana in the certification area, candidates were required to present a minimum of 31 semester hours of coursework specific to the content area for admission to the program.

E. Passed the pedagogy examination (PRAXIS)

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

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

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

d. All-Level K-12 Certification: Principles of Learning and Teaching 1-6, 5-9, or 7-12

e. Mild/Moderate Special Education 1-12:
Education of Exceptional Students: Core Content Knowledge (0353) and Education of Exceptional Students: Mild to Moderate Disabilities (0542)

F. All candidates who enter an alternate certification program after May 1, 2004, will be required to demonstrate proficiency in the Reading Competencies as adopted by the State Board of Elementary and Secondary Education through either (1) completion of the same amount of semester hours in reading as required for undergraduate teacher preparation programs, or (2) a reading competency assessment, prior to receiving a Level 1 or higher professional teaching certificate.

8. Ongoing Support (Second and Third Year)

Program providers will provide support services to practitioner teachers during their second and third years of teaching. Types of support may include on-line support, Internet resources, special seminars, etc.

9. Professional License (Practitioner License to Level 2)

Practitioner teachers will be issued a Practitioner License when they enter the program. They will be issued a Level 1 Professional License once they have successfully completed all requirements of the program; after three years of teaching, they will be eligible for a Level 2 license.

**Undergraduate/Graduate Courses
and Graduate Programs**

Universities may offer the courses at undergraduate or graduate levels. Efforts should be made to allow students to use graduate hours as electives if the students are pursuing a graduate degree.

**Masters Degree Program Alternative Path to
Certification**

A Louisiana college or university with an approved teacher education program may choose to offer an alternate certification program that leads to a master's degree. The college or university may choose to offer the masters degree program as either a Master of Education or a Master of Arts in Teaching. Masters Degree Programs may offer certification in Grades PK-3, 1-5, 4-8, 6-12, All-Level K-12 (art, dance, foreign language, health and physical education, and music), 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 2.50 GPA, or higher, on undergraduate work.

3. Pass the Pre-Professional Skills Test (e.g. reading, writing, and mathematics) on the PRAXIS (Individuals who already possess a graduate degree will be exempted from this requirement.)

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 examination;

b. Candidates for Grades 1-5 (regular and special education): pass the Elementary Education: Content Knowledge (#0014) specialty examination;

c. Candidates for Grades 4-8 (regular and special education): pass the middle school subject-specific licensing examination(s) for the content area(s) to be certified;

d. Candidates for Grades 6-12 (regular and special education): pass the secondary subject-specific examination(s) for the content area(s) to be certified. If no examination has been adopted for Louisiana in the

certification area, candidates must present a minimum of 31 semester hours of coursework specific to the content area.

e. Candidates for All-Level K-12 areas of art, dance, foreign language, health and physical education, and music: pass the subject-specific examination(s) for the content area(s) to be certified. If no examination has been adopted for Louisiana in the certification area, candidates must present a minimum of 31 semester hours of coursework specific to the content area. Provider must develop a process to assure that candidates demonstrate necessary performance skills in the all-level certification area.

5. Meet other non-course requirements established by the college or university.

Program Requirements

1. Knowledge of Learner and the Learning Environment
15 credit hours

Grades PK-3, 1-5, 4-8, and 6-12: Child or adolescent development or psychology, the diverse learner, classroom management/organization, assessment, instructional design and instructional strategies

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-Level (grades K-12): Child AND adolescent psychology, the diverse learner, classroom management/organization, assessment, instructional design and instructional strategies, across grade levels K-12

2. Methodology and Teaching 12-15 credit hours

Methods courses and field experiences. NOTE: For all-level K-12 areas (Art, Dance, Foreign Language, Health and Physical Education, and Music), experiences should be provided across grades K-12.

3. Student Teaching or Internship 6-9 credit hours

NOTE: For all-level K-12 areas (Art, Dance, Foreign Language, Health and Physical Education, and Music), experiences should be provided across grades K-12.

TOTAL: 33-39 credit hours

Certification Requirements

Colleges or universities will submit signed statements to the Louisiana Department of Education which indicate that the student completing the Masters Degree Program alternative certification path met the following requirements:

1. Passed PPST components of the PRAXIS. (Note: This test was required for admission.)

2. Completed coursework (undergraduate and masters program) with an overall 2.50 or higher GPA.

3. Passed the specialty examination (PRAXIS) for the area of certification. (Note: This test was required for admission.)

a. Grades PK-3 (regular and special education): Elementary Education: Content Knowledge (#0014) specialty examination

b. Grades 1-5 (regular and special education): Elementary Education: Content Knowledge (#0014) specialty examination

c. Grades 4-8 (regular and special education): Middle school subject-specific licensing examination(s) for content area(s) to be certified;

d. Grades 6-12 (regular and special education): Secondary subject-specific examination(s) in the content area(s) to be certified. If no examination was adopted for Louisiana in the certification area, for admission purposes, candidates were required to present a minimum of 31 semester hours of coursework specific to the content area.

e. All-Level K-12 Certification: Subject-specific examination(s) in the content area(s) to be certified. If no examination was adopted for Louisiana in the certification area, for admission purposes, candidates were required to present a minimum of 31 semester hours of coursework specific to the content area.

4. Passed the pedagogy examination (PRAXIS)

a. Grades PK-3: Early Childhood Education (0020)

b. Grades 1-5: Principles of Learning and Teaching K-6

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

d. Grades 6-12: Principles of Learning and Teaching 7-12

e. All-Level K-12 Certification: Principles of Learning and Teaching K-6, 5-9, or 7-12

f. Mild/Moderate Special Education 1-12: Education of Exceptional Students: Core Content Knowledge (0353) and Education of Exceptional Students: Mild to Moderate Disabilities (0542)

5. All candidates who enter an alternate certification program after May 1, 2004, will be required to demonstrate proficiency in the Reading Competencies as adopted by the State Board of Elementary and Secondary Education through either (1) completion of the same amount of semester hours in reading as required for undergraduate teacher preparation programs, or (2) a reading competency assessment, prior to receiving a Level 1 or higher professional teaching certificate.

Non-Masters/Certification-Only Program Alternative Path to Certification

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. Non-Master's/ Certification-Only Programs may offer certification in PK-3, 1-5, 4-8, and 6-12, All-Level K-12 (art, dance, foreign language, health and physical education, and music), 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 2.20 GPA, or higher, on undergraduate coursework. (An overall 2.50 GPA is required for certification; those candidates with a GPA lower than 2.50 may have to take additional courses in the program to achieve a 2.50 GPA);

3. Pass the PRAXIS Pre-Professional Skills Tests (PPST) (Individuals who already possess a graduate degree will be exempted from this requirement.); 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 examination;

b. Candidates for Grades 1-5 (regular and special education): pass the Elementary Education: Content Knowledge (#0014) specialty examination;

c. Candidates for Grades 4-8 (regular and special education): pass the middle school subject-specific examination(s) in the content area(s) to be certified;

d. Candidates for Grades 6-12 (regular and special education): pass the secondary subject-specific examination(s) in the content area(s) to be certified. If no examination has been adopted for Louisiana in the certification area, candidates must present a minimum of 31 semester hours of coursework specific to the content area.

e. Candidates for All-Level K-12 areas of art, dance, foreign language, health and physical education, and music: pass the subject-specific examination(s) in the content area(s) to be certified. If no examination has been adopted for Louisiana in the certification area, candidates must present a minimum of 31 semester hours of coursework specific to the content area. Provider must develop a process to assure that candidates demonstrate necessary performance skills in the all-level certification area.

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, 1-5, 4-8, and 6-12: Child or 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 Special Education Mild/Moderate exceptional child, classroom management, behavioral management, assessment and evaluation, methods and materials for Special Education Mild/Moderate exceptional children, vocational and transition services for students with disabilities.

ALL-LEVEL K-12 AREAS: Child psychology AND adolescent psychology; the diverse learner; classroom management/organization/environment; assessment; instructional design, and reading/instructional strategies across grade levels K-12.

*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. NOTE: For all-level K-12 areas (Art, Dance, Foreign Language, Health and Physical Education, and Music), experiences should be provided across grades K-12.

3. Internship or Student Teaching 6 hours

Will include methodology seminars that are participant-oriented. NOTE: For all-level K-12 areas (Art, Dance, Foreign Language, Health and Physical Education, and Music), internship or student teaching experiences should be provided across grades K-12.

4. Prescriptive Plan 1-9 hours

The prescriptive plan can be pre-planned courses for individual programs or can be 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.) (Individuals who already possess a graduate degree will be exempted from this requirement).

2. Completed all coursework (including the certification program) with an overall 2.50 or higher GPA.

3. Passed the specialty examination (PRAXIS) for the area(s) of certification. (Note: This test was required for admission.)

a. Grades PK-3 (regular and special education): Elementary Education: Content Knowledge (#0014) specialty examination

b. Grades 1-5 (regular and special education): Elementary Education: Content Knowledge (#0014) specialty examination

c. Grades 4-8 (regular and special education): Middle school subject-specific licensing examination(s) in area(s) to be certified;

d. Grades 6-12 (regular and special education) and All-Level K-12 Certification: Subject-specific examination in content areas to be certified. If no examination was adopted for Louisiana in the certification area, candidates were required to present a minimum of 31 semester hours of coursework specific to the content area for admission to the program.

4. Passed the pedagogy examination (PRAXIS)

a. Grades PK-3: Early Childhood Education (0020)

b. Grades 1-5: Principles of Learning and Teaching K-6

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

d. Grades 6-12: Principles of Learning and Teaching 7-12

e. All-Level K-12 Certification: Principles of Learning and Teaching K-6, 5-9, or 7-12

f. Mild/Moderate Special Education 1-12: Education of Exceptional Students: Core Content Knowledge (0353) and Education of Exceptional Students: Mild to Moderate Disabilities (0542)

5. All candidates who enter an alternate certification program after May 1, 2004, will be required to demonstrate proficiency in the Reading Competencies as adopted by the State Board of Elementary and Secondary Education through either (1) completion of the same amount of semester hours in reading as required for undergraduate teacher preparation programs, or (2) a reading competency assessment, prior to receiving a Level 1 or higher professional teaching certificate.

Deadline Dates For Louisiana Alternate Programs
No students should be accepted into an old post-baccalaureate alternate certification program in the areas of PK-3, 1-5, 4-8, 6-12, and mild/moderate special education after Spring Semester 2003. Candidates in these areas who are already in the old alternative certification programs would be allowed until August 31, 2006, to complete their programs.
No students should be accepted into an old post-baccalaureate alternate certification program in the all-level (K-12) areas of art, dance, foreign language, H&PE, and music after Spring Semester 2005. Candidates in these areas who are already in the old alternative certification programs would be allowed until August 31, 2008, to complete their programs.

* * *

Family Impact Statement

In accordance with Section 953 and 974 of Title 49 of the Louisiana Revised Statutes, there is hereby submitted a Family Impact Statement on the rule proposed for adoption, repeal or amendment. All Family Impact Statements shall be kept on file in the State Board Office which has adopted, amended, or repealed a rule in accordance with the applicable provisions of the law relating to public records.

1. Will the proposed Rule affect the stability of the family? No.
2. Will the proposed Rule affect the authority and rights or parents regarding the education and supervision of their children? No.
3. Will the proposed Rule affect the functioning of the family? No.
4. Will the proposed Rule affect family earnings and family budget? No.
5. Will the proposed Rule affect the behavior and personal responsibility of children? No.
6. Is the family or a local government able to perform the function as contained in the proposed Rule? No.

Interested persons may submit written comments until 4:30 p.m., August 9, 2004, to Nina Ford, State Board of Elementary and Secondary Education, P.O. Box 94064, Capitol Station, Baton Rouge, LA 70804-9064.

Weegie Peabody
Executive Director

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: **Bulletin 746 Louisiana Standards for State Certification of School Personnel Reading Competencies Policy for Alternate Teacher Certification Programs**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)
This change in current Bulletin 746 policy allows an option for alternate teacher certification program candidates to either

complete a specified number of semester hours in reading or pass a reading competency assessment as a demonstration of proficiency in the reading competencies adopted by the State Board of Elementary and Secondary Education. The adoption of this policy will cost the Department of Education approximately \$700 (printing and postage) to disseminate the policy.

- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
This policy will have no effect on revenue collections.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)
There are no estimated costs and/or economic benefits to directly affected persons or non-governmental groups.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
This policy will have no effect on competition and employment.

Marlyn J. Langley
Deputy Superintendent
Management and Finance
0406#035

H. Gordon Monk
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

Board of Elementary and Secondary Education

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

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, notice is hereby given that the Board of Elementary and Secondary Education approved for advertisement an amendment to *Bulletin 746 Louisiana Standards for State Certification of School Personnel*, referenced in LAC 28:I.903(A). This proposed revision amends language to current Bulletin 746 policy for the suspension, revocation, and reinstatement of teaching certificates as well as for the denial of teaching certificates for criminal offenses provides for the following: (1) a period of three years must lapse from time of criminal offense until time of application for a teaching certificate; (2) convictions set aside, expunged, or pardoned (per Louisiana first offender pardon laws) will be treated as convictions for purposes of suspension and/or revocation; (3) gubernatorial pardons will be honored; (4) the board may deny a request for reinstatement based on applicant's dishonesty in failing to disclose a prior criminal conviction; (5) applicant must contact the board and request a hearing; and (6) if the board denies reinstatement, the applicant must wait one year prior to re-application.

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, LR 1:183, 311, 399, 541 (April, July, September, December 1975), amended LR 28:2505 (December 2002), LR 29:117 (February 2003), LR 29:119 (February 2003), LR 29:121 (February 2003), LR 30:

* * *

Suspension, Revocation, and Reinstatement of Certificates for Criminal Offenses

I. A Louisiana teaching certificate shall be suspended and revoked if the individual holding the certificate has been convicted of any offense listed in R.S. 15:587.1(C) (see Attachment 1) or any felony offense whatsoever. A person convicted of an offense as defined herein may apply for a certificate after three years have passed from date of entry of final conviction pursuant to the procedures and rules set forth in Section V.

II. For the purposes of this policy:

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

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

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

The term "applicant" shall include any person applying for any permanent, ancillary, provisional or temporary certificate.

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

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

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

III. Convictions that are set aside pursuant to Articles 893 or 894 of the Louisiana Code of Criminal Procedures, expunged, or which are pardoned subject to Louisiana first offender pardon laws nonetheless, shall be treated as convictions for the purposes of suspension and/or revocation.

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

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

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

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

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

E. The teacher shall be notified by certified mail and by any other appropriate means of notice that his/her certificate has been suspended and that the certificate will be revoked unless the teacher can provide documentation that he/she was not convicted of the crime. The teacher shall provide copies of any documentation that verifies his/her identity and refutes the existence of a criminal conviction.

If the conviction upon which a teacher's certificate has been suspended and/or revoked is reversed, such action shall be communicated to the board through documentation provided by the applicant. The board may receive such information and order immediate reinstatement of the teacher's certificate.

Upon official action by the board, any teacher whose certificate has been revoked, shall be notified of such action by certified mail. The correspondence shall include instructions for and identification of the date when the individual may apply to the Board for reinstatement of his/her certificate.

V. Procedures and Rules for Applications for Reinstatement:

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

B. Reinstatements of certificates shall not be considered for any felony conviction until at least three years have elapsed from the date of the conviction.

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

1. There have been no other arrests or convictions. The applicant must provide a current FBI criminal history background check from state police that is clean and clear.

2. There has been successful completion of all conditions/requirements of parole and/or probation. The applicant must provide relevant-documentation.

D. The applicant must:

1. Contact the office of the Board of Elementary and Secondary Education and request a hearing for reinstatement of the certificate.

2. Provide each item identified above in Section C and further documentation evidencing rehabilitation. The applicant is recommended to provide letters of support from past/present employers, school board employees and officials, faculty, and administrative staff from the college education department, law enforcement officials and/or from other community leaders.

E. The board will consider the request for reinstatement and documentation provided. The board is not required to conduct a reinstatement hearing and may summarily deny a request for reinstatement.

F. If the board or its designees decide to conduct a reinstatement hearing, board staff shall notify the applicant

of a date, time, and place when a committee of the board shall consider the applicant's request. The applicant may be represented/accompanied by legal counsel. In addition to the applicant and his/her legal counsel, a maximum of three witnesses may be called to provide testimony regarding the applicant's rehabilitation. Testimony and information considered will be limited to evidence of rehabilitation. The conviction itself will be given full faith and credit. The written documentation provided prior to the hearing will also be considered.

G. The Board of Elementary and Secondary Education reserves the right to accept or reject any document or testimony offered as evidence of rehabilitation and the right to determine if adequate rehabilitation has occurred and will itself determine if and when an applicant is eligible for reinstatement of a teaching certificate. The board further reserves the right to deny a request for reinstatement based on the applicant's dishonesty in failing to disclose a prior criminal conviction.

H. If the board denies reinstatement, the applicant must wait one year prior to re-application.

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

Attachment 1

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

R.S. 14:30, R.S. 14:30.1, R.S. 14:31, R.S. 14:41 through R.S.14:45, R.S. 14:74, R.S. 14:78, R.S. 14:79.1, R.S. 14:80 through R.S. 14:86, R.S. 14:89, R.S. 4:89.1, R.S. 14:92, R.S. 14:93, R.S. 14:93.2.1, R.S. 14:93.3, R.S. 14:106, R.S. 14:282, R.S. 14:286, R.S. 40:966(A), R.S. 40:967(A), R.S. 40:968(A), R.S. 40:969(A), and R.S. 40:970(A) or convictions for attempt or conspiracy to commit any of those offenses; Those of a jurisdiction other than Louisiana which, in the judgment of the bureau employee charged with responsibility for responding to the request, would constitute a crime under the provisions cited in this Subsection, and Those under the Federal Criminal Code having analogous elements of criminal and moral turpitude (Federal Criminal Code provisions are in Title 18 of U.S.C.A.). Specifically:

- *R.S. 14:30 First degree murder
- *R.S. 14:30.1 Second degree murder
- R.S. 14:31 Manslaughter
- *R.S. 14:41 Rape
- *R.S. 14:42 Aggravated rape
- *R.S. 14:42.1 Forcible rape
- *R.S. 14:43 Simple rape
- *R.S. 14:43.1 Sexual battery
- *R.S. 14:43.2 Aggravated sexual battery
- *R.S. 14:43.3 Oral sexual battery
- *R.S. 14:43.4 Aggravated oral sexual battery
- *R.S. 14:43.5 Intentional exposure to the AIDS virus
- *R.S. 14:44 Aggravated kidnapping
- *R.S. 14:44.1 Second degree kidnapping
- *R.S. 14:45 Simple kidnapping
- R.S. 14:74 Criminal neglect of family
- *R.S. 14:78 Incest
- *R.S. 14:79.1 Criminal abandonment

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

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

Denial of Certificates for Criminal Offenses

I. An application for a Louisiana teaching certificate shall be denied if the individual applying for the certificate has been convicted of any offense listed in R.S. 15:587.1(C) (see Attachment 1) or any felony offense whatsoever. A person convicted of an offense as defined herein may apply for a certificate after three years have passed from date of entry of final conviction pursuant to the procedures and rules set forth in Section V.

II. For the purposes of this policy:

The term "offense" or "crime" shall include those listed in R.S. 15:587.1(C) and any felony offense whatsoever.

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

The term "applicant" shall include any person applying for any permanent, ancillary, provisional or temporary certificate.

The term "convicted" or "conviction" shall include any proceedings in which the accused pleads guilty or no contest

and those proceedings that are tried and result in a judgment of guilty.

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

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

III. Convictions that are set aside pursuant to Articles 893 or 894 of the Louisiana Code of Criminal Procedures, expunged, or which are pardoned subject to Louisiana first offender pardon laws nonetheless, shall be treated as convictions for the purpose of denial.

IV. The applicant shall be notified by certified mail and by any other appropriate means of notice that his/her certificate has been denied. If the conviction upon which the certificate has been denied is reversed, such action should be communicated to the department through documentation provided by the applicant. The applicant shall provide copies of any documents that verify his/her identity and refute the existence of a criminal conviction.

V. Procedures for Issuance of Certificate to a Person Whose Final Conviction Was Entered More Than Three Years Prior to Application:

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

B. An applicant may apply to the board for issuance of his/her teaching certificate after three years have passed since conviction of an offense as defined herein under the following conditions:

1. There have been no other arrests or convictions. The applicant must provide a current FBI criminal background check from the state police that is clean and clear.

2. There has been successful completion of all conditions and/or requirements of parole and/or probation. The applicant must provide relevant documentation.

C. The applicant must:

1. Contact the office of the Board of Elementary and Secondary Education and request a hearing for issuance of a certificate.

2. Provide each item identified above in Section B, and further documentation evidencing rehabilitation. It is recommended that the applicant provide letters of support from past/present employers, school board employees and officials, faculty and administrative staff from the college education department, law enforcement officials and/or from other community leaders.

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

E. If the board or its designees decide to conduct an issuance hearing, board staff shall notify the applicant of a date, time, and place when a committee of the board shall consider the applicant's request. The applicant may be represented/accompanied by legal counsel. In addition to the applicant and his/her legal counsel, a maximum of three witnesses may be called to provide testimony regarding the applicant's rehabilitation. Testimony and information

considered will be limited to evidence of rehabilitation. The conviction itself will be given full faith and credit.

F. The committee of the board shall make a recommendation to the full board regarding whether the teaching certificate should be granted, or denied. Board staff shall notify the applicant of the board's action.

G. The Board of Elementary and Secondary Education reserves the right to accept or reject any document or testimony offered as evidence of rehabilitation and the right to determine if adequate rehabilitation has occurred and will itself determine if and when an applicant is eligible for a teaching certificate. The board further reserves the right to deny issuance based on the applicant's dishonesty in failing to disclose a prior criminal conviction.

Attachment 1

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

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

- *R.S. 14:30 First degree murder
- *R.S. 14:30.1 Second degree murder
- R.S. 14:31 Manslaughter
- *R.S. 14:41 Rape
- *R.S. 14:42 Aggravated rape
- *R.S. 14:42.1 Forcible rape
- *R.S. 14:43 Simple rape
- *R.S. 14:43.1 Sexual battery
- *R.S. 14:43.2 Aggravated sexual battery
- *R.S. 14:43.3 Oral sexual battery
- *R.S. 14:43.4 Aggravated oral sexual battery
- *R.S. 14:43.5 Intentional exposure to the AIDS virus
- *R.S. 14:44 Aggravated kidnapping
- *R.S. 14:44.1 Second degree kidnapping
- *R.S. 14:45 Simple kidnapping
- R.S. 14:74 Criminal neglect of family
- *R.S. 14:78 Incest
- *R.S. 14:79.1 Criminal abandonment
- *R.S. 14:80 Carnal knowledge of a juvenile
- *R.S. 14:81 Indecent behavior with a juvenile
- *R.S. 14:81.1 Pornography involving juveniles
- *R.S. 14:81.2 Molestation of a juvenile
- R.S. 14:82 Prostitution
- *R.S. 14:82.1 Prostitution; Persons under seventeen; additional offenses
- R.S. 14:83 Soliciting for prostitutes
- R.S. 14:83.1 Inciting prostitution
- R.S. 14:83.2 Promoting prostitution
- R.S. 14:83.3 Prostitution by massage
- R.S. 14:83.4 Massage; Sexual content prohibit
- R.S. 14:84 Pandering

- R.S. 14:85 Letting premises for prostitution
- R.S. 14:85.1 Letting premises for obscenity
- *R.S. 14:86 Enticing persons into prostitution
- *R.S. 14:89 Crime against nature
- *R.S. 14:89.1 Aggravated crime against nature
- R.S. 14:92 Contributing to the delinquency of juveniles
- *R.S. 14:93 Cruelty to juveniles
- *R.S. 14:93.2.1 Child desertion
- R.S. 14:93.3 Cruelty to the infirm
- R.S. 14:106 Obscenity
- R.S. 14:282 Operation of places of prostitution prohibited
- *R.S. 14:286 Sale of minor children
- R.S. 40:966(A) Penalty for distribution or possession with intent to distribute narcotic drugs listed in Schedule I; Manufacture; Distribution
- R.S. 40:967(A) Prohibited acts; Schedule II, penalties; Manufacture; Distribution
- R.S. 40:968(A) Prohibited acts; Schedule III; penalties; Manufacture; Distribution
- R.S. 40:969(A) Prohibited acts; Schedule IV; penalties; Manufacture; Distribution
- R.S. 40:970(A) Prohibited acts; Schedule V; penalties; Manufacture; Distribution

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

* * *

Family Impact Statement

In accordance with Section 953 and 974 of Title 49 of the Louisiana Revised Statutes, there is hereby submitted a Family Impact Statement on the rule proposed for adoption, repeal or amendment. All Family Impact Statements shall be kept on file in the State Board Office which has adopted, amended, or repealed a rule in accordance with the applicable provisions of the law relating to public records.

1. Will the proposed Rule affect the stability of the family? No.
2. Will the proposed Rule affect the authority and rights or parents regarding the education and supervision of their children? No.
3. Will the proposed Rule affect the functioning of the family? No.
4. Will the proposed Rule affect family earnings and family budget? No.
5. Will the proposed Rule affect the behavior and personal responsibility of children? No.
6. Is the family or a local government able to perform the function as contained in the proposed Rule? No.

Interested persons may submit written comments until 4:30 p.m., August 9, 2004, to Nina Ford, State Board of Elementary and Secondary Education, P.O. Box 94064, Capitol Station, Baton Rouge, LA 70804-9064.

Weegie Peabody
Executive Director

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: **Bulletin 746 Louisiana Standards for State Certification of School Personnel Suspension, Revocation, and Reinstatement of Certificates Policy; Denial of Certificates for Criminal Offenses Policy**

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

Amended language to current Bulletin 746 policy for the suspension, revocation, and reinstatement of teaching certificates as well as for the denial of teaching certificates for criminal offenses provides for the following: (1) a period of three years must lapse from time of criminal offense until time of application for a teaching certificate; (2) convictions set aside, expunged, or pardoned (per Louisiana first offender pardon laws) will be treated as convictions for purposes of suspension and/or revocation; (3) gubernatorial pardons will be honored; (4) the Board may deny a request for reinstatement based on applicant's dishonesty in failing to disclose a prior criminal conviction; (5) applicant must contact the Board and request a hearing; and (6) if the Board denies reinstatement, the applicant must wait one year prior to re-application. The adoption of this policy will cost the Department of Education approximately \$700 (printing and postage) to disseminate the policy.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

This policy will have no effect on revenue collections.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

There are no estimated costs and/or economic benefits to directly affected persons or non-governmental groups.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

This policy will have no effect on competition and employment.

Marlyn J. Langley
Deputy Superintendent
Management and Finance
0406#036

H. Gordon Monk
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

Board of Elementary and Secondary Education

Guidelines for Personnel Evaluation (LAC 28:CHIII.Chapters 1-7)

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, notice is hereby given that the Board of Elementary and Secondary Education approved for advertisement revisions to *Bulletin 1525 Guidelines for Personnel Evaluation*, referenced in R.S. 17:3883(A)(5),(6),and(7), and (B)(2), 3903(A) and 3904(A)(1), and R.S. 17:3883(B)(5) and 3905, promulgated by the Board of Elementary and Secondary Education in LR5:168 (July 1979). This is the first time that *Bulletin 1525* appears in its codified form. The State Board of Elementary

and Secondary Education (SBESE) at its January meeting approved revisions to the Louisiana Components of Effective Teaching (LCET) that appears as Section 703 of *Bulletin 1525 Guidelines for Personnel Evaluation*. The LCET are the assessment criteria for the first and second year teachers participating in the Louisiana Teacher Assistance and Assessment Program as well as all experienced teachers participating in local personnel evaluation programs. Revisions to the LCET were necessitated by the May 2001 Governor's Blue Ribbon Commission Teacher Quality Recommendations Year Two Report.

**Title 28
EDUCATION**

**Part CIII. Bulletin 1525 Guidelines for Personnel
Evaluation**

Chapter 1. Overview

§101. Guidelines of the Program

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

B. Act 506, R.S. 17:391.5, as enacted and amended during the 1992 Regular Session of the Louisiana Legislature, revised and reenacted previous LEA accountability legislation. It included provisions to strengthen and make more uniform the local teacher evaluation practices within the public schools of Louisiana.

C. During the spring of 1992, the State Board of Elementary and Secondary Education (SBESE) authorized the convening of a Local Teacher Evaluation Program Panel (Panel II) to develop guidelines for strengthening and standardizing the teacher evaluation programs employed by school districts across the state. Superintendents, principals, and teachers were represented on this panel. Panel II operated under the assumption that local teacher evaluation programs would be standardized if they were grounded in the same statement of philosophy and purposes, if they used common criteria to evaluate teachers, and if they included uniform procedures and guidelines.

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

E. The SBESE also authorized the convening of the Louisiana Components of Effective Teaching (LCET) Panel (Panel I) during the spring of 1992. The charge of Panel I

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

F. In 1994, Act I of the Third Extraordinary session of the 1994 Louisiana Legislature was passed. Act I amended and reenacted several statutes related to Local Personnel Evaluation. In April 2000, Act 38 of the Extraordinary Session of the 2000 Louisiana Legislature was passed. Act 38 amended, enacted, and repealed portions of the legislation regarding the local personnel evaluation process. While local school districts are expected to maintain the elements of the local personnel evaluation programs currently in place and set forth in this document, Act 38 eliminated the LDE's required monitoring of the local implementation. Monitoring of local personnel evaluation programs is to occur as requested by the SBESE.

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

AUTHORITY NOTE: Promulgated in Accordance with R.S. 17:391.10, R.S. 17:3871-3873, R.S. 17:3881-3884, and R.S. 1309-3904.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 30:

§103. Philosophy of Personnel Evaluation

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

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

C. Supplementing many of the traditional concepts of personnel evaluation, the LDE affirms and supports the belief that evaluation is a humanistic process directed toward the growth and development of all professional personnel who determine the educational programs in the state. This vast human potential will ultimately determine the direction the educational programs will follow.

D. Therefore, it is crucial that every effort possible be expended toward the identification and retention of the most competent and qualified personnel.

AUTHORITY NOTE: Promulgated in Accordance with R.S. 17:391.10, R.S. 17:3871-3873, R.S. 17:3881-3884, and R.S. 1309-3904.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 30:

§105. Purposes of Personnel Evaluation

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

1. to assure the public that the educational system provides the best opportunities for all children to learn;
2. to assure the public that the most qualified personnel are employed in every position and that effective teaching continues in the classroom;
3. to foster the continuous improvement of teaching and learning by providing opportunities for the professional growth of all educators;
4. to provide support for the professional development of new teachers during their first year of teaching;
5. to provide procedures that are necessary to fulfill the objectives of retaining competent professional employees, to embrace sound educational principles, and to ensure the strengthening of the formal learning environment;
6. to provide procedures for self-evaluation, personal reflection, and peer collaboration;
7. to promote among all school personnel positive interpersonal relationships that will continually increase professional competencies.

AUTHORITY NOTE: Promulgated in Accordance with R.S. 17:391.10, R.S. 17:3871-3873, R.S. 17:3881-3884, and R.S. 1309-3904.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 30:

§107. Implementation of Personnel Evaluation Programs

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

1. The LEA's steering committee reviews and refines plans annually for implementing its local personnel evaluation program during the school year.
2. Local school districts may elect to submit their personnel evaluation plans and/or revisions to the LDE prior to the beginning of the next school year. The LDE receives and reviews, per request, local personnel evaluation plans and/or revisions according to the guidelines presented in *Bulletin 1525*.
3. Each LEA's steering committee implements its refined personnel evaluation program with LEA Board approval and meets annually to monitor its implementation.
4. Each LEA provides ongoing staff development for teachers and administrators.
5. Each LEA annually reports the summary results of personnel evaluation to the LDE by July 15.

AUTHORITY NOTE: Promulgated in Accordance with R.S. 17:391.10, R.S. 17:3871-3873, R.S. 17:3881-3884, and R.S. 1309-3904.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 30:

§109. Framework for LEA Personnel Evaluation Programs

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

particular needs of the school district it represents and the guidelines developed by the LDE pursuant to the laws.

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

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

Section 1.0	Focus on Educational Improvement
Section 2.0	Staff Involvement in the Personnel Evaluation Program
Section 3.0	Philosophy and Purposes of Personnel Evaluation
Section 4.0	LEA Personnel Evaluation Glossary
Section 5.0	Impact of Personnel Evaluation
Section 6.0	Evaluation Process Description
Section 6.1	Evaluation Criteria
Section 6.1A	Instructional Personnel
Section 6.1B	Non-Instructional Certified and Other Professional Personnel
Section 6.2	Accountability Relationships Register
Section 6.3	Programs Instruments Register
Section 6.4	Observation Process
Section 6.5	Developing the Professional Growth Plan
Section 6.6	Personnel Self-Evaluation
Section 6.7	The Evaluation Period
Section 6.8	Intensive Assistance Programs
Section 6.9	Induction of New Teachers
Section 6.10	Procedures for Resolving Conflict—Due Process
Section 7.0	Staff Development for Personnel Involved in Evaluation
Section 8.0	Process Instruments
Section 9.0	Job Descriptions
Section 10.0	Employment Requirements
Section 11.0	Evaluation Exemption
Section 12.0	Statement of Assurance

AUTHORITY NOTE: Promulgated in Accordance with R.S. 17:391.10, R.S. 17:3871-3873, R.S. 17:3881-3884, and R.S. 1309-3904.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 30:

§111. Definitions

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

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

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

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

Assistance Level The number of times assistance has been prescribed.

Certified School Personnel Those persons whose positions require LDE certification.

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

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

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

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

Evaluatee One who is evaluated.

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

Evaluation Period The period of time during each school year during which the evaluation program will be conducted.

Evaluator One who evaluates.

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

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

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

Job Description A statement of the position title, qualifications, supervisor, supervisory responsibilities, duties, job tasks, and standard performance criteria that specify the level of job skill required. (The *Louisiana Components of Effective Teaching* must be included for instructional personnel, and the *Standards for Principals*

must be included for building-level administrators.) Space must be provided for signature and date.

LEA Local educational agency, parish/city school board, local school system.

LEA Steering Committee A local school district committee representing instructional, certified, and other professional personnel to review the current personnel evaluation program.

LDE Louisiana Department of Education.

Multi-Opportunity More than one opportunity.

New Teacher Any full-time employee of a local board who is engaged to provide instruction directly and regularly to students in any elementary, secondary, or special education school setting; one who is not an administrator and who is employed for the first time in a public school in this state after August 1, 1994; one who holds a regular teaching certificate, which when issued was valid for three years; or one who is authorized under law or board regulation to teach temporarily while seeking a regular teaching certificate.

Non-Instructional Certified and Other Professional School Personnel Those LEA personnel who do not provide classroom instruction.

Objective A devised accomplishment that can be verified within a given time, under specifiable conditions, and by evidence of achievement.

Observation The process of gathering facts, noting occurrences, and documenting evidence of performance.

Other Professional School Personnel All school employees whose positions do not require a teaching certificate but do require a college degree and/or employees without a college degree who assume major management functions by directing, administering, or managing significant departments or divisions within the LEA.

Performance Criteria General and specific standards by which personnel may be evaluated and on which judgments and decision making may be based.

Philosophy A composite statement of the relationship between the individual and society based upon beliefs, concepts, and attitudes from which the goals and purposes of the district's mission are derived.

Professional Growth Plan A written plan formulated by the satisfactorily-performing evaluatee to enhance his/her skills and performance. The plan includes specific goal(s), objective(s), action plans, timelines, and evaluation criteria.

Public Schools Public elementary and secondary schools governed by parish or city school boards and under the supervision of the State Board of Elementary and Secondary Education (SBESE).

School Board Parish or city school board governing public elementary and secondary schools.

School District The area of each parish or municipality under the jurisdiction of a local school board.

School Personnel Teachers, librarians, counselors, administrators, and other professional personnel of the public schools of the state, including members of the professional staff of the LDE.

Self-Evaluation The process of making considered judgments of one's own performance concerning professional accomplishments and competencies as a certified employee or other professional person based upon personal knowledge of the area of performance involved, the

characteristics of the given situation, and the specific standards for performance pre-established for the position; to be submitted by the evaluatee to the appropriate evaluator for use in the compilation of the individual's evaluation report.

Single Official Personnel File Single personnel file maintained in the LEA central office. At minimum, the contents of the single official personnel file must include 1) documentation for the annual review or update of job descriptions and self-evaluations, 2) copies of completed observations and evaluations, and 3) completed professional growth plans or evidence to support the initiation and annual review of long term growth plans.

Staff Development Process designed for groups of LEA personnel with similarities guided by school/district goals and plans. It should encourage collective growth in a common direction and lead to an enhanced repertoire of skills/concepts.

Standard That which is set up and established by an authority or by mutual acceptance as a basis for the measure of quantity, value, or quality.

Standard of Performance An authoritative or mutually established level of accomplishment.

Teacher Any full-time employee of a local board who is engaged to provide instruction directly and regularly to students in any elementary, secondary, or special education school setting including a librarian, an assessment teacher, a speech therapist, and a counselor; one who is not an administrator; and who has successfully completed the Teacher Assistance and Assessment Program or who is not required to participate in the Teacher Assistance and Assessment Program.

Triennial Occurring every third year.

Uniform Evaluation System A system of evaluation that applies the same procedures in a consistent manner to all employees of each type or class of certified employees, as well as other professional school personnel.

AUTHORITY NOTE: Promulgated in Accordance with R.S. 17:391.10, R.S. 17:3871-3873, R.S. 17:3881-3884, and R.S. 1309-3904.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 30:

Chapter 3. Template for Personnel Evaluation Plans

§301. Focus on Educational Improvement

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

AUTHORITY NOTE: Promulgated in Accordance with R.S. 17:391.10, R.S. 17:3871-3873, R.S. 17:3881-3884, and R.S. 1309-3904.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 30:

§303. Staff Involvement in the Personnel Evaluation Program

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

AUTHORITY NOTE: Promulgated in Accordance with R.S. 17:391.10, R.S. 17:3871-3873, R.S. 17:3881-3884, and R.S. 1309-3904.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 30:

§305. Philosophy and Purposes of Personnel Evaluation

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

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

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

AUTHORITY NOTE: Promulgated in Accordance with R.S. 17:391.10, R.S. 17:3871-3873, R.S. 17:3881-3884, and R.S. 1309-3904.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 30:

§307. LEA Personnel Evaluation Glossary

A. When developing Section 4.0 of the LEA personnel evaluation plan, the LEA should include a complete listing of all evaluation terms used in the school district. Definitions

of each term should be provided to assist with program consistency and standardization. A minimal list of terms and definitions to include in the LEA Personnel Evaluation Glossary is provided in Section 111 of this document. The LEA may include other terms and definitions as necessary.

AUTHORITY NOTE: Promulgated in Accordance with R.S. 17:391.10, R.S. 17:3871-3873, R.S. 17:3881-3884, and R.S. 1309-3904.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 30:

§309. Impact of Personnel Evaluation

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

AUTHORITY NOTE: Promulgated in Accordance with R.S. 17:391.10, R.S. 17:3871-3873, R.S. 17:3881-3884, and R.S. 1309-3904.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 30:

§311. Evaluation Process Description

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

B. It is important to note that Section 6.0 of *Bulletin 1525* incorporates the work of Panel II (Appendix A) as it applies to classroom teachers. The evaluation process for principals must comply with the *Standards for School Principals in Louisiana, 1998* (Appendix C). Furthermore, the LEA's description of the evaluation process should integrate and apply the content that is applicable and appropriate for all certified and other professional personnel. The guidelines to use in developing the description of the evaluation process for all certified and professional personnel follow.

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

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

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

AUTHORITY NOTE: Promulgated in Accordance with R.S. 17:391.10, R.S. 17:3871-3873, R.S. 17:3881-3884, and R.S. 1309-3904.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 30:

§313. Evaluation Criteria

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

AUTHORITY NOTE: Promulgated in Accordance with R.S. 17:391.10, R.S. 17:3871-3873, R.S. 17:3881-3884, and R.S. 1309-3904.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 30:

§315. Evaluation of Instructional Personnel

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

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

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

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

AUTHORITY NOTE: Promulgated in Accordance with R.S. 17:391.10, R.S. 17:3871-3873, R.S. 17:3881-3884, and R.S. 1309-3904.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 30:

§317. Evaluation of Non-Instructional Certified and Other Professional Personnel

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

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

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

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

AUTHORITY NOTE: Promulgated in Accordance with R.S. 17:391.10, R.S. 17:3871-3873, R.S. 17:3881-3884, and R.S. 1309-3904.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 30:

§319. Accountability Relationships Register

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

B. Accountability Relationships Register

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

AUTHORITY NOTE: Promulgated in Accordance with R.S. 17:391.10, R.S. 17:3871-3873, R.S. 17:3881-3884, and R.S. 1309-3904.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 30:

§321. Program Instruments Register

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

B. Program Instruments Register

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

AUTHORITY NOTE: Promulgated in Accordance with R.S. 17:391.10, R.S. 17:3871-3873, R.S. 17:3881-3884, and R.S. 1309-3904.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 30:

§323. Observation Process

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

that must be addressed and incorporated in the LEA observation procedures are listed below.

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

2. The LEA must specify how often observations will occur. A minimum of one observation every year for personnel with 0-3 years experience, and one observation every 3 years for personnel with 4+ years experience is required. (Teachers participating in the Louisiana Teacher Assistance and Assessment Program may substitute elements of evaluation according to the LEA plan.)

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

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

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

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

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

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

1. Periodic classroom observations shall be used to evaluate teaching.

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

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

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

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

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

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

AUTHORITY NOTE: Promulgated in Accordance with R.S. 17:391.10, R.S. 17:3871-3873, R.S. 17:3881-3884, and R.S. 1309-3904.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 30:

§325. Developing the Professional Growth Plan

A. The process that is used to develop and evaluate the Professional Growth Plan (PGP) is specified in Section 6.5.

Periodic evaluation conferences are conducted to discuss and analyze job performance for the purpose of developing longer term PGPs to strengthen or enhance the job performance of all certified and other professional personnel. These PGPs must be developed at the beginning of the evaluation period and be based on a descriptive analysis of job performance rather than on only the results of a checklist or a rating scale. Appropriate timelines must be determined in regard to these procedures. Usually such plans include two to three objectives developed collaboratively by the evaluatee and evaluator. These plans must be reviewed and updated annually. For successful, experienced personnel, these objectives may extend beyond the professional responsibilities included in the job description and may be used to explore new, untried, innovative ideas or projects. Each objective includes a plan of action to guide the evaluatee's progress, as well as observable evaluation criteria that the evaluatee and evaluator can use to determine the extent to which each objective has been achieved. The evaluation criteria should show clearly how achievement of the objective will impact the quality of the job performance.

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

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

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

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

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

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

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

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

AUTHORITY NOTE: Promulgated in Accordance with R.S. 17:391.10, R.S. 17:3871-3873, R.S. 17:3881-3884, and R.S. 1309-3904.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 30:

§327. Personnel Self-Evaluation

A. In this section, the LEA delineates its personnel self-evaluation process. The LEA must encourage all certified and other professional personnel to assume significant responsibility for the evaluation of their performances. Ample opportunities should be provided throughout the personnel evaluation process for personal reflection, self-

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

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

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

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

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

AUTHORITY NOTE: Promulgated in Accordance with R.S. 17:391.10, R.S. 17:3871-3873, R.S. 17:3881-3884, and R.S. 1309-3904.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 30:

§329. The Evaluation Period

A. The evaluation of staff may vary depending on their experience and proficiency. The evaluation process for new teachers tends to focus on strengthening proficiency in the classroom, while the evaluation process for successful, experienced certified and other professional personnel tends to focus on professional growth and school improvement. New teachers and those new to the school district or new to a position will be evaluated each year through observations for the first three years in that position. (See Section 341, Evaluation Exemption Provisions.) More experienced certified and other professional personnel will be evaluated on the basis of observations at least once every three years. Successful, experienced certified and other professional personnel may be evaluated on a multi-year cycle that encourages staff to pursue longer-term professional growth and school improvement initiatives. An evaluation cycle may be implemented as follows.

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

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

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

1. The process must specify the number of evaluators per evaluatee.

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

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

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

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

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

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

C. The LDE recommends that personnel who are determined, through the evaluation process, to be in need of intensive assistance and/or reinforcement, be evaluated until such performance(s) is/are corrected or dismissal is recommended. Procedural due process is mandatory in the personnel evaluation programs, and a breach in this matter will be considered serious.

AUTHORITY NOTE: Promulgated in Accordance with R.S. 17:391.10, R.S. 17:3871-3873, R.S. 17:3881-3884, and R.S. 1309-3904.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 30:

§331. Intensive Assistance Programs

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

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

1. what the evaluatee must do to strengthen his/her performance, what objective(s) must be accomplished, and what level(s) of performance is/are expected;

2. what assistance/support shall be provided by the school district;

3. a timeline (not to exceed two years) for achieving the objectives and the procedures for monitoring the evaluatee's progress including observations and conferences; and

4. the action that will be taken if improvement is not demonstrated. Evaluatees must continue to be evaluated until the need for intensive assistance no longer exists.

C. LEAs must delineate the procedures to be followed if the evaluatee fails to improve within the timelines of the intensive assistance program. R.S. 17:3902 mandates that, if an evaluatee completes the intensive assistance program and

still performs unsatisfactorily on a formal evaluation, the local board shall initiate termination proceedings within six months following such unsatisfactory performance.

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

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

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

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

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

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

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

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

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

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

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

e. the date when the assistance program shall be completed;

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

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

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

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

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

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

AUTHORITY NOTE: Promulgated in Accordance with R.S. 17:391.10, R.S. 17:3871-3873, R.S. 17:3881-3884, and R.S. 1309-3904.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 30:

§333. Induction of New Teachers

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

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

AUTHORITY NOTE: Promulgated in Accordance with R.S. 17:391.10, R.S. 17:3871-3873, R.S. 17:3881-3884, and R.S. 1309-3904.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 30:

§335. Procedures for Resolving Conflict Due Process

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

B. The LEA must address the following components of due process.

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

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

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

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

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

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

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

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

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

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

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

AUTHORITY NOTE: Promulgated in Accordance with R.S. 17:391.10, R.S. 17:3871-3873, R.S. 17:3881-3884, and R.S. 1309-3904.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 30:

§337. Staff Development for Personnel Involved in Evaluation

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

1. a positive, constructive attitude toward teacher evaluation;

2. a knowledge of State laws and LEA policies governing the teacher evaluation process and associated due process procedures;

3. an understanding of the Louisiana components of effective teaching;

4. an understanding of the Standards for School Principals in Louisiana; and

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

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

1. data collection skills necessary to document a teacher's performance accurately;

2. data analysis skills necessary to make accurate judgments about a teacher's performance;
3. conferencing skills necessary to provide clear, constructive feedback regarding a teacher's performance;
4. skills in developing and facilitating meaningful professional growth plans that strengthen or enhance teaching effectiveness; and
5. skills in writing effective evaluation reports that document how evaluation has impacted the quality of the teaching-learning process in the classroom.

AUTHORITY NOTE: Promulgated in Accordance with R.S. 17:391.10, R.S. 17:3871-3873, R.S. 17:3881-3884, and R.S. 1309-3904.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 30:

§339. Process Instruments

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

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

AUTHORITY NOTE: Promulgated in Accordance with R.S. 17:391.10, R.S. 17:3871-3873, R.S. 17:3881-3884, and R.S. 1309-3904.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 30:

§341. Job Descriptions

A. The LEA Personnel Evaluation Plan must contain a copy of the job descriptions currently in use in the LEA. The local board shall establish a job description for every category of teacher and administrator pursuant to its evaluation plan. The LEA must also provide copies of job descriptions to all certified and professional personnel prior to employment. The chart that follows identifies a minimum listing of the categories and titles of personnel for which job descriptions must be developed.

Personnel Category	Position or Title
Administration	1. Superintendent
	2. Assistant Superintendent
	3. Director
	4. Supervisor
	5. Coordinator
	6. Principal
	7. Assistant Principal
	8. Any employee whose position does not require certification but does require a minimal education attainment of a bachelor's degree from an accredited institution of higher learning
	9. Any employee whose position requires certification, but whose title is not given in this list
	10. Any employee who holds a major management position, but who is not required to have a college degree or certification
Instructional Personnel	1. Teachers of Regular and Special Education students
	2. Special Projects Teachers
Support Services	1. Guidance Counselors
	2. Librarians
	3. Therapists
	4. Any employee whose position does not require certification but does require a minimal educational attainment of a bachelor's degree from an accredited institution of higher learning
	5. Any employee whose position requires certification, but whose title is not given in this list
	6. Any employee who holds a major management position, but who is not required to have a college degree or certification

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

1. position title;
2. position qualifications must be at least the minimum requirements as stated in *LDE Bulletin 746: Louisiana Standards for State Certification of School Personnel* (The qualifications must be established for the position, rather than for the evaluatee.);
3. title of the person to whom the evaluatee reports;
4. title of the person whom the evaluator supervises;
5. performance responsibilities of the evaluatee (Refer to * below.);
6. a space for the evaluatee's signature and date (Note: Job descriptions must be reviewed annually. Current signatures must be on file at the central office in the single official file to document the annual review and/or receipt of job descriptions.); and
7. all certified and other personnel shall be provided with their job descriptions prior to the beginning of their employment in the school system in their position and each time their job description is revised.

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

AUTHORITY NOTE: Promulgated in Accordance with R.S. 17:391.10, R.S. 17:3871-3873, R.S. 17:3881-3884, and R.S. 1309-3904.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 30:

§343. Employment Requirements

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

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

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

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

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

AUTHORITY NOTE: Promulgated in Accordance with R.S. 17:391.10, R.S. 17:3871-3873, R.S. 17:3881-3884, and R.S. 1309-3904.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 30:

§345. Evaluation Exemption

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

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

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

3. LEAs shall maintain the right to make employment decisions.

AUTHORITY NOTE: Promulgated in Accordance with R.S. 17:391.10, R.S. 17:3871-3873, R.S. 17:3881-3884, and R.S. 1309-3904.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 30:

§347. Statement of Assurance

A. This Section of the plan includes a statement signed by the superintendent of schools and by the president of the

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

AUTHORITY NOTE: Promulgated in Accordance with R.S. 17:391.10, R.S. 17:3871-3873, R.S. 17:3881-3884, and R.S. 1309-3904.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 30:

Chapter 5. Reporting and Monitoring

§501. Annual Summary Reporting Format

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

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

2. the years of experience of teachers, administrators, central office staff (years in position);

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

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

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

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

7. the number of certified and other professional personnel, by categories, who were evaluated as performing satisfactorily;

8. the number of certified and other professional personnel, by categories, who were evaluated as performing unsatisfactorily;

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

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

11. the number of evaluations, by categories, used to evaluate certified and other professional personnel during

the reporting period (Distinguish between the number of evaluations performed for personnel in position 0-3 years as opposed to personnel in position 4 or more years.);

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

13. the number of formal grievances filed because of unsatisfactory performance ratings or disagreement with evaluation results;

14. the number of formal hearings held because of unsatisfactory performance or disagreement with evaluation results;

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

16. the number of evaluatees who received intensive assistance.

AUTHORITY NOTE: Promulgated in Accordance with R.S. 17:391.10, R.S. 17:3871-3873, R.S. 17:3881-3884, and R.S. 1309-3904.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 30:

§503. Technical Assistance Program

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

AUTHORITY NOTE: Promulgated in Accordance with R.S. 17:391.10, R.S. 17:3871-3873, R.S. 17:3881-3884, and R.S. 1309-3904.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 30:

§505. Monitoring LEA Personnel Evaluation Programs

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

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

C. Purpose. The purpose of personnel evaluation monitoring is to determine whether the LEAs evaluation has been implemented, to what extent it has been implemented, and whether it complies with the provisions of the shared accountability legislation. The monitoring is designed to attest to the assurance that the policies and procedures are in actuality the processes being implemented within the LEA. Monitoring will specifically observe the process to ascertain

the extent to which the LEA is, or is not, following through on the process designated in their plan. The LDE has established the following goals and objectives for the monitoring of LEA personnel evaluation.

1. Goals:

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

b. to determine whether such programs have been implemented; and

c. to determine to what extent they have been implemented.

2. Objectives:

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

b. to collect and compile data;

c. to document and analyze the implementation of the personnel evaluation plan;

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

e. to maintain appropriate records/files of the monitoring process; and

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

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

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

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

2. prepare a pre-monitoring report;

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

4. visit the LEA; collect data; compile the data by one or more of the means listed below:

a. a pre-monitoring conference (LDE Team);

b. a review of the pre-monitoring report with the contact person and/or other appropriate personnel; and

c. a determination by the LDE Team of the compliance or failure to comply through on-site visits, completion of interviews, and/or viewing records;

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

a. the method of dissemination for the personnel evaluation program plans;

b. the method of documenting the achievement of the purposes of the LEA personnel evaluation program;

c. the accuracy of the evaluators/observers listed in Section 6.2 - Accountability Relationships;

d. the assurance that all certified and other professional personnel are included in the evaluation process;

e. the development of professional growth plans by all of the evaluatees;

f. the implementation of stated observation procedures;

g. the implementation of stated evaluation procedures;

h. the verification of the evaluatees' knowledge of evaluation criteria;

i. the verification of the dissemination of job descriptions; and

j. the verification of necessary intensive assistance schedules;

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

7. inform the LEA in writing of compliance, the areas of noncompliance, and of recommendations;

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

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

10. notify the SBESE of the LEA's compliance status; and

11. make recommendations to the SBESE.

AUTHORITY NOTE: Promulgated in Accordance with R.S. 17:391.10, R.S. 17:3871-3873, R.S. 17:3881-3884, and R.S. 1309-3904.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 30:

Chapter 7. Appendices

§701. Appendix A

Panel II Report

Introduction

Teaching is thinking,

- thinking about what students need to know and be able to do,
- thinking about what the teacher can do to foster such learning,
- thinking about how successful the teacher has been in achieving the desired learning outcomes, and
- thinking about how the teacher should teach that lesson next time.

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

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

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

Distinctions between Assessment and Evaluation

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

The Panel's Charge

The panel was charged to make recommendations for strengthening and standardizing the teacher evaluation programs employed by school districts across the state. The panel operated under the assumption that local teacher evaluation programs would be standardized if they were a) grounded in the same statement of philosophy and purposes, b) used common criteria to evaluate teachers, and c) included procedures that complied with uniform guidelines for teacher evaluation programs. Furthermore, the panel believed that teacher evaluation programs would be strengthened, if such philosophy and purposes, criteria, and guidelines reflected the best current thinking and research about effective teacher evaluation practices. Thus, panel members considered the current literature on teacher evaluation and then developed a statement of philosophy and purposes for teacher evaluation in Louisiana, as well as uniform guidelines for local teacher evaluation programs across the state. These guidelines include reference to common criteria that would be used to evaluate teachers, the *Louisiana Components of Effective Teaching*. The *Louisiana Components of Effective Teaching* were developed by another panel.

In addition to developing a common set of state guidelines for teacher evaluation programs, the panel developed criteria for each guideline that can be used to determine whether a local school district's teacher evaluation program complies with that guideline. The panel recommends that these

guidelines be used by the Louisiana Department of Education to strengthen and to standardize teacher evaluation programs at the local school district level according to the following timeline:

- 1992-93 **C** All school districts will review their current teacher evaluation programs in light of the new state guidelines and will develop plans to strengthen their programs if necessary.
- 1993-94 **C** All school districts will implement the new practices needed to strengthen their teaching evaluation programs.
- 1994-95 **C** All school districts will continue to implement their new teacher evaluation practices and make refinements if necessary.

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

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

Philosophy and Purposes of Teacher Evaluation

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

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

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

1. To assure the public that
 - the educational system is providing the best opportunities for all children to learn,
 - the best qualified personnel are employed in every position, and
 - effective teaching continues in the classroom;
2. To foster the continuous improvement of teaching and learning by providing opportunities for the professional growth of all educators; and

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

Guidelines for Teacher Evaluation Programs

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

- **Yes** **C** Indicates that the school district meets the criterion.
- **No** **C** Indicates that the school district does not meet the criterion.
- **Partial** **C** Indicates that the school district has a plan for meeting the criterion.

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

1. Focus on Educational Improvement

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

Compliance criteria:

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

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

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

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

2. Staff Involvement in the Teacher Evaluation Program

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

committee will evaluate the extent to which the purposes of the local teacher evaluation program are being achieved.

Compliance criteria:

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

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

3. Philosophy and Purposes of Teacher Evaluation

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

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

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

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

Compliance criteria:

The philosophy and purposes of the local teacher evaluation program are stated clearly in writing.	Y	N	P
The philosophy and purposes of the local teacher evaluation program have been explained to and discussed with teachers.	Y	N	P
The purposes provide the public assurances that only effective teachers continue to be employed by the school district.	Y	N	P

The purposes reflect sound principles of effective teaching and learning that are supported by contemporary research.	Y	N	P
The purposes support the improvement of the teaching-learning process, as well as the continued professional growth and development of instructional personnel.	Y	N	P

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

4. Accountability Relationships

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

Compliance criteria:

Accountability relationships are defined clearly in writing.	Y	N	P
Teachers are informed each year as to who is responsible for their evaluation.	Y	N	P

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

5. Evaluation Criteria

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

Compliance criteria:

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

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

6. The Classroom Observation Process

Classroom observation is a critical aspect of the teacher evaluation process. The evaluator conducts observations that are of sufficient duration to see the lesson begin, develop,

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

Compliance criteria:

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

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

7. Developing the Professional Growth Plan

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

Compliance criteria:

Teachers develop longer-term professional growth plans to strengthen or enhance the teaching-learning process.	Y	N	P
--	---	---	---

Professional growth plans are based on objectives developed collaboratively by the teacher and evaluator.	Y	N	P
A plan of action and evaluation criteria are specified for each objective.	Y	N	P
For successful, experienced teachers, objectives are used to explore new, untried, innovative ideas or projects.	Y	N	P

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

8. Teacher Self-Evaluation

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

Compliance criteria:

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

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

9. The Evaluation Period

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

- Year 1 - Teacher is evaluated formally on the basis of classroom observation
- Years 2-3 - Teacher is evaluated on the basis of progress toward those objectives included in his/her professional growth plan. Periodic classroom visits and/or observations may be conducted as necessary at the discretion of the evaluator or at the request of the teacher.

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

Compliance criteria:

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

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

10. Information Included in the Teacher Evaluation Process

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

- Evaluator's assessment of teaching based on the criteria specified in the teacher's written job description, including the *Louisiana Components of Effective Teaching*,
- Evaluator's assessment of the progress the teacher has made toward achieving those objectives included in the professional growth plan that was developed collaboratively with the evaluator, and
- Teacher's self-evaluation of teaching as well as progress toward achieving those objectives included in his/her professional growth plan.

Compliance criteria:

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

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

11. Coordination with the Induction of Intern Teachers

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

Compliance criteria:

Mentor support is provided for the induction of intern teachers.	Y	N	P
The <i>Louisiana Components of Effective Teaching</i> is a focus for the evaluation of beginning teachers.	Y	N	P
Assistance made available through the local teacher evaluation process is coordinated with the state support and assessment program for beginning teachers.	Y	N	P

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

12. Intensive Assistance for Experienced Teachers

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

The plan specifies

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

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

Compliance criteria:

An intensive assistance program is provided for teachers who do not meet the local district's standards of satisfactory performance.	Y	N	P
Any teacher placed in an intensive assistance program is informed in writing of the reason(s) for this placement.	Y	N	P
An intensive assistance plan is developed for any teacher placed in such a program.	Y	N	P

The local school district provides the professional development support necessary to enable the teacher to meet the objectives of this plan. Y N P

The local school district takes appropriate action in accordance with legislative, SBESE and local school board mandates if satisfactory improvement is not demonstrated. Y N P

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

13. Procedures for Resolving Conflict

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

Compliance criteria:

The evaluation program includes procedures for resolving conflict in a fair, efficient, effective, and professional manner. Y N P

If the conflict cannot be resolved, the teacher is encouraged to submit a signed statement clarifying or rebutting the issue in question. Y N P

Grievance procedures are clearly specified for situations where conflict cannot be resolved. Y N P

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

14. Staff Development for Teacher Evaluation

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

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

Further training focuses on developing those skills needed to diagnose and to strengthen or enhance teaching

effectively. The skills addressed in such training are as follows:

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

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

Compliance criteria:

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

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

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

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

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

15. Impact of the Teacher Evaluation Process

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

Compliance criteria:

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

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

Implementation and Staff Development Plan

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

September/October 1992

The LDE and the Regional Service Center (RSC) staff, as well as superintendents and personnel evaluation contact persons, are oriented to a) the Louisiana Guidelines for Teacher Evaluation Programs and b) the procedure for using these guidelines to strengthen and standardize teacher evaluation programs at the local school district level.

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

October 1992

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

October/November 1992

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

December 1992

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

and implements a plan to review and revise its teacher evaluation program. The revision plan includes:

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

January 1993

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

February/March 1993

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

March 1993

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

March-May 1993

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

effective evaluation reports, developing professional growth plans, and facilitating self-evaluation.

June 1993

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

July-August 1993

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

September 1993-May 1994

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

November 1993 and March 1994

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

June 1994

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

July-August 1994

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

September 1994-May 1995

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

November 1994 and March 1995

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

June 1995

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

Building a Capacity for Staff Development

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

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

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

In addition to identifying staff development resources, it is important to determine where the training will take place. Certainly, much of the training will be conducted at the RSCs and in the LEAs. Also, consideration should be given to whether some professional development centers might be established for training in teacher evaluation. These centers would be schools where good teacher evaluation is being practiced. Teachers and administrators would go to these schools to strengthen their evaluation skills through direct involvement in the teacher evaluation process under the supervision of knowledgeable practitioners.

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

Developing a Process for the Review and Approval of Local Teacher Evaluation Programs

The focus of the first year of this plan to strengthen and standardize local teacher evaluation programs is on the review and approval of such programs. This panel recommends that an efficient and effective process be developed by the LDE for the local review, as well as State approval of teacher evaluation programs in light of the

Louisiana Guidelines for Teacher Evaluation Programs. More specifically, the panel recommends that a *Teacher Evaluation Self-Assessment Report* such as the one presented in Exhibit 1 be developed to facilitate the local review of teacher evaluation programs. This *Report* would be completed first by individual steering committee members. Next their individual ratings for each guideline would be discussed and consensus would be reached as a committee. Then the LEA would submit to the LDE a *Teacher Evaluation Self-Assessment Report* that represents the consensus opinion of its teacher evaluation steering committee.

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

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

Exhibit 1

Teacher Evaluation Self-Assessment Report

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

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

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

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

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

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

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

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

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

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

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

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

1. Focus on Education Improvement

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

Compliance criteria:

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

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

Comments:

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

Exhibit 2
Teacher Evaluation Status Report
Overall Summary

District: _____ Review Team: _____
 Date: _____

1. Focus on Educational Improvement

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

2. Staff Involvement in the Teacher Evaluation Process

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

3. Philosophy and Purposes of Teacher Evaluation

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

4. Accountability Relationships

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

5. Evaluation Criteria

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

6. The Classroom Observation Process

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

7. Developing the Professional Growth Plan

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

8. Teacher Self-Evaluation

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

9. The Evaluation Period

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

10. Information Included in the Teacher Evaluation Process

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

11. Coordination with the Induction of Intern Teachers

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

12. Intensive Assistance for Experienced Teachers

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

13. Procedures for Resolving Conflict

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

14. Staff Development for Teacher Evaluation

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

15. Impact of the Teacher Evaluation Process

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

General Comments:

Name: _____ Title: _____
 Signed: _____

Teacher Evaluation Status Report
Analysis by Guideline

1. Focus on Educational Improvement

Compliance criteria:

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

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

Comments:

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

Focusing Beyond the Classroom Teacher

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

Purposes of Principal Evaluation

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

- *School Improvement* to promote the improvement of school programs and the enhancement of student learning,
- *Professional Growth and Development* to foster the professional growth and development of new and continuing principals,
- *Selection* to select the best qualified persons for principalships, and
- *Accountability* to ensure that only effective principals continue in that role in the school district.

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

Proficiencies of the Effective Principal

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

Leadership

Defining Direction. . .

1. Exercises vision in defining the school mission and goals
2. Effectively and clearly communicates goals within and without the community

3. Sets high expectations and standards for attainment of school goals
4. Identifies and analyzes relevant information before making decisions or committing resources
5. Provides incentive to excel for both teachers and student
6. Communicates clearly and persuasively
7. Serves as a role model

Instructional Development. . .

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

Human Relations

Consideration. . .

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

Collaboration. . .

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

Management

School Program Management. . .

22. Plans and prepares an appropriate budget and manages funds effectively
23. Seeks and allocates appropriate resources (materials, money, time) to support curriculum
24. Implements school programs within the confines of district goals and policies
25. Schedules curricular and co-curricular activities efficiently and effectively
26. Understands and applies knowledge of organizations and community politics in generating support for the school
27. Fosters community support for the school and its programs

The Rules and Regulations. . .

28. Identifies norms, guidelines and procedures for school operation
29. Develops clear school rules
30. Develops effective discipline and attendance policies
31. Accepts responsibility for in-school behavior of students, teachers and staff

General Operations. . .

32. Monitors the overall operation of the school
33. Ensures that the physical plant is kept in good order
34. Protects instructional time

35. Maintains a visible presence in the school

Procedures for Principal Evaluation

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

A Step-by-Step Evaluation Procedure for Principals³

I. Determine Needs

1. The principal reviews:
 - a. position description
 - b. administrative skills
 - c. current district and/or building goals
2. The supervisor (evaluator) reviews:
 - a. the above four items
 - b. current performance in relation to the requirements of the job

II. Formulate Work Plan for the Year

1. Principal identifies needs for the coming year based on perceptions of past and current performance.
2. Supervisor reflects on the principal's needs based on past and current performance.
3. Both confer to decide whether the evaluation objective should be a development plan to upgrade existing competencies and/or an improvement plan to correct specific deficiencies.
4. Both discuss necessary activities to achieve the goals of jointly agreed-upon plan.

III. Complete and Implement Work Plan

1. Principal puts work plan in writing, gets approval of supervisor and carries out plan's activities.
2. Supervisor reviews and reacts to principal's work plan and monitors progress in carrying it out.
3. Both parties meet to conduct progress reviews in December and make modifications in plan if needed.
4. Principal completes implementation of work plan.

IV. Assess Results

1. Principal completes self-evaluation form and transmits it to supervisor.
2. Supervisor receives evaluation from principal, completes evaluation of principal's performance and notifies principal of date and place of evaluation conference.

V. Discuss Results

1. Principal and supervisor meet and review principal's evaluation and supervisor's evaluation.
2. They sign final forms.
3. They plan for next evaluation cycle.

Concluding Remarks

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

administrators will perceive our recommendations as an opportunity to implement teacher evaluation practices that improve or enhance the quality of education for children in Louisiana.

¹ Iwanicki, E.F. (1992) *A Handbook for Teacher Evaluation and Professional Growth in More Productive Schools*. Storrs, CT: The Connecticut Institute for Personnel Evaluation, Department of Educational Leadership, The University of Connecticut.

² Iwanicki, E.F. & Shibles, M. (1990). *A Guide to the Process of Evaluating School Principals*. P.O. Box 220, East Lyme, CT: The Connecticut Principals' Academy, p. 7.

³ McCurdy, J. (1983). *The Role of the Principal in Effective Schools: Problems & Solutions* (an AASA Critical Issues Report). Arlington, VA: American Association of School Administrators, p. 89.

AUTHORITY NOTE: Promulgated in Accordance with R.S. 17:391.10, R.S. 17:3871-3873, R.S. 17:3881-3884, and R.S. 1309-3904.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 30:

§703. Appendix B

Louisiana Components of Effective Teaching

Domain I. Planning

Planning is an important aspect of the teaching/learning process. An important part of the Assessment is the new teacher portfolio. Planning is assessed as part of Entry A - The Teacher Work Sample.

Component A. The teacher plans effectively for instruction.

Attributes:

1. Specifies learner outcomes in clear, concise objectives

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

2. Includes activity/activities that develop objectives

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

3. Identifies and plans for individual differences

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

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

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

5. States method(s) of evaluation to measure learner outcomes

Evaluation may be formal or informal.

6. Develops an Individualized Education Program (IEP), and/or Individualized Family Service Plan (IFSP) as needed for the lesson*

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

* For special education teachers only.

Domain II. Management

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

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

Attributes:

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

2. Promotes a positive learning climate

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

Attributes:

1. Manages routines and transitions in a timely manner

2. Manages and/or adjusts allotted time for activities planned

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

Attributes:

1. Establishes expectations for learner behavior

2. Uses monitoring techniques to facilitate learning

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

Domain III. Instruction

The teacher, as the knowledgeable professional, is the person best suited to determine effective instruction for his/her classroom. Domain III is measured in both the new teacher portfolio and the classroom observation.

Component A. The teacher delivers instruction effectively.

Attributes:

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

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

2. Sequences lesson to promote learning

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

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

4. Adjusts lesson when appropriate

5. The teacher integrates technology into instruction.

Component B. The teacher presents appropriate content.

Attributes:

1. Presents content at a developmentally appropriate level

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

2. Presents accurate subject matter

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

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

Attributes:

1. Accommodates individual differences

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

2. Demonstrates ability to communicate effectively with students
3. Stimulates and encourages higher-order thinking at the appropriate developmental levels
4. Encourages student participation

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

Attributes:

1. Consistently monitors ongoing performance of students
2. Uses appropriate and effective assessment techniques

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

3. Provides timely feedback to students
4. Produces evidence of student academic growth under his/her instruction

Domain IV. Professional Development

Professional development is assessed as entry B in the New Teacher Portfolio. The Professional Growth Plan will provide the data to measure the new teacher's professional development activities.

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

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

Note: Component A specifications apply only to experienced teachers (those who have met certification requirements).

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

The intent of Component B is that the new teacher will concentrate on necessary improvements in Domains I, II, III, and/or V as agreed upon with his/her mentor and principal (during first semester of assistance period) and the members of the assessment team (during the assessment semester).

Attributes:

1. Identifies areas of instruction that need strengthening and develops with mentor and/or principal a plan for improvement and works to complete the plan
2. Seeks ideas and strategies from resources (i.e., books, professional journals, websites, etc.) or colleagues that will improve teaching and learning and employs them

Note: Component B specifications apply only to new teachers (those who are in their first two years of teaching in the public school system of Louisiana, and have not yet met all requirements for full certification).

Domain V. School Improvement

Domain V is included in the new teacher portfolio.

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

Attributes:

1. Participates in grade level and subject area curriculum planning and evaluation
2. Serves on task force(s) and/or committees
3. Implements school improvement plan at the classroom level

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

Attributes:

1. Provides clear and timely information to parents/caregivers and colleagues regarding classroom expectations, student progress, and ways they can assist learning
2. Encourages parents/caregivers to become active partners in their children's education and to become involved in school and classroom
3. Seeks community involvement in instructional program

Louisiana Components of Effective Teaching for Special Education-II

Field and Pilot tests of the Louisiana Teacher Assessment Program revealed that some of the Component, Attribute, and performance specifications developed by Panel I needed to be rewritten to fit the instruction of certain groups of special education students (i.e., students classified as severe and profound). While the conceptualizations of teacher knowledge and skills embodied in the original Components list capture the essence of effective instruction, their description and the conditions under which they occur are quite different in certain special education settings.

Domain I. Planning

Planning is an important aspect of the teaching/learning process. An important part of the Assessment is the new teacher portfolio. Planning is assessed as part of Entry A C The Teacher Work Sample.

Component A. The teacher plans effectively for instruction.

Attributes:

1. Specifies learner outcomes in clear, concise objectives
2. Includes activity/environments that develop objectives
4. Identifies materials/ equipment/ resources/ adaptations, other than standard classroom materials, as needed for lesson/activity
5. States method(s) of evaluation to measure learner outcomes
6. Develops/implements an Individualized Education Program (IEP), and/or Individualized Family Service Plan (IFSP), when appropriate

Domain II. Management

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

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

Attributes:

1. Organizes available space, materials, and/or equipment to facilitate learning
2. Promotes a positive learning climate
3. Promotes a healthy, safe environment

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

Attributes:

1. Manages routines and transitions in a timely manner
2. Manages and/or adjusts allotted time for activities and provision of auxiliary services

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

Attributes:

1. Establishes expectations for learner behavior
2. Uses monitoring techniques to facilitate learning

Domain III. Instruction

The teacher, as the knowledgeable professional, is the person best suited to determine effective instruction for his/her classroom. Domain III is measured in both the new teacher portfolio and the classroom observation.

Component A. The teacher delivers instruction effectively.

Attributes:

1. Uses technique(s) which develop(s) lesson/activity objective(s)
2. Sequences lesson/activity to promote student learning/development
3. Uses available teaching material(s), equipment, and environment to achieve lesson/activity objective(s)
4. Adjusts lesson/activity when appropriate
5. The teacher integrates technology into instruction.

Component B. The teacher presents appropriate content.

Attributes:

1. Presents functional content appropriate to the learners' capacities
2. Presents relevant subject matter/curriculum content in appropriate settings
3. Illustrates applications of content through examples, unexpected situations, and other means

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

Attributes:

1. Accommodates individual differences
2. Demonstrates ability to communicate effectively with students
3. Stimulates and encourages independent performance and optimal levels of thinking
4. Promotes student participation

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

Attributes:

1. Consistently monitors ongoing performance of students
2. Uses assessment techniques effectively
3. Provides timely feedback to students, caregivers, parents, and appropriate professional personnel regarding student progress

4. Produces evidence of student academic growth under his/her instruction

Domain IV. Professional Development

Professional development is assessed as entry B in the New Teacher Portfolio. The Professional Growth Plan will provide the data to measure the new teacher's professional development activities.

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

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

Note: Component A specifications apply only to experienced teachers (those who have met certification requirements).

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

The intent of Component B is that the new teacher will concentrate on necessary improvements in Domains I, II, III, and/or V as agreed upon with his/her mentor and principal (during first semester of assistance period) and the members of the assessment team (during the assessment semester).

Attributes:

1. Identifies areas of instruction that need strengthening and develops with mentor and/or principal a plan for improvement and works to complete the plan
2. Seeks ideas and strategies from resources (i.e., books, professional journals, websites, etc.) or colleagues that will improve teaching and learning and employs them

Note: Component B specifications apply only to new teachers (those who are in their first two years of teaching in the public school system of Louisiana, and have not yet met all requirements for full certification).

Domain V. School Improvement

Domain V is included in the new teacher portfolio.

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

Attributes:

1. Participates in grade level and subject area curriculum planning and evaluation
2. Serves on task force(s) and/or committees
3. Implements school improvement plan at the classroom level

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

Attributes:

1. Provides clear and timely information to parents/caregivers and colleagues regarding classroom expectations, student progress, and ways they can assist learning
2. Encourages parents/caregivers to become active partners in their children's education and to become involved in school and classroom

3. Seeks community involvement in instructional program

AUTHORITY NOTE: Promulgated in Accordance with R.S. 17:391.10, R.S. 17:3871-3873, R.S. 17:3881-3884, and R.S. 1309-3904.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 30:

§705. Appendix C

Standards for School Principals in Louisiana

Standard #1 - Vision:

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

Standard #2 - Teaching and Learning:

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

Standard #3 - School Management:

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

Standard #4 - School Improvement:

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

Standard #5 – SchoolCommunity Relations:

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

Standard #6 - Professional Development:

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

Standard #7 - Professional Ethics:

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

Elaborated Standard: Vision

Vision: The principal engages the school community¹ in developing and maintaining a student-centered vision for education which forms the basis for school goals and guides the preparation of students as effective, lifelong learners in a pluralistic society.

Knowledge and Skills

The principal has knowledge, skills, and understanding of:

- a "preferred" future² regarding the success of all students;
- group process strategies for melding the diverse values and expectations of the school community into a shared understanding of desired student outcomes;
- theories of child and human development, the teaching-learning process, and models of and processes for on-going school improvement; and
- relevant research findings and strategies for using data to develop and maintain the school vision.

Dispositions

The principal believes in, values, and commits to:

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

Performances

The principal demonstrates the ability to:

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

Elaborated Standard: Teaching and Learning

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

Knowledge and Skills

The principal has knowledge, skills, and understanding of:

- research and theories related to teaching, learning, curriculum development and integration, and motivation;
- methods for effectively communicating high standards and high expectations for student achievement;
- strategies for creating an empowering environment that supports innovative teaching and powerful learning³;
- supervisory and observational techniques that promote effective teaching and learning in a growth oriented environment;
- authentic, psychometrically sound⁴, methods for assessing student learning; and
- emerging technologies and their use in enhancing student learning.

Dispositions

The principal believes in, values, and commits to:

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

Performances

The principal demonstrates the ability to:

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

Elaborated Standard: School Management

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

Knowledge and Skills

The principal has knowledge, skills, and understanding of:

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

Dispositions

The principal believes in, values, and commits to:

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

Performances

The principal demonstrates the ability to:

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

Elaborated Standard: School Improvement

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

Knowledge and Skills

The principal has knowledge, skills, and understanding of:

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

Dispositions

The principal believes in, values, and commits to:

- empowering others by engaging in collaborative problem solving and decision making, building capacity through staff development, and encouraging divergent perspectives from the school community;
- working toward consensus and compromise among members of the school community, guided by the school vision and goals;
- examining one's own assumptions, practices, and beliefs in the light of new knowledge;

- accepting limitations and mistakes from self and others while maintaining commitment to the standards established;
- encouraging faculty experimentation in order to maximize opportunities for all students to learn; and
- promoting a school culture that values and promotes individual and collaborative reflection and learning.

Performances

The principal demonstrates the ability to:

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

Elaborated Standard: Professional Development

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

Knowledge and Skills

The principal has knowledge, skills, and understanding of:

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

Dispositions

The principal believes in, values, and commits to:

- life long learning for self and others;
- ongoing change processes;
- faculty expertise and collaborative work strategies; and
- fostering creativity and establishing high expectations in self and others.

Performances

The principal demonstrates the ability to:

- communicate a focused vision for both school and individual professional growth;
- use research and data from multiple sources to design and implement professional development activities;

- secure the necessary resources for meaningful professional growth, including the time for planning and the use of emerging technologies;
- provide opportunities for individual and collaborative professional development;
- provide incentives for learning and growth and encourage participation in professional development activities at the national, state, and parish levels; and
- assess the overall impact of professional development activities on the improvement of teaching and student learning.

Elaborated Standard: School-Community Relations

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

Knowledge and Skills

The principal has knowledge, skills, and understanding of:

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

Dispositions

The principal believes in, values, and commits to:

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

Performances

The principal demonstrates the ability to:

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

Elaborated Standard: Professional Ethics

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

Knowledge and Skills:

The principal has knowledge, skills, and understanding of:

- various perspectives on ethics;

- his/her own principled convictions about what is best for students and the ethical implications of those convictions;
- relevant laws, policies, regulations, and procedures and the relationship of these to protecting the rights of individuals; and
- ethical means for improving school programs.

Dispositions

The Principal believes in, values, and commits to:

- being accurate in providing information while respecting the rights of others;
- caring for the feelings of others;
- principled action in upholding the substance of laws, policies, regulations, and procedures; and
- using the influence of the principalship constructively and productively in the service of all students.

Performances

The principal demonstrates the ability to:

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

¹ School community – individuals who have interests in or are affected by events at the school, including administrators, faculty, staff, students, parents, and external community members, such as those associated with business, civic, and service organizations, etc.

² Preferred future – an understanding and conviction to teachers and students that opportunities available to students are not limited.

³ Powerful learning – learning that occurs when students are proactive in developing skills through intrinsically challenging activities that build both cognitive and affective skills, and that require both group work and individual effort (adapted from Levin, H. (1996). Accelerated Schools: The background (pp.3-23). In C. Finnan, E.P. St. John, J. McCarthy, and S.P. Slovacek (Eds.). Accelerated schools in action: Lessons from the field. Thousand Oaks, CA: Corwin)

⁴ Psychometrically sound – data that are valid and reliable; refers to data from tests and other forms of assessment.

⁵ School community – individuals who have interests in or are affected by events at the school including administrators, faculty, staff, students, parents, and external community members, such as those associated with business, civic, and service organizations, etc.

AUTHORITY NOTE: Promulgated in Accordance with R.S. 17:391.10, R.S. 17:3871-3873, R.S. 17:3881-3884, and R.S. 1309-3904.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 30:

Family Impact Statement

In accordance with Section 953 and 974 of Title 49 of the Louisiana Revised Statutes, there is hereby submitted a Family Impact Statement on the rule proposed for adoption, repeal or amendment. All Family Impact Statements shall be kept on file in the State Board Office which has adopted,

amended, or repealed a rule in accordance with the applicable provisions of the law relating to public records.

1. Will the proposed rule affect the stability of the family? No.

2. Will the proposed rule affect the authority and rights or parents regarding the education and supervision of their children? No.

3. Will the proposed rule affect the functioning of the family? No.

4. Will the proposed rule affect family earnings and family budget? No.

5. Will the proposed rule affect the behavior and personal responsibility of children? No.

6. Is the family or a local government able to perform the function as contained in the proposed rule? No.

Interested persons may submit comments until 4:30 p.m., August 9, 2004, to Nina Ford, State Board of Elementary and Secondary Education, P.O. Box 94064, Capitol Station, Baton Rouge, LA 70804-9064.

Weegie Peabody
Executive Director

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Guidelines for Personnel Evaluation

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

These changes to the current Bulletin 1525 policy incorporates the revised Louisiana Component of Effective Teaching into Appendice B. The adoption of this policy will cost the Department of Education approximately \$500 (printing and postage) to disseminate the policy.

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

This policy will have no effect on revenue collections.

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

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

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

This policy will have no effect on competition and employment.

Marlyn J. Langley
Deputy Superintendent
Management and Finance
0406#032

H. Gordon Monk
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

Department of Environmental Quality Office of Environmental Assessment Environmental Planning Division

Health/Safety and Generally Licensed Updates
(LAC 33:XV.322, 328, 442, 544, 2004, and 2014)(RP035*)

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 gives notice that rulemaking procedures have been

initiated to amend the Radiation Protection regulations, LAC 33:XV.322, 328, 442, 544, 2004, and 2014 (Log #RP035*).

This proposed Rule is identical to federal regulations found in 10 CFR 20.1703(f); 31.2; 31.5(c)(12)-(15); 32.51(a)(4)-(5); 32.51.a(a)-(b); 32.52; 39.35(b); 39.41; and 39.53(b), which are applicable in Louisiana. For more information regarding the federal requirement, contact the Regulation Development Section at (225) 219-3550 or Box 4314, Baton Rouge, LA 70821-4314. No fiscal or economic impact will result from the proposed Rule; therefore, the Rule will be promulgated in accordance with R.S. 49:953(F)(3) and (4).

This proposed Rule defines minimum respiratory protection for limited intake respirators, written requirements prior to performing well logging, wipe test methods, minimum design and performance criteria for sources, and provides numerous updates for certain generally licensed industrial devices containing byproduct material. These changes will allow the department to remain consistent with NRC regulations. Recent updates of the federal regulations and corrections to existing department regulations necessitate this rulemaking action. The basis and rationale for this Rule are to mirror the federal regulations.

This proposed Rule meets an exception listed in R.S. 30:2019(D)(2) and R.S. 49:953(G)(3); therefore, no report regarding environmental/health benefits and social/economic costs is required. This proposed Rule has no known impact on family formation, stability, and autonomy as described in R.S. 49:972.

Title 33

ENVIRONMENTAL QUALITY

Part XV. Radiation Protection

Chapter 3. Licensing of Radioactive Material

Subchapter C. General licenses

§322. General Licenses: Radioactive Material Other Than Source Material

A. Certain Devices and Equipment. A general license is hereby issued to transfer, receive, acquire, own, possess, and use radioactive material incorporated in the following devices or equipment that have been manufactured, tested, and labeled by the manufacturer in accordance with a specific license issued to the manufacturer by the U.S. Nuclear Regulatory Commission for use pursuant to 10 CFR 31.3. Attention is directed particularly to the provisions of 10 CFR 20 concerning labeling of containers. This general license is subject to the provisions of LAC 33:XV.104-109, 304.A.2, 331, 340, 350, and Chapters 4, 10, and 15 of these regulations.

1. Static Elimination Devices. This includes devices designed for use as static eliminators that contain, as a sealed source or sources, radioactive material consisting of a total of not more than 500 microcuries of polonium-210 per device.

2. Ion-generating Tubes. This includes devices designed for ionization of air that contain, as a sealed source or sources, radioactive material consisting of a total of not more than 500 microcuries of polonium-210 per device or a total of not more than 50 millicuries of hydrogen-3 (tritium) per device.

B. - D.3.f. ...

g. except as provided in LAC 33:XV.322.D.3.h, transfer or dispose of the device containing radioactive

material only by export as provided in 10 CFR Part 110 or by transfer to a specific licensee of the department, the U.S. Nuclear Regulatory Commission, or any other agreement state or licensing state whose specific license authorizes him or her to receive the device and within 30 days after transfer of a device to a specific licensee shall furnish to the Office of Environmental Services, Permits Division, a report containing identification of the device by manufacturer's name and model number, and the name and address of the person receiving the device. No report is required if the device is transferred to the specific licensee in order to obtain a replacement device;

h. - i. ...

j. Reserved.

k. appoint an individual responsible for having knowledge of the appropriate regulations and requirements and the authority for taking required actions to comply with appropriate regulations and requirements. The general licensee, through this individual, shall ensure the day-to-day compliance with the appropriate regulations and requirements. This appointment does not relieve the general licensee of any of its responsibility in this regard;

l. register, in accordance with the provisions in this Subparagraph, devices containing at least 370 MBq (10 mCi) of cesium-137, 3.7 MBq (0.1 mCi) of strontium-90, 37 MBq (1 mCi) of cobalt-60, or 37 MBq (1 mCi) of americium-241 or any other transuranic (i.e., element with atomic number greater than uranium (92)), based on the activity indicated on the label. Each address for a location of use, as described in this Subparagraph, represents a separate general licensee and requires a separate registration and fee:

i. annual registration with the Office of Environmental Services, Permits Division, shall include payment of the fee required by LAC 33:XV.2505. Registration must be done by verifying, correcting, and/or adding to the information provided in a request for registration received from the department. The registration information must be submitted to the department within 30 days of the date of the request for registration or as otherwise indicated in the request;

ii. in registering devices, the general licensee shall furnish the following information, as indicated on the label, and any other information specifically requested by the department:

(a) the name and mailing address of the general licensee;

(b) information about each device:

(i) the manufacturer (or initial transferor);

(ii) the model number;

(iii) the serial number; and

(iv) the radioisotope and activity;

(c) the name, title, and telephone number of the responsible person designated as a representative of the general licensee and identified by the transferee to have knowledge of and authority to take actions to ensure day-to-day compliance with the appropriate regulations and requirements without relieving the general licensee of any of his or her responsibility in this regard;

(d) the address or location at which the devices are used and/or stored. For portable devices, list the address of the primary place of storage;

(e). certification by the responsible representative of the general licensee that the information concerning the devices has been verified through a physical inventory and checking of label information; and

(f). certification by the responsible representative of the general licensee that he or she is aware of the requirements of the general license;

iii. persons generally licensed by an agreement state with respect to devices meeting the criteria in this Subparagraph are not subject to registration requirements if the devices are used in areas subject to department jurisdiction for a period less than 180 days in any calendar year. The department will not request registration information from such licensees;

m. report changes to the mailing address for the location of use (including change in the name of the general licensee) to the Office of Environmental Compliance, Permits Division, within 30 days of the effective date of the change. For a portable device, a report of address change is only required for a change in the device's primary place of storage;

n. not hold devices that are not in use for longer than two years. If devices with shutters are not being used, the shutter must be locked in the closed position. The testing required by this Subsection need not be performed during the period of storage only. However, when devices are put back into service or transferred to another person, and have not been tested within the required test interval, they must be tested for leakage before use or transfer and the shutter tested before use. Devices kept in standby for future use are excluded from the two-year time limit if the general licensee performs quarterly physical inventories of these devices while they are in standby.

D.4. - J.4. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Nuclear Energy Division, LR 13:569 (October 1987), repealed and repromulgated by the Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 18:34 (January 1992), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2567 (November 2000), LR 27:1226 (August 2001), LR 30:

§328. Special Requirements for Specific License to Manufacture, Assemble, Repair, or Distribute Commodities, Products, or Devices that Contain Radioactive Material

A. - D.1.c.iii.(b). ...

d. each device having a separable source housing that provides the primary shielding for the source also bears, on the source housing, a durable label containing the device model number and serial number, the isotope and quantity, the words "Caution—Radioactive Material," the radiation symbol described in LAC 33:XV.450, and the name of the manufacturer or initial distributor;

e. each device meeting the criteria of LAC 33:XV.322.D.3.1 bears a permanent (e.g., embossed, etched, stamped, or engraved) label affixed to the source housing, if separable, or to the device if the source housing is not separable, that includes the words "Caution—Radioactive Material" and, if practicable, the radiation symbol described in LAC 33:XV.450.

2. - 2.j. ...

3. In the event the applicant desires that the general licensee under LAC 33:XV.322.D, or under equivalent regulations of the U.S. Nuclear Regulatory Commission or of any other agreement state or licensing state, be authorized to install the device, collect the sample to be analyzed by a specific licensee for leakage of radioactive material, service the device, test the on-off mechanism and indicator, or remove the device from installation, he or she shall include in the application written instructions to be followed by the general licensee, estimated calendar quarter doses associated with such activity or activities, and bases for such estimates. The submitted information shall demonstrate that performance of such activity or activities by an individual untrained in radiological protection, in addition to other handling, storage, and use of devices under the general license, is unlikely to cause that individual to receive a calendar quarter dose in excess of 10 percent of the limits specified in LAC 33:XV.410.A.

a. If a device containing byproduct material is to be transferred for use under the general license referred to in this Subsection, each person who is licensed under this Subsection shall provide the information specified in this Subparagraph to each person to whom a device is to be transferred. This information must be provided before the device may be transferred. In the case of a transfer through an intermediate person, the information must also be provided to the intended user prior to initial transfer to the intermediate person. The required information includes:

i. a copy of the general license;

ii. copies of the appropriate records and of LAC 33:XV.485 and 486;

iii. a list of the services that can only be performed by a specific licensee;

iv. information on acceptable disposal options including estimated costs of disposal; and

v. an indication that the U.S. Nuclear Regulatory Commission's policy is to issue high civil penalties for improper disposal.

b. If byproduct material is to be transferred in a device for use under an equivalent general license of an agreement state, each person who is licensed under this Subsection shall provide the information specified in this Subparagraph to each person to whom a device is to be transferred. This information must be provided before the device may be transferred. In the case of a transfer through an intermediate person, the information must also be provided to the intended user prior to initial transfer to the intermediate person. The required information includes:

i. copies of this Subsection and of LAC 33:XV.485 and 486, and the appropriate records. If a copy of the U.S. Nuclear Regulatory Commission's regulations is provided to a prospective general licensee in lieu of the department's regulations, it shall be accompanied by a note explaining that use of the device is regulated by the department; if certain paragraphs of the regulations do not apply to the particular device, those paragraphs may be omitted;

ii. a list of the services that can only be performed by a specific licensee;

iii. information on acceptable disposal options including estimated costs of disposal; and

iv. the name or title, address, and telephone number of the contact at the agreement state regulatory agency from whom additional information may be obtained.

c. An alternative approach to informing customers may be proposed by the licensee for approval by the department.

d. Each device that is transferred after February 19, 2002, must meet the labeling requirements in Subparagraphs D.1.c-e of this Section.

e. If a notification of bankruptcy has been made under LAC 33:XV.331.E-F or the license is to be terminated, each person licensed under this Subsection shall provide, upon request, to the department and to any appropriate agreement state, records of final disposition, which must be maintained for a period of three years following the date of the recorded event.

4. Each person licensed under this Subsection to distribute devices to persons generally licensed shall do the following.

a. Furnish a copy of the general license contained in LAC 33:XV.322.D to each person to whom he or she directly or through an intermediate person transfers radioactive material in a device for use pursuant to the general license contained in LAC 33:XV.322.D. In the case where the transferee receives radioactive material in a device pursuant to a general license contained in the U.S. Nuclear Regulatory Commission's or agreement state's regulations equivalent to LAC 33:XV.322, furnish a copy of the general license contained in the U.S. Nuclear Regulatory Commission's, agreement state's, or licensing state's regulations equivalent to LAC 33:XV.322.D, or alternatively, furnish a copy of the general license contained in LAC 33:XV.322.D to each person to whom he or she directly or through an intermediate person transfers radioactive material in a device for use pursuant to the general license of the U.S. Nuclear Regulatory Commission, the agreement state, or the licensing state. If a copy of the general license in LAC 33:XV.322.D is furnished to such person, it shall be accompanied by a note explaining that the use of the device is regulated by the U.S. Nuclear Regulatory Commission, an agreement state, or a licensing state under requirements substantially the same as those in LAC 33:XV.322.D.

b. Report all transfers of devices to persons for use under the general license in LAC 33:XV.322.D.1 and all receipts of devices from persons licensed under LAC 33:XV.322.D.1 to the Office of Environmental Compliance, Surveillance Division. The report must be submitted on a quarterly basis on a RAD-41 Form or in a clear and legible report containing all of the data required by the form.

i. The required information for transfers to general licensees includes:

(a). the identity of each general licensee by name and mailing address for the location of use. If there is no mailing address for the location of use, an alternate address for the general licensee shall be submitted along with information on the actual location of use;

(b). the name, title, and telephone number of the person identified by the general licensee as having knowledge of and authority to take required actions to

ensure compliance with the appropriate regulations and requirements;

(c). the date of transfer;

(d). the type, model number, and serial number of the device transferred; and

(e). the quantity and type of byproduct material contained in the device.

ii. If one or more intermediate persons will temporarily possess the device at the intended place of use before its possession by the user, the report must include the same information for both the intended user and each intermediate person, and clearly designate the intermediate persons.

iii. For devices received from a LAC 33:XV.322.D.1 general licensee, the report must include:

(a). the identity of the general licensee by name and address;

(b). the type, model number, and serial number of the device received;

(c). the date of receipt; and

(d). in the case of devices not initially transferred by the reporting licensee, the name of the manufacturer or initial transferor.

iv. If the licensee makes changes to a device possessed by a LAC 33:XV.322.D.1 general licensee, such that the label must be changed to update required information, the report must identify the general licensee, the device, and the changes to information on the device label.

v. The report must cover each calendar quarter, must be filed within 30 days of the end of the calendar quarter, and must clearly indicate the period covered by the report.

vi. The report must clearly identify the specific licensee submitting the report and include the license number of the specific licensee.

vii. If no transfers have been made to or from persons generally licensed under LAC 33:XV.322.D.1 during the reporting period, the report must so indicate.

c. Report all transfers of devices to persons for use under a general license in an agreement state's regulations that are equivalent to LAC 33:XV.322.D.1 and all receipts of devices from general licensees in the agreement state's jurisdiction to the responsible agreement state agency. The report must be submitted on a RAD-41 Form or in a clear and legible report containing all of the data required by the form.

i. The required information for transfers to general licensees includes:

(a). the identity of each general licensee by name and mailing address for the location of use. If there is no mailing address for the location of use, an alternate address for the general licensee shall be submitted along with information on the actual location of use;

(b). the name, title, and phone number of the person identified by the general licensee as having knowledge of and authority to take required actions to ensure compliance with the appropriate regulations and requirements;

(c). the date of transfer;

(d). the type, model number, and serial number of the device transferred; and

(e). the quantity and type of byproduct material contained in the device.

ii. If one or more intermediate persons will temporarily possess the device at the intended place of use before its possession by the user, the report must include the same information for both the intended user and each intermediate person, and clearly designate the intermediate persons.

iii. For devices received from a general licensee, the report must include:

(a). the identity of the general licensee by name and address;

(b). the type, model number, and serial number of the device received;

(c). the date of receipt; and

(d). in the case of devices not initially transferred by the reporting licensee, the name of the manufacturer or initial transferor.

iv. If the licensee makes changes to a device possessed by a general licensee, such that the label must be changed to update required information, the report must identify the general licensee, the device, and the changes to information on the device label.

v. The report must cover each calendar quarter, must be filed within 30 days of the end of the calendar quarter, and must clearly indicate the period covered by the report.

vi. The report must clearly identify the specific licensee submitting the report and must include the license number of the specific licensee.

vii. If no transfers have been made to or from a particular agreement state during the reporting period, this information shall be reported to the responsible agreement state agency upon request of the agency.

d. Maintain all information concerning transfers and receipts of devices that supports the reports required by this Paragraph. This information and the reports must be maintained for a period of three years following the date of the recorded event.

e. Report to the Office of Environmental Services, Permits Division, all transfers of such devices to persons for use under the general license in LAC 33:XV.322.D. Such reports must be maintained for a period of three years following the date of the recorded event and shall identify each general licensee by name and address, an individual by name and/or position who may constitute a point of contact between the department and the general licensee, the type and model number of device transferred, and the quantity and type of radioactive material contained in the device. If one or more intermediate persons will temporarily possess the device at the intended place of use prior to its possession by the user, the report shall include identification of each intermediate person by name, address, contact, and relationship to the intended user. If no transfers have been made to persons generally licensed under LAC 33:XV.322.D during the reporting period, the report shall so indicate. The report shall cover each calendar quarter and shall be filed within 30 days thereafter.

f. For all transfers out of Louisiana, the distributor shall make reports prescribed in this Paragraph as follows.

i. Report to the U.S. Nuclear Regulatory Commission all transfers of such devices to persons for use under the U.S. Nuclear Regulatory Commission general license in 10 CFR 31.5.

ii. Report to the responsible state agency all transfers of devices manufactured and distributed in accordance with this Subsection for use under a general license in that state's regulations equivalent to LAC 33:XV.322.D.

iii. Such reports shall identify each general licensee by name and address, an individual by name and/or position who may constitute a point of contact between the agency and the general licensee, the type and model of the device transferred, and the quantity and type of radioactive material contained in the device. If one or more intermediate persons will temporarily possess the device at the intended place of use prior to its possession by the user, the report shall include identification of each intermediate person by name, address, contact, and relationship to the intended user. The report shall be submitted within 30 days after the end of each calendar quarter in which such device is transferred to the person generally licensed.

iv. If no transfers have been made to the U.S. Nuclear Regulatory Commission's licensees during the reporting period, this information shall be reported to the U.S. Nuclear Regulatory Commission.

v. If no transfers have been made to persons generally licensed within a particular state during the reporting period, this information shall be reported to the responsible state agency upon request of the agency.

g. Keep records showing the name, address, and the point of contact for each general licensee to whom he or she directly or through an intermediate person transfers radioactive material in devices for use pursuant to the general license provided in LAC 33:XV.322.D, or equivalent regulations of the U.S. Nuclear Regulatory Commission or any other agreement state or licensing state. The records must show the date of each transfer, the isotope and the quantity of radioactive material in each device transferred, the identity of any intermediate person, and compliance with the reporting requirements of this Paragraph.

E. - M.4.g. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Nuclear Energy Division, LR 13:569 (October 1987), repealed and repromulgated by the Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 18:34 (January 1992), amended LR 24:2092 (November 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2569 (November 2000), LR 26:2768 (December 2000), LR 27:1228 (August 2001), LR 30:

Chapter 4. Standards for Protection Against Radiation

Subchapter E. Respiratory Protection and Controls to Restrict Internal Exposure in Restricted Areas

§442. Use of Individual Respiratory Protection Equipment

A. - A.3.g. ...

4. the licensee or registrant shall issue and comply with a written policy statement on respirator usage covering:

a. - c. ...

d. the availability of sufficient standby rescue persons to assist all respirator users and to provide effective emergency rescue if needed; and

A.4.e. - D. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Nuclear Energy Division, LR 13:569 (October 1987), amended by the Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 19:1421 (November 1993), LR 22:972 (October 1996), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2577 (November 2000), LR 29:1469 (August 2003), LR 30:

Chapter 5. Radiation Safety Requirements for Industrial Radiographic Operations

Subchapter A. Equipment Control

§544. Leak Testing, Repair, Tagging, Opening, Modification, Replacement, and Records of Receipt and Transfer of Sealed Sources

A. ...

B. Each sealed source shall be tested for leakage at intervals not to exceed six months. In the absence of a certificate from a transferor that a test has been made within the six-month period prior to the transfer, the sealed source shall not be put into use until tested.

C. - G. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Nuclear Energy Division, LR 13:569 (October 1987), amended by the Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 20:653 (June 1994), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2582 (November 2000), LR 27:1233 (August 2001), LR 29:1469 (August 2003), LR 30:

Chapter 20. Radiation Safety Requirements for Wireline Service Operations and Subsurface Tracer Studies

§2004. Prohibition

A. - A.1. ...

2. in the event a decision is made to abandon the sealed source downhole, the requirements of LAC 33:XV.2051 and any other requirements of any state agency having applicable regulations shall be met.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Nuclear Energy Division, LR 13:569 (October 1987), repealed and repromulgated by the Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 18:34 (January 1992), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 30:

§2014. Leak Testing of Sealed Sources

A. ...

B. Method of Testing. Tests for leakage shall be performed only by persons specifically authorized to perform such tests by the Office of Environmental Services, Permits Division, the U.S. Nuclear Regulatory Commission, an agreement state, or a licensing state. The wipe of a sealed

source must be performed using a leak test kit or method approved by the department, the U.S. Nuclear Regulatory Commission, or an agreement state. The test sample shall be taken from the surface of the source, source holder, or from the surface of the device in which the source is stored or mounted and on which one might expect contamination to accumulate. The test sample shall be analyzed for radioactive contamination by a person approved by the department, the U.S. Nuclear Regulatory Commission, or an agreement state to perform the analysis. The analysis shall be capable of detecting the presence of 0.005 microcurie (185 Bq) of radioactive material on the test sample.

C. - E.5. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Nuclear Energy Division, LR 13:569 (October 1987), repealed and repromulgated by the Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 18:34 (January 1992), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2604 (November 2000), LR 29:1471 (August 2003), LR 30:

A public hearing will be held on July 26, 2004, at 1:30 p.m. in the Galvez Building, Oliver Pollock Conference Room C111, 602 North Fifth Street, Baton Rouge, LA 70802. Interested persons are invited to attend and submit oral comments on the proposed amendments. Should individuals with a disability need an accommodation in order to participate, contact Judith A. Schuerman, Ph.D., at the address given below or at (225) 219-3550. Free parking is available across the street in the Galvez parking garage when the parking ticket is validated by department personnel at the hearing.

All interested persons are invited to submit written comments on the proposed regulation. Persons commenting should reference this proposed regulation by RP035*. Such comments must be received no later than July 26, 2004, at 4:30 p.m., and should be sent to Judith A. Schuerman, Ph.D., Office of Environmental Assessment, Environmental Planning Division, Regulation Development Section, Box 4314, Baton Rouge, LA 70821-4314 or to fax (225) 219-3582 or by e-mail to judith.schuerman@la.gov. The comment period for this rule ends on the same date as the public hearing. Copies of this proposed regulation can be purchased by contacting the DEQ Public Records Center at (225) 219-3168. Check or money order is required in advance for each copy of RP035*.

This proposed regulation is available for inspection at the following DEQ office locations from 8 a.m. until 4:30 p.m.: 602 North Fifth Street, Baton Rouge, LA 70802; 1823 Highway 546, West Monroe, LA 71292; State Office Building, 1525 Fairfield Avenue, Shreveport, LA 71101; 1301 Gadwall Street, Lake Charles, LA 70615; 201 Evans Road, Building 4, Suite 420, New Orleans, LA 70123; 111 New Center Drive, Lafayette, LA 70508; 110 Barataria Street, Lockport, LA 70374 or on the Internet at <http://www.deq.louisiana.gov/planning/regs/index.htm>.

Wilbert F. Jordan, Jr.
Assistant Secretary

0406#025

NOTICE OF INTENT

Department of Environmental Quality Office of Environmental Assessment Environmental Planning Division

Public Notice Requirements
(LAC 33:VII.513, 517, and 10513)(SW038)

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 gives notice that rulemaking procedures have been initiated to amend the Solid Waste regulations, LAC 33:VII.513, 517, and 10513 (Log #SW038).

This revision changes the place of publication of various public notices required by the Solid Waste regulations. Changing the required place of publication of public notices from the official parish journal to a major local newspaper of general circulation will make the Solid Waste regulations consistent with the public notice requirements in other media regulations and will ensure that the public notice reaches as many people affected by the action as possible. The official parish journal may or may not be the journal of largest circulation in the parish and may not be in an area where the proposed permit action will take place. The basis and rationale for this proposed Rule are to ensure that public notices regarding solid waste permit activities reach the greatest number of citizens and to make the solid waste public notice regulations consistent with the other media regulations so that the public knows where to expect public notices to be published.

This proposed Rule meets an exception listed in R.S. 30:2019(D)(2) and R.S. 49:953(G)(3); therefore, no report regarding environmental/health benefits and social/economic costs is required. This proposed Rule has no known impact on family formation, stability, and autonomy as described in R.S. 49:972.

Title 33

ENVIRONMENTAL QUALITY

Part VII. Solid Waste

Subpart 1. Solid Waste Regulations

Chapter 5. Solid Waste Management System

Subchapter B. Permit System for Facilities Classified for Upgrade or Closure

§513. Permit Process for Existing Facilities Classified for Upgrade and for Proposed Facilities

A. Applicant Public Notice

1. No sooner than 45 days prior to the submittal of a standard permit application to the Office of Environmental Services, Permits Division, the prospective applicant shall publish a notice of intent to submit an application for a standard permit. This notice shall be published one time as a single classified advertisement measuring three columns by five inches, in the legal or public notices section of the official journal of this state and in a major local newspaper of general circulation. If the affected area is Baton Rouge, a single classified advertisement measuring three columns by five inches, in the legal or public notices section of the official journal of the state will be the only public notice required.

A.2. - F.2. ...

3. After the five copies are submitted to the Office of Environmental Services, Permits Division, notices will be placed in the department's bulletin (if one is available), the official journal of the state, and in a major local newspaper of general circulation. The Office of Environmental Services, Permits Division shall publish a notice of acceptance for review one time as a single classified advertisement measuring three columns by five inches in the legal or public notices section of the official journal of the state and one time as a classified advertisement in the legal or public notices section of a major local newspaper of general circulation. If the affected area is Baton Rouge, a single classified advertisement measuring three columns by five inches in the official journal of the state will be the only public notice required. The notices will solicit comment from interested individuals and groups. Comments received by the administrative authority within 30 days after the date the notice is published in the local newspaper will be reviewed by the Office of Environmental Services, Permits Division. The notice shall be published in accordance with the sample public notice provided by the Office of Environmental Services, Permits Division. The applicant is responsible for providing the Office of Environmental Services, Permits Division with proof of publication.

4. - 5. ...

6. Public Notice of a Public Hearing. If the administrative authority determines that a hearing is necessary, notices will be published at least 20 days before a fact-finding hearing in the official journal of the state and in a major local newspaper of general circulation. The notice shall be published one time as a single classified advertisement measuring three columns by five inches in the legal or public notices section of the official journal of the state and one time as classified advertisement in the legal or public notices section of a major local newspaper of general circulation. If the affected area is Baton Rouge, a single classified advertisement measuring three columns by five inches in the official journal of the state will be the only public notice required. Those persons on the Office of Environmental Services, Permits Division's mailing list for hearings shall be mailed notice of the hearing at least 20 days before a public hearing. A notice shall also be published in the departmental bulletin, if available.

F.7. - G.2. ...

H. Public Notice of Permit Issuance. No later than 10 days following the issuance of a standard permit, the permit holder shall publish a notice of the issuance of the standard permit. This notice shall be published in the official journal of the state and in a major local newspaper of general circulation. The notice shall be published one time as a single classified advertisement measuring three columns by five inches in the legal or public notices section of the official journal of the state, and one time as a classified advertisement in the legal or public notices section of a major local newspaper of general circulation. If the affected area is Baton Rouge, a single classified advertisement measuring three columns by five inches in the official journal of the state will be the only public notice required.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid

Waste Division, LR 19:187 (February 1993), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2519 (November 2000), LR 30:

§517. Permit Modifications

A. - A.2.c. ...

d. After distribution of the permit modification, the permit holder is responsible for placing a notice in the official journal of the state and in a major local newspaper of general circulation. The notice shall be published one time as a single classified advertisement measuring three columns by five inches in the legal or public notices section of the official journal of the state, and one time as a classified advertisement in the legal or public notices section of a major local newspaper of general circulation. If the affected area is Baton Rouge, a single classified advertisement measuring three columns by five inches in the official journal of the state will be the only public notice required. The notice will solicit comments from interested individuals and groups. Comments delivered or received within 30 days after the date the notices are published will be reviewed by the Office of Environmental Services, Permits Division. The notice shall be published in accordance with a sample public notice provided by the Office of Environmental Services, Permits Division. The permit holder is responsible for providing the Office of Environmental Services, Permits Division with proof of publication of the notice.

2.e. - 4. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Section 2014.2.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 19:187 (February 1993), amended by the Office of the Secretary, LR 25:661 (April 1999), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2520 (November 2000), LR 30:

Subpart 2. Recycling

Chapter 105. Waste Tires

§10513. Permit Process for Existing Facilities Classified for Upgrade and for Proposed Facilities

A. Applicant Public Notice

1. No sooner than 45 days prior to the submittal of a standard permit application to the Office of Environmental Services, Permits Division, the prospective applicant shall publish a notice of intent to submit an application for a waste tire standard permit. This notice shall be published one time as a single classified advertisement measuring three columns by five inches, in the legal or public notices section of the official journal of this state and a major local newspaper of general circulation. If the affected area is Baton Rouge, a single classified advertisement measuring three columns by five inches, in the legal or public notices section of the official journal of the state will be the only public notice required.

A.2. - F.2. ...

3. After the six copies are submitted to the department, a notice shall be placed in the office bulletin (if one is available), the official journal of the state, and a major local newspaper of general circulation. The department shall publish a notice of acceptance for review one time as a

single classified advertisement measuring three columns by five inches in the legal or public notices section of the official journal of the state and one time as a classified advertisement in the legal or public notices section of a major local newspaper of general circulation. If the affected area is Baton Rouge, a single classified advertisement measuring three columns by five inches in the official journal of the state shall be the only public notice required. The notice shall solicit comment from interested individuals and groups. Comments received by the administrative authority within 30 days after the date the notice is published in the local newspaper shall be reviewed by the department. The notice shall be published in accordance with the sample public notice provided by the department.

4. - 5. ...

6. Public Notice of a Public Hearing. If the administrative authority determines that a hearing is necessary, a notice shall be published at least 20 days before a fact-finding hearing in the official journal of the state and in a major local newspaper of general circulation. The notice shall be published one time as a single classified advertisement measuring three columns by five inches in the legal or public notices section of the official journal of the state and one time as classified advertisement in the legal or public notices section of a major local newspaper of general circulation. If the affected area is Baton Rouge, a single classified advertisement measuring three columns by five inches in the official journal of the state shall be the only public notice required. Those persons on the department's mailing list for hearings shall be mailed notice of the hearing at least 20 days before a public hearing. A notice shall also be published in the departmental bulletin, if available.

F.7. - G.2. ...

H. Public Notice of Permit Issuance. No later than 10 days following the issuance of a standard permit, the permit holder shall publish a notice of the issuance of the standard permit. This notice shall be published in the official journal of the state and in a major local newspaper of general circulation. The notice shall be published one time as a single classified advertisement measuring three columns by five inches in the legal or public notices section of the official journal of the state, and one time as a classified advertisement in the legal or public notices section of a major local newspaper of general circulation. If the affected area is Baton Rouge, a single classified advertisement measuring three columns by five inches in the official journal of the state will be the only public notice required. The permit holder shall provide proof of publication of the notice(s) to the department.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2411-2422.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 18:39 (January 1992), amended LR 20:1001 (September 1994), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2775 (December 2000), LR 27:829 (June 2001), LR 30:

A public hearing will be held on July 26, 2004, at 1:30 p.m. in the Galvez Building, Oliver Pollock Conference

Room C111, 602 North Fifth Street, Baton Rouge, LA 70802. Interested persons are invited to attend and submit oral comments on the proposed amendments. Should individuals with a disability need an accommodation in order to participate, contact Judith A. Schuerman, Ph.D., at the address given below or at (225) 219-3550. Free parking is available across the street in the Galvez parking garage when the parking ticket is validated by department personnel at the hearing.

All interested persons are invited to submit written comments on the proposed regulation. Persons commenting should reference this proposed regulation by SW038. Such comments must be received no later than August 2, 2004, at 4:30 p.m., and should be sent to Judith A. Schuerman, Ph.D., Office of Environmental Assessment, Environmental Planning Division, Regulation Development Section, Box 4314, Baton Rouge, LA 70821-4314 or to fax (225) 219-3582 or by e-mail to judith.schuerman@la.gov. Copies of this proposed regulation can be purchased by contacting the DEQ Public Records Center at (225) 219-3168. Check or money order is required in advance for each copy of SW038.

This proposed regulation is available for inspection at the following DEQ office locations from 8 a.m. until 4:30 p.m.: 602 North Fifth Street, Baton Rouge, LA 70802; 1823 Highway 546, West Monroe, LA 71292; State Office Building, 1525 Fairfield Avenue, Shreveport, LA 71101; 1301 Gadwall Street, Lake Charles, LA 70615; 201 Evans Road, Building 4, Suite 420, New Orleans, LA 70123; 111 New Center Drive, Lafayette, LA 70508; 110 Barataria Street, Lockport, LA 70374 or on the Internet at <http://www.deq.louisiana.gov/planning/regs/index.htm>.

Wilbert F. Jordan, Jr.
Assistant Secretary

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES
RULE TITLE: Public Notice Requirements**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)
There are no estimated implementation costs to state or local governmental units.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
This rule has no estimated effect on revenue collections of state or local government.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)
This Rule has no estimated costs and/or economic benefits to directly affected persons or non-governmental groups. This Rule will allow DEQ to perform its duty to notify the public regarding permits more effectively.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
This Rule has no estimated effect on competition or employment.

James H. Brent, Ph.D.
Assistant Secretary
0406#026

Robert E. Hosse
General Government Section Director
Legislative Fiscal Office

**NOTICE OF INTENT
Department of Environmental Quality
Office of Environmental Assessment
Environmental Planning Division**

RCRA Cluster XIII
(LAC 33:V.105, 2223, 2299.Table 2, and 4139)(HW085*)

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 gives notice that rulemaking procedures have been initiated to amend the Hazardous Waste regulations, LAC 33:V.105, 2223, 2299.Table 2, and 4139 (Log #HW085*).

This proposed Rule is identical to federal regulations found in 67 FR 48393-48415, July 24, 2002, and 67 FR 62618-62624, October 7, 2002, which are applicable in Louisiana. For more information regarding the federal requirement, contact the Regulation Development Section at (225) 219-3550 or Box 4314, Baton Rouge, LA 70821-4314. No fiscal or economic impact will result from the proposed Rule; therefore, the Rule will be promulgated in accordance with R.S. 49:953(F)(3) and (4).

The proposed Rule represents rules required for state adoption and authorization for RCRA Cluster XIII. This Rule will allow the state of Louisiana to request authorization for the National Treatability Variance (adopted by EPA October 7, 2002) from the Land Disposal Restrictions (LDR) treatment standards for radioactively contaminated cadmium-, mercury-, and silver-containing batteries by designating new treatment subcategories for these wastes. Macroencapsulation is designated as the required treatment prior to land disposal for the new waste subcategories. Also, this rule will ensure more consistent regulatory framework for the practice of making zinc fertilizer products from recycled hazardous secondary materials. This Rule establishes conditions for excluding hazardous secondary materials used to make zinc fertilizers from the regulatory definition of solid waste. The Rule also establishes new product specifications for contaminants in zinc fertilizers made from those secondary materials. Adoption of regulations is a requirement for the state to request authorization for RCRA Cluster XIII and to maintain delegation of the Hazardous Waste program. The basis and rationale for this rule are to mirror the federal regulations and to obtain authorization of the RCRA program.

This proposed Rule meets an exception listed in R.S. 30:2019(D)(2) and R.S. 49:953(G)(3); therefore, no report regarding environmental/health benefits and social/economic costs is required. This proposed Rule has no known impact on family formation, stability, and autonomy as described in R.S. 49:972.

**Title 33
ENVIRONMENTAL QUALITY
Part V. Hazardous Waste and Hazardous Materials
Subpart 1. Department of Environmental
Quality Hazardous Waste
Chapter 1. General Provisions and Definitions
§105. Program Scope**

These rules and regulations apply to owners and operators of all facilities that generate, transport, treat, store, or

dispose of hazardous waste, except as specifically provided otherwise herein. The procedures of these regulations also apply to the denial of a permit for the active life of a hazardous waste management facility or TSD unit under LAC 33:V.706. Definitions appropriate to these rules and regulations, including *solid waste* and *hazardous waste*, appear in LAC 33:V.109. Those wastes that are excluded from regulation are found in this Section.

A. - D.1.r.ii. ...

s. spent caustic solutions from petroleum refining liquid treating processes used as a feedstock to produce cresylic or naphthenic acid, unless the material is placed on the land or *accumulated speculatively*, as defined in LAC 33:V.109;

t. hazardous secondary materials used to make zinc fertilizers, provided that the following conditions are satisfied:

i. hazardous secondary materials used to make zinc micronutrient fertilizers must not be *accumulated speculatively*, as defined in LAC 33:V.109;

ii. generators and intermediate handlers of zinc-bearing hazardous secondary materials that are to be incorporated into zinc fertilizers must:

(a). submit a one-time notice to the Office of Environmental Services, Permits Division, that contains the name, address, and EPA ID number of the generator or intermediate handler facility, provides a brief description of the secondary material that will be subject to the exclusion, and identifies when the manufacturer intends to begin managing excluded, zinc-bearing hazardous secondary materials under the conditions specified in this Subparagraph;

(b). store the excluded secondary material in tanks, containers, or buildings that are constructed and maintained in a way that prevents releases of the secondary materials into the environment. At a minimum, any building used for this purpose must be an engineered structure made of non-earthen materials that provide structural support and must have a floor, walls, and a roof that prevent wind dispersal and contact with rainwater. Tanks used for this purpose must be structurally sound and, if outdoors, must have roofs or covers that prevent contact with wind and rain. Containers used for this purpose must be kept closed except when it is necessary to add or remove material and must be in sound condition. Containers that are stored outdoors must be managed within storage areas that:

(i). have containment structures or systems sufficiently impervious to contain leaks, spills, and accumulated precipitation;

(ii). provide for effective drainage and removal of leaks, spills, and accumulated precipitation; and

(iii). prevent run-on into the containment system;

(c). with each off-site shipment of excluded hazardous secondary materials, provide written notice to the receiving facility that the material is subject to the conditions of this Subparagraph;

(d). maintain, at the generator's or intermediate handler's facility, for no less than three years, records of all shipments of excluded hazardous secondary materials. For each shipment these records must, at a minimum, contain the following information:

(i). the name of the transporter and the date of the shipment;

(ii). the name and address of the facility that received the excluded material and documentation confirming receipt of the shipment; and

(iii). the type and quantity of excluded secondary material in each shipment;

iii. manufacturers of zinc fertilizers or zinc fertilizer ingredients made from excluded hazardous secondary materials must:

(a). store excluded hazardous secondary materials in accordance with the storage requirements for generators and intermediate handlers, as specified in Subclause D.1.t.ii.(b) of this Section;

(b). submit a one-time notification to the Office of Environmental Services, Permits Division, that at a minimum, specifies the name, address, and EPA ID number of the manufacturing facility and identifies when the manufacturer intends to begin managing excluded, zinc-bearing hazardous secondary materials under the conditions specified in this Subparagraph;

(c). maintain, for a minimum of three years, records of all shipments of excluded hazardous secondary materials received by the manufacturer that must, at a minimum, identify for each shipment the name and address of the generating facility, the name of the transporter, the date the materials were received, the quantity received, and a brief description of the industrial process that generated the material; and

(d). submit to the Office of Management and Finance, Financial Services Division, an annual report that identifies the total quantities of all excluded hazardous secondary materials that were used to manufacture zinc fertilizers or zinc fertilizer ingredients in the previous year, the name and address of each generating facility, and the industrial processes from which they were generated;

iv. nothing in this Section preempts, overrides, or otherwise negates the provision in LAC 33:V.1103 that requires any person who generates a solid waste to determine if that waste is a hazardous waste; and

v. interim status and permitted storage units that have been used to store only zinc-bearing hazardous wastes prior to the submission of the one-time notice described in Subclause D.1.t.iii.(b) of this Section, and that afterward will be used only to store hazardous secondary materials excluded under this Subparagraph, are not subject to the closure requirements of LAC 33:V.Chapters 9, 15, 17, 19, 21, 23, 25, 27, 28, 29, 31, 32, 33, 35, 37 and 43;

u. zinc fertilizers made from hazardous wastes or hazardous secondary materials that are excluded under this Paragraph, provided that:

i. the fertilizer meets the following contaminant limits:

(a). for metal contaminants:

Constituent	Maximum Allowable Total Concentration in Fertilizer, per Unit (1%) of Zinc (ppm)
Arsenic	0.3
Cadmium	1.4
Chromium	0.6
Lead	2.8
Mercury	0.3

(b). for dioxin contaminants, the fertilizer must contain no more than 8 parts per trillion of dioxin, measured as toxic equivalent (TEQ);

ii the manufacturer performs sampling and analysis of the fertilizer product to determine compliance with the contaminant limits for metals no less than every 6 months, and for dioxins no less than every 12 months. Testing must also be performed whenever changes occur to manufacturing processes or ingredients that could significantly affect the amounts of contaminants in the fertilizer product. The manufacturer may use any reliable analytical method to demonstrate that no constituent of concern is present in the product at a concentration above the applicable limit. It is the responsibility of the manufacturer to ensure that the sampling and analysis are unbiased, precise, and representative of the products introduced into commerce; and

iii the manufacturer maintains, for no less than three years, records of all sampling and analyses performed for purposes of determining compliance with the requirements of Clause D.1.u.ii of this Section. Such records must, at a minimum, include:

(a). the dates and times product samples were taken and the dates the samples were analyzed;

(b). the names and qualifications of the persons taking the samples;

(c). a description of the methods and equipment used to take the samples;

(d). the name and address of the laboratory facility at which analyses of the samples were performed;

(e). a description of the analytical methods used, including any cleanup and sample preparation; and

(f). all laboratory analytical results used to determine compliance with the contaminant limits specified in this Subparagraph.

D.2. - O.2.c.vi. ...

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 10:496 (July 1984), LR 11:1139 (December 1985), LR 12:319 (May 1986), LR 13:84 (February 1987), LR 13:433 (August 1987), LR 13:651 (November 1987), LR 14:790 (November 1988), LR 15:181 (March 1989), LR 16:47 (January 1990), LR 16:217 (March 1990), LR 16:220 (March 1990), LR 16:398 (May 1990), LR 16:614 (July 1990), LR 17:362 (April 1991), LR 17:368 (April 1991), LR 17:478 (May 1991), LR 17:883 (September 1991), LR

18:723 (July 1992), LR 18:1256 (November 1992), LR 18:1375 (December 1992), amended by the Office of the Secretary, LR 19:1022 (August 1993), amended by the Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 20:1000 (September 1994), LR 21:266 (March 1995), LR 21:944 (September 1995), LR 22:813 (September 1996), LR 22:831 (September 1996), amended by the Office of the Secretary, LR 23:298 (March 1997), amended by the Office of Solid And Hazardous Waste, Hazardous Waste Division, LR 23:564 (May 1997), LR 23:567 (May 1997), LR 23:721 (June 1997), amended by the Office of Waste Services, Hazardous Waste Division, LR 23:952 (August 1997), LR 23:1511 (November 1997), LR 24:298 (February 1998), LR 24:655 (April 1998), LR 24:1093 (June 1998), LR 24:1687 (September 1998), LR 24:1759 (September 1998), LR 25:431 (March 1999), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:268 (February 2000), LR 26:2464 (November 2000), LR 27:291 (March 2001), LR 27:706 (May 2001), LR 29:317 (March 2003), LR 30:

Chapter 22. Prohibitions on Land Disposal

Subchapter A. Land Disposal Restrictions

§223. Applicability of Treatment Standards

A. - H. ...

I. Effective September 4, 1998, the treatment standards for the wastes specified in LAC 33:V.4901.D as EPA Hazardous Waste Numbers P185, P191, P192, P197, U364, U394, and U395 may be satisfied by either meeting the constituent concentrations presented in LAC 33:V.2299.Appendix, Table 2, Treatment Standards for Hazardous Wastes, or by treating the waste by the following technologies: combustion, as defined by the technology code CMBST in LAC 33:V.2299.Appendix, Table 3, for nonwastewaters; and biodegradation as defined by the technology code BIODG, carbon adsorption as defined by the technology code CARBN, chemical oxidation as defined by the technology code CHOXD, or combustion as defined as technology code CMBST in LAC 33:V.2299.Appendix, Table 3, for wastewaters.

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 15:378 (May 1989), amended LR 16:1057 (December 1990), LR 17:658 (July 1991), LR 21:266 (March 1995), LR 22:22 (January 1996), LR 22:819 (September 1996), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:668 (April 1998), LR 24:1726 (September 1998), LR 25:443 (March 1999), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:280 (February 2000), LR 30:

Table 2. Treatment Standards for Hazardous Wastes

Waste Code	Waste Description and Treatment/Regulatory Subcategory ¹	Regulated Hazardous Constituent		Wastewaters	Non-wastewaters
		Common Name	CAS ² Number	Concentration in mg/L ³ ; or Technology Code ⁴	Concentration in mg/kg ⁵ unless noted as "mg/L TCLP" or Technology Code ⁴
* * *					
[See Prior Text in D001 ⁹ – D005 ⁹]					
D006 ⁹	Wastes that exhibit, or are expected to exhibit, the characteristic of toxicity for cadmium based on the toxicity characteristic leaching procedure (TCLP) in SW846	Cadmium	7440-43-9	0.69 and meet LAC 33:V.2233 standards ⁸	0.11 mg/L TCLP and meet LAC 33:V.2233 standards ⁸
	Cadmium-Containing Batteries Subcategory (Note: This subcategory consists of nonwastewaters only.)	Cadmium	7440-43-9	NA	RTHRM
	Radioactively contaminated cadmium-containing batteries (Note: This subcategory consists of nonwastewaters only.)	Cadmium	7440-43-9	NA	Macroencapsulation, in accordance with LAC 33:V.2230
* * *					
[See Prior Text in D007 ⁹ - D008 ⁹]					
D009 ⁹	Nonwastewaters that exhibit, or are expected to exhibit, the characteristic of toxicity for mercury based on the toxicity characteristic leaching procedure (TCLP) in SW846; and contain greater than or equal to 260 mg/kg total mercury that also contain organics and are not incinerator residues (High Mercury-Organic Subcategory)	Mercury	7439-97-6	NA	IMERC; OR RMERC
	Nonwastewaters that exhibit, or are expected to exhibit, the characteristic of toxicity for mercury based on the toxicity characteristic leaching procedure (TCLP) in SW846; and contain greater than or equal to 260 mg/kg total mercury that are inorganic, including incinerator residues and residues from RMERC (High Mercury-Inorganic Subcategory)	Mercury	7439-97-6	NA	RMERC
	Nonwastewaters that exhibit, or are expected to exhibit, the characteristic of toxicity for mercury based on the toxicity characteristic leaching procedure (TCLP) in SW846; and contain less than 260 mg/kg total mercury and that are residues from RMERC only (Low Mercury Subcategory)	Mercury	7439-97-6	NA	0.20 mg/L TCLP and meet LAC 33:V.2233 standards ⁸
	All other nonwastewaters that exhibit, or are expected to exhibit, the characteristic of toxicity for mercury based on the toxicity characteristic leaching procedure (TCLP) in SW846; and contain less than 260 mg/kg total mercury and that are not residues from RMERC (Low Mercury Subcategory)	Mercury	7439-97-6	NA	0.025 mg/L TCLP and meet LAC 33:V.2233 standards ⁸
	All D009 wastewaters	Mercury	7439-97-6	0.15 and meet LAC 33:V.2233 standards ⁸	NA
	Elemental mercury contaminated with radioactive materials (Note: This subcategory consists of nonwastewaters only.)	Mercury	7439-97-6	NA	AMLGM

Table 2. Treatment Standards for Hazardous Wastes

Waste Code	Waste Description and Treatment/Regulatory Subcategory ¹	Regulated Hazardous Constituent		Wastewaters	Non-wastewaters
		Common Name	CAS ² Number	Concentration in mg/L ³ ; or Technology Code ⁴	Concentration in mg/kg ⁵ unless noted as "mg/L TCLP" or Technology Code ⁴
	Hydraulic oil contaminated with Mercury Radioactive Materials Subcategory (Note: This subcategory consists of nonwastewaters only.)	Mercury	7439-97-6	NA	IMERC
	Radioactively contaminated mercury-containing batteries (Note: This subcategory consists of nonwastewaters only.)	Mercury	7439-97-6	NA	Macroencapsulation, in accordance with LAC 33:V.2230
* * *					
[See Prior Text in D010 ⁹]					
D011 ⁹	Wastes that exhibit, or are expected to exhibit, the characteristic of toxicity for silver based on the toxicity characteristic leaching procedure (TCLP) in SW846	Silver	7440-22-4	0.43 and meet LAC 33:V.2233 standards ⁸	0.14 mg/L TCLP and meet LAC 33:V.2233 standards ⁸
	Radioactively contaminated silver-containing batteries (Note: This subcategory consists of nonwastewaters only.)	Silver	7440-22-4	NA	Macroencapsulation, in accordance with LAC 33:V.2230
* * *					
[See Prior Text in D012 ⁹ -U411]					

Footnotes 1. - 12. ...

Tables 3. - 12. ...

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 16:1057 (December 1990), amended LR 17:658 (July 1991), LR 21:266 (March 1995), LR 22:22 (January 1996), LR 22:834 (September 1996), LR 23:566 (May 1997), LR 24:301 (February 1998), LR 24:670 (April 1998), LR 24:1732 (September 1998), LR 25:451 (March 1999), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:282 (February 2000), LR 27:295 (March 2001), LR 29:322 (March 2003), LR 30:

Chapter 41. Recyclable Materials
Subchapter C. Special Requirements for Group III Recyclable Materials

§4139. Recyclable Materials Used in a Manner Constituting Disposal

A. - A.2. ...

a. the recyclable materials have undergone a chemical reaction in the course of producing the products so as to become inseparable by physical means; and

b. such products meet the applicable treatment standards in LAC 33:V.Chapter 22.Subchapter B (or applicable prohibition levels in LAC 33:V.2209 or 2213, where no treatment standards have been established) for each recyclable material (i.e., hazardous waste constituent) that they contain.

3. Fertilizers that contain recyclable materials are not subject to regulation provided that:

a. they are zinc fertilizers excluded from the definition of *solid waste* according to LAC 33:V.105.D.1.u; or

b. they meet the applicable treatment standards in LAC 33:V.2223 for each hazardous waste that they contain.

4. Anti-skid/de-icing uses of slags, which are generated from high temperature metals recovery (HTMR) processing of hazardous wastes K061, K062, and F006, in a manner constituting disposal are not covered by the exemption in Paragraphs A.2 and 3 of this Section and remain subject to regulation.

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 11:988 (October 1985), amended LR 11:1139 (December 1985), LR 15:378 (May 1989), LR 16:220 (March 1990), LR 17:367 (April 1991), LR 17:658 (July 1991), LR 20:1000 (September 1994), LR 22:21 (January 1996), repromulgated LR 22:100 (February 1996), amended LR 23:566 (May 1997), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:1743 (September 1998); amended by the Office of Environmental Assessment, Environmental Planning Division, LR 30:

A public hearing will be held on July 26, 2004, at 1:30 p.m. in the Galvez Building, Oliver Pollock Conference Room C111, 602 North Fifth Street, Baton Rouge, LA 70802. Interested persons are invited to attend and submit oral comments on the proposed amendments. Should individuals with a disability need an accommodation in order to participate, contact Judith A. Schuerman, Ph.D., at the address given below or at (225) 219-3550. Free parking is available across the street in the Galvez parking garage when the parking ticket is validated by department personnel at the hearing.

All interested persons are invited to submit written comments on the proposed regulation. Persons commenting should reference this proposed regulation by HW085*. Such comments must be received no later than July 26, 2004, at 4:30 p.m., and should be sent to Judith A. Schuerman, Ph.D., Office of Environmental Assessment, Environmental

Planning Division, Regulation Development Section, Box 4314, Baton Rouge, LA 70821-4314 or to fax (225) 219-3582 or by e-mail to judith.schuerman@la.gov. The comment period for this rule ends on the same date as the public hearing. Copies of this proposed regulation can be purchased by contacting the DEQ Public Records Center at (225) 219-3168. Check or money order is required in advance for each copy of HW085*.

This proposed regulation is available for inspection at the following DEQ office locations from 8 a.m. until 4:30 p.m.: 602 North Fifth Street, Baton Rouge, LA 70802; 1823 Highway 546, West Monroe, LA 71292; State Office Building, 1525 Fairfield Avenue, Shreveport, LA 71101; 1301 Gadwall Street, Lake Charles, LA 70615; 201 Evans Road, Building 4, Suite 420, New Orleans, LA 70123; 111 New Center Drive, Lafayette, LA 70508; 110 Baratara Street, Lockport, LA 70374 or on the Internet at <http://www.deq.louisiana.gov/planning/regs/index.htm>.

Wilbert F. Jordan, Jr.
Assistant Secretary

0406#024

NOTICE OF INTENT

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

Targeted Case Management High Risk Pregnant Women (LAC 50:XV.Chapter 115)

The Department of Health and Hospitals, Office of the Secretary, Bureau of Community Supports and Services proposes to repeal LAC 50.XV.Chapter 115, High Risk Pregnant Women as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This proposed Rule is promulgated in accordance with the Administrative Procedure Act, R.S. 49:950 et seq.

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, established targeted case management services for high-risk pregnant women (*Louisiana Register*, Volume 15, Number 6). This rule was subsequently amended (*Louisiana Register*, Volume 19, Number 5 and Volume 25, Number 7). The Rules for these services were compiled and promulgated for *Louisiana Administrative Code* codification purposes in (*Louisiana Register*, Volume 30, Number 5). The department now proposes to terminate this service by repealing these rules as: 1) there have been no requests for high-risk pregnancy case management since 1995; 2) there are no licensed case management agencies for the provision of these services; and 3) no funds are currently budgeted for this program.

In compliance with Act 1183 of the 1999 Regular Session of the Louisiana Legislature, the impact of this proposed Rule on the family has been considered. This proposed Rule has no known impact on family functioning, stability, or autonomy as described in R.S. 49:972.

Title 50

PUBLIC HEALTH MEDICAL ASSISTANCE

Part XV. Services for Special Populations

Subpart 7. Targeted Case Management

Chapter 115. High Risk Pregnant Women

§11501. Introduction

Repealed.

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 30:1042 (May 2004), repealed LR 30:

§11503. Recipient Qualifications

Repealed.

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 30:1042 (May 2004), repealed LR 30:

§11505. Provider Participation

Repealed.

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 30:1043 (May 2004), repealed LR 30:

Interested persons may submit written comments to Barbara Dodge, Bureau of Community Supports and Services, P.O. Box 91030, Baton Rouge, LA 70821-9030. She is responsible for responding to inquiries regarding this proposed Rule. A public hearing on this proposed Rule is scheduled for Tuesday, July 27, 2004 at 9:30 a.m. in the Wade O. Martin, Jr. Auditorium, State Archives Building, 3851 Essen Lane, Baton Rouge, LA. At that time all interested persons will be afforded an opportunity to submit data, views or arguments either orally or in writing. The deadline for the receipt of all written comments is 4:30 p.m. on the next business day following the public hearing.

Frederick P. Cerise, M.D., M.P.H.
Secretary

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Targeted Case Management High Risk Pregnant Women

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

It is anticipated that there will be no programmatic costs to the state as a result of implementation of this proposed rule. It is anticipated that \$272 (\$136 SGF and \$136 FED) will be expended in SFY 2003-2004 for the state's administrative expense for promulgation of this proposed rule and the final rule.

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

It is anticipated that implementation of this proposed rule will have no programmatic effect on federal revenue collections. \$136 will be collected in FY 2003-2004 as the federal share of expense for promulgation of this proposed rule and the final rule.

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

Implementation of this proposed rule repeals targeted case management for high-risk pregnant women. There have been no requests for this service since 1995, there are no licensed case management agencies to provide this service in Louisiana, and there is no money budgeted for this program. Implementation of this proposed rule will have no costs and/or economic benefits to directly affected persons or nongovernmental groups.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

It is anticipated that the implementation of this rule will not have an effect on competition and employment.

Ben A. Bearden
Director
0406#068

H. Gordon Monk
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

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

Federally Qualified Health Centers
(LAC 50:XI.Chapters 103-105)

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing proposes to adopt LAC 50:XI.Chapters 103-105 under the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This proposed Rule is promulgated in accordance with the Administrative Procedure Act, R.S. 49:950 et seq.

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing adopted a rule establishing the reimbursement methodology for federally qualified health centers (FQHCs) in October of 1992 (*Louisiana Register*, Volume 18, Number 10). The bureau subsequently amended the October 20, 1992 Rule to limit reimbursement to FQHCs by applying the Medicare payment limit to core services (*Louisiana Register*, Volume 22, Number 12). The bureau proposes to repeal and replace the October 20, 1992 and December 20, 1996 Rules by establishing a prospective payment system in accordance with Section 1902(aa) of the Social Security Act and the provisions of the Benefits Improvement Act (BIPA) of 2000.

In addition, the bureau proposes to amend the February 20, 1996 Rule which included each FQHC visit (encounter) as one of the 12 outpatient physician visits allowed per year for Medicaid eligibles who are 21 years of age or older. The bureau now proposes to increase the service limit to 15 visits per year for services performed in a FQHC. The bureau also proposes to repeal the provisions in the February 20, 1996 Rule governing the reimbursement methodology for prenatal and post partum care visits, as the new prospective payment system will replace the existing methodology. In compliance with Act 1183 of the 1999 Regular Session of the Louisiana Legislature, the impact of this proposed Rule on the family has been considered. It is anticipated that implementation of this proposed Rule will have a positive impact on family functioning, stability, and autonomy as described in R.S.

49:972 as it will increase the number of annual visits allowed for recipients of FQHC services.

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing adopts the following Rule governing federally-qualified health centers under the Medical Assistance Program.

Title 50

**PUBLIC HEALTH MEDICAL ASSISTANCE
Part XI. Clinic Services**

Subpart 13. Federally-Qualified Health Centers

Chapter 103. Provider Requirements

§10301. Standards for Participation

A. Federally-qualified health centers (FQHCs) must comply with the applicable licensure, accreditation and program participation standards for all services rendered. If a FQHC wishes to initiate participation, it shall be responsible for meeting all enrollment criteria of the program.

B. The FQHC provider shall:

1. maintain an acceptable fiscal record keeping system that will enable the services provided by the FQHC to be readily distinguished from each other type of service that the facility may provide;

2. retain all records as are necessary to fully disclose the extent of services provided to recipients; furnish information regarding such records and any payments claimed for providing such services as the Medicaid Program, the Secretary, or the Medicaid Fraud Control Unit may request for five years from date of service;

3. abide by and adhere to all federal and state regulations, guidelines, policies, manuals, etc.; and

4. if an FQHC receives approval for a satellite site, the satellite site must enter into a separate provider agreement and obtain its own Medicaid number.

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 30:

§10303. Service Limits

A. FQHC visits (encounters) are limited to 15 visits per year for services rendered to Medicaid recipients who are 21 years of age or older. FQHC visits for eligibles who are under 21 years of age and for prenatal and postpartum care are excluded from the maximum allowable number of physician visits per year.

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 30:

Chapter 105. Reimbursement Methodology

§10501. Prospective Payment System

A. In accordance with Section 1902(aa) of the Social Security Act and the provisions of the Benefits Improvement Act (BIPA) of 2000, payments to federally qualified health centers for Medicaid-covered services will be made under a Prospective Payment System (PPS) and paid on a per visit basis.

B. The PPS per visit rate will be provider specific. To establish the baseline rate for 2001, each FQHC's 1999 and 2000 Medicaid allowable costs, as taken from the FQHC's filed 1999 and 2000 Medicaid cost reports, will be totaled and divided by the total number of Medicaid patient visits

for 1999 and 2000. A *visit* is defined as a face-to-face encounter with a licensed practitioner, including:

1. doctors;
2. dentists;
3. clinical psychologists;
4. clinical social workers;
5. nurse practitioners; and
6. physician assistants.

C. For those FQHCs that began operation in 2000 and have only a 2000 cost report available for the determination of the initial PPS per visit rate, the 2000 allowable costs will be divided by the total number of Medicaid patient visits for 2000. Upon receipt of the 2001 cost report, the rate methodology will be applied using 2000 and 2001 costs and Medicaid patient visits to determine a new rate.

D. Upon receipt of the final audited cost reports for 1999 and 2000, the rate will be recalculated using costs and Medicaid patient visits from these reports. Payments will be reconciled against the initial PPS per visit rate with recoupments and lump sum payments issued in accordance with existing state processes for cost report settlement.

E. The baseline calculation will include all Medicaid-covered services provided by the FQHC, regardless of existing methods of reimbursement for said services. This includes, but is not limited to, ambulatory, transportation, laboratory (where applicable), and KidMed and dental services previously reimbursed on a fee-for-service or other nonencounter basis. The per visit rate will be all inclusive. FQHCs shall not bill separately for any Medicaid-covered services.

F. FQHCs are responsible for apportioning visits and statistical data in the 2001 cost report. The apportionment is for the period from the first day of the 2000 cost reporting period through December 31, 2000. This data is used to calculate cost settlements due from or to providers for the final cost-based reimbursement period in calendar year 2000.

1. Providers with a December 31st fiscal year end do not have to conduct the apportionment cited in Subsection F.

G. Upon completion and implementation of PPS rate determination, the state will reconcile payments back to January 1, 2001 by:

1. calculating a payment amount for eligible patient visits under PPS; and
2. comparing the calculation to payments made for encounters under the previous cost-based reimbursement methodology.

H. No interim or alternate payment methodologies will be developed by the state without prior notification to each enrolled Medicaid FQHC.

I. The FQHC is responsible for notifying the Bureau of Health Services Financing, Rate and Audit Review Section, in writing, of any increases or decreases in the scope of services as defined by the Bureau of Primary Health Care (BPHC) Policy Information Notice 2002-07. If the change is for inclusion of an additional service or deletion of an existing service, the FQHC shall include the following in this notification: the approval by BPHC, the current approved organization budget and a budget for the addition or deletion of services. The notice shall also include a presentation of the impact on total visits and Medicaid visits. A new interim rate will be established based upon the

reasonable allowable cost contained in the budget information. Then a final PPS rate will be calculated using the first two years of audited cost reports which include the change in services.

J. If an FQHC receives approval for a satellite site, the PPS per visit rate paid for the services performed at the satellite would be the weighted average cost payment rate per encounter for all FQHCs.

K. The PPS per visit rate for a facility which enrolls and receives approval to operate on or after January 1, 2001 will be the statewide weighted average payment rate per encounter for all FQHCs.

L. Beginning with federal fiscal year 2002, the PPS per visit rate for each facility will be increased on July first of each year by the percentage increase in the published *Medicare Economic Index* (MEI) for primary care services.

M. FQHC services furnished to dual eligibles will be reimbursed reasonable cost which is equivalent to the provider specific prospective payment rate.

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 30:

Implementation of the provisions of this proposed Rule shall be contingent upon the approval of the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services.

Interested persons may submit written comments to Ben A. Bearden, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821-9030. He is responsible for responding to inquiries regarding this proposed Rule. A public hearing on this proposed Rule is scheduled for Tuesday, July 27, 2004 at 9:30 a.m. in the Wade O. Martin Auditorium, State Archives Building, 3851 Essen Lane, Baton Rouge, LA. At that time all interested persons will be afforded an opportunity to submit data, views or arguments either orally or in writing. The deadline for the receipt of all written comments is 4:30 p.m. on the next business day following the public hearing.

Frederick P. Cerise, M.D., M.P.H.
Secretary

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES RULE TITLE: Federally Qualified Health Centers

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

It is anticipated that the implementation of this proposed rule will increase state program costs by approximately \$298,858 for SFY 2004-2005, \$397,191 for SFY 2005-2006 and \$409,107 for FY 2006-2007. It is anticipated that \$544 (\$272 SGF and \$272 FED) will be expended in SFY 2003-2004 for the state's administrative expense for promulgation of this proposed rule and the final rule.

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

It is anticipated that the implementation of this proposed rule will increase federal revenue collections by approximately \$738,482 for SFY 2004-2005, \$981,467 for SFY 2005-2006 and \$1,010,911 for SFY 2006-2007. \$272 will be collected in

SFY 2003-2004 for the federal administrative expenses for promulgation of this proposed rule and the final rule.

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

This proposed rule increases the number of allowable annual visits from 12 to 15 for services performed at a Federally Qualified Health Center (FQHC) (25 centers) and establishes a reimbursement methodology for FQHC services. It is anticipated that implementation of this proposed rule will increase expenditures to FQHCs by \$1,037,340 for SFY 2004-2005, \$1,378,658 for SFY 2005-2006 and \$1,420,018 for SFY 2006-2007.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

It is anticipated that the implementation of this rule will not have an effect on competition and employment.

Ben A. Bearden
Director
0406#066

H. Gordon Monk
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

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

**Hospital Program Outpatient Surgery Services
HIPAA Implementation**

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 proposed Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq.

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing provides coverage and reimbursement for certain surgical procedures when performed in an outpatient setting. The bureau promulgated a rule that increased the reimbursement paid to hospitals for those outpatient surgical procedures included in the four payment groups on the Medicaid outpatient surgery list (*Louisiana Register*, Volume 27, Number 12). Currently, these services must be billed to the Medicaid program using International Classification of Diseases, Ninth Edition (ICD-9) surgical codes and reimbursement for these surgical procedures is set at a flat fee per service per one of four payment groups. The Administrative Simplification provisions of the Health Insurance Portability and Accountability Act of 1996 (HIPAA, Title II) requires national standards for electronic health care transactions and national identifiers for providers, health plans, and employers (*Federal Register*, Volume 65, Number 160). This includes standardized procedure codes and definitions. The department is required to implement these codes and definitions or face monetary sanctions. In compliance with HIPAA requirements, the bureau proposes to amend the December 2001 rule governing the billing and reimbursement for outpatient surgery services.

In compliance with Act 1183 of the 1999 Regular Session of the Louisiana Legislature, the impact of this proposed Rule on the family has been considered. This proposed Rule

has no known impact on family functioning, stability, or autonomy as described in R.S. 49:972.

Proposed Rule

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing amends the rules governing the billing and reimbursement of all outpatient hospital surgery services. Current Standard Healthcare Common Procedure Coding System (HCPCS) codes and modifiers shall be used to bill for all outpatient hospital surgery services. Medicaid payment rates shall be established and assigned to each code based on the Medicare payment rates for outpatient surgery services.

Interested persons may submit written comments to Ben A. Bearden, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821-9030. He is responsible for responding to inquiries regarding this proposed Rule. A public hearing on this proposed Rule is scheduled for Tuesday, July 27, 2004, at 9:30 a.m. in the Wade O. Martin, Jr. Auditorium, State Archives Building, 3851 Essen Lane, Baton Rouge, LA. At that time all interested persons will be afforded an opportunity to submit data, views or arguments either orally or in writing. The deadline for the receipt of all written comments is 4:30 p.m. on the next business day following the public hearing.

Frederick P. Cerise, M.D., M.P.H.
Secretary

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

RULE TITLE: Hospital Program Outpatient Surgery Services HIPAA Implementation

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

It is anticipated that there will be no programmatic costs to the state as a result of implementation of this proposed rule. It is anticipated that \$204 (\$102 SGF and \$102 FED) will be expended in SFY 2003-2004 for the state's administrative expense for promulgation of this proposed rule and the final rule.

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

It is anticipated that implementation of this proposed rule will have no programmatic effect on federal revenue collections. \$102 will be collected in FY 2003-2004 as the federal share of expense for promulgation of this proposed rule and the final rule.

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

Implementation of this proposed rule amends the rules governing the billing and reimbursement of all outpatient hospital surgery services to comply with Health Insurance Portability and Accountability Act of 1996 (HIPAA, Title II) standards. Implementation of this proposed rule will have no costs and/or economic benefits to directly affected persons or non-governmental groups.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

It is anticipated that the implementation of this rule will not have an effect on competition and employment.

Ben A. Bearden
Director
0406#067

H. Gordon Monk
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

**Department of Labor
Office of Workers' Compensation**

Choice of Physician Form (LAC 40:I.6664)

Notice is hereby given, in accordance with R.S. 49:950 et seq., that the Louisiana Department of Labor, Office of Workers' Compensation, pursuant to authority vested in the Director of the Office of Workers' Compensation by R.S. 23:1310.1 and in accordance with applicable provisions of the Administrative Procedure Act, proposes to enact a form permitting injured workers to choose their physician, LAC 40:I.6664 to provide for a choice of physician form. The proposed Rule which is set forth below enacts Chapter 66, Section 6664.

Title 40

LABOR AND EMPLOYMENT

Part I. Workers' Compensation Administration

Subpart 2. Hearing Rules

Chapter 66. Miscellaneous

Subchapter E. Forms

§6664. Choice of Physician; Form LDOL-WC-1121

Notice to Injured Workers

You have the right to choose your own doctor!

When you are injured at work or become sick because of something that happened at work, the law gives you the right to choose your own doctor in any field or specialty of medicine for medical treatment.

The law also allows your employer to have you see his/her doctor, but you do not have to agree to continue treatment with your employer's doctor unless that is what you want.

If you want your employer's doctor to continue treating you after your first visit with him/her, and after receiving this form, you may choose your employer's doctor as your treating doctor.

Once you choose either your employer's doctor or your own doctor as your treating doctor, you may not be permitted to choose another doctor in that same field or specialty to treat you for your injury or illness later on. However, you are not required to get your employer's approval to change to a doctor in another field or specialty of medicine [LA. R.S. 23:1121(b)(1)].

If your employer denies your right to choose your doctor, you have a right to a speedy hearing before a workers' compensation judge to resolve the denial of your right [LA. R.S. 23:1121(b)(1) and 1124(b)].

I hereby choose my own doctor to treat me for my injury or illness:

Dr. _____

or

By signing this form, I state that I know about my right to choose my own treating doctor, and being so advised, I hereby accept and choose to continue treating with my employer's doctor:

Dr. _____

Date Signature of Employee Printed Name of Employee

Date Signature of Employee Printed Name of Employee

(Note: If the employee is illiterate or has a language barrier, an authorized representative of the employer/insurer shall attest by their signature that this form and right of physician choice has been reasonably explained to that employee prior to his/her signature on this form. Failure to do so can jeopardize the employer's /insurer's right to subsequently refuse consent to the employee's request for treatment by a different physician within the same field or specialty.)

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1310.1.

HISTORICAL NOTE: Promulgated by the Department of Labor, Office of Workers' Compensation Administration, LR 30:

Inquiries concerning the proposed adoption may be directed to Karen Reiners Winfrey, Assistant Secretary, Office of Workers' Compensation Administration, Department of Labor, P.O. Box 94094, Baton Rouge, LA 70804-9094.

Interested persons may submit data, views, arguments, information or comments on the proposed repeal and enactment in writing, to the Louisiana Department of Labor, P.O. Box 94094, Baton Rouge, LA 70804-9094, Attention: Karen Reiners Winfrey, Assistant Secretary, Office of Workers' Compensation Administration. Written comments must be submitted and received by the department within 10 days from the date of this notice. A request pursuant to R.S. 49:953(A)(2) for oral presentation, argument or public hearing must be made in writing and received by the department within 20 days of the date of this notice.

John Warner Smith
Secretary

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES
RULE TITLE: Choice of Physician Form**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)
There will be no implementation costs or savings to state or local governmental units as a result of these administrative rule changes.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
There will be no direct effect on revenue collections of state or local governmental units as a result of this legislation.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)
There is no estimated cost to directly affected persons or nongovernmental groups as a result of these changes.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
Proposed rule changes will not effect competition and employment among those using the form.

John Warner Smith
Secretary
0406#008

Robert E. Hosse
General Government Section Director
Legislative Fiscal Office

NOTICE OF INTENT

Department of Public Safety and Corrections Gaming Control Board

Rules of Play
(LAC 42:IX.Chapter 31 and XIII.Chapter 31)

The Louisiana Gaming Control Board hereby gives notice that it intends to amend LAC 42:IX.3103-3107 and XIII.3101-3107 and to repeal LAC 42:IX.3115-3132 and XIII.3115-3133 in accordance with R.S. 27:15 and 24, and the Administrative Procedure Act, R.S. 49:950 et seq.

Title 42

LOUISIANA GAMING

Part IX. Landbased Casino Gaming

Subpart 1. Economic Development and Gaming Corporation

Chapter 31. Rules of Play

§3103. Rules of Play

A. As approved by the division in writing, the casino operator shall adopt and make available to all patrons at the casino written and comprehensive rules of play governing wagering transactions with patrons.

B. Without limiting the generality of the foregoing, the casino operator's rules of play must specify the amounts to be paid on winning wagers.

C. The casino may offer side wagers for a bonus or progressive jackpot by receiving various combinations in any authorized game, as long as the rules relating to such wagers are clearly specified in the rules of play pursuant to this chapter and approved by the division in writing.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and R.S. 27:24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 25:1959 (October 1999), amended LR 30:

§3105. Submission of Rules

A. The casino operator shall submit in writing to the division for review and approval the proposed rules of play prior to the commencement of gaming operations. The casino operator's rules of play shall be attached as an exhibit in the casino operator's internal controls. The casino operator's rules of play shall contain detailed procedures for each game including but not limited to:

1. object of the game and method of play, including what constitutes win, loss or tie bets;

2. physical characteristics of the game, gaming equipment and gaming table;

3. opening and closing of the gaming table;

4. wagers:

- a. permissible wagers and payout odds;
- b. manner in which wagers may be made;
- c. minimum and maximum wagers;
- d. maximum table payouts as applicable;

5. for each game that uses the following, inspection procedures for:

- a. cards;
- b. dice;
- c. wheels and balls;
- d. manual and electronic devices used to operate and display progressive games;

6. for each game that uses cards:

- a. shuffling procedures;
- b. card cutting procedures;
- c. procedures for dealing, taking, removing used, damaged and burning cards;
- d. cards, number of decks, number of cards in deck and the valuation of the cards;

7. procedures for the collection of bets and payouts including all requirements for Internal Revenue Service purposes;

8. describe procedures for handling disputes including documenting and reports needed. Include copies of such reports being provided to the Casino Gaming Section;

9. describe procedures for handling suspected cheating or irregularities including the immediate notification to the Casino Gaming Section;

10. describe procedures for dealers/box persons etc. conducting each game including procedures for being relieved;

11. procedures describing irregularities of each game.

B. All table games utilizing cards, for which procedures are described above, shall be dealt from a shoe or shuffling device, except card games which have been approved by the Casino Gaming Section.

C. Any change in the casino's rules of play including permissible rules, wagers and payout odds must be submitted in writing and gain prior written approval by the division before implementation.

D. The casino shall not permit any game to be played other than those specifically named in the act, these regulations, or the casino operator's rules of play in the internal controls as approved by the division. For each game, the casino shall provide a written set of procedures to the division 120 days in advance of commencing the game's operation or within such time period as the division, in its sole discretion, may authorize in writing.

E. Rules of play shall not be considered confidential and copies shall be made available to the public upon request.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and R.S. 27:24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 25:1959 (October 1999), amended LR 30:

§3107. Wagers

A. All wagers at gaming tables shall be made by placing gaming chips or tokens on the appropriate area of the gaming table layout. In addition, each player shall be responsible for the correct positioning of their wager or wagers on the gaming layout regardless of whether or not they are assisted by the dealer. Each player must ensure that any instructions they give to the dealer regarding the placement of their wager are correctly carried out.

B. Minimum and maximum wagers and maximum table payouts shall be posted on a sign at each table.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and R.S. 27:24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 25:1959 (October 1999), amended LR 30:

§3115. Blackjack (Twenty-One)

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and R.S. 27:24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 25:1960 (October 1999), repealed LR 30:

§3116. Royal Match 21

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and R.S. 27:24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 25:1961 (October 1999), repealed LR 30:

§3117. Craps

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and R.S. 27:24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 25:1962 (October 1999), repealed LR 30:

§3119. Roulette

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and R.S. 27:24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 25:1962 (October 1999), repealed LR 30:

§3120. Baccarat

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and R.S. 27:24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 25:1962 (October 1999), repealed LR 30:

§3121. Mini-Baccarat

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and R.S. 27:24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 25:1963 (October 1999), repealed LR 30:

§3122. Midi-Baccarat

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and R.S. 27:24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 25:1963 (October 1999), repealed LR 30:

§3123. Big Six Wheel

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and R.S. 27:24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 25:1963 (October 1999), repealed LR 30:

§3125. Bourée

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and R.S. 27:24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 25:1964 (October 1999), repealed LR 30:

§3127. Poker

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and R.S. 27:24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 25:1964 (October 1999), repealed LR 30:

§3128. Caribbean Stud Poker

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and R.S. 27:24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 25:1965 (October 1999), repealed LR 30:

§3129. Pai Gow Poker

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and R.S. 27:24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 25:1966 (October 1999), repealed LR 30:

§3130. Let It Ride Stud Poker

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and R.S. 27:24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 25:1966 (October 1999), repealed LR 30:

§3131. Let It Ride Bonus Stud Poker

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and R.S. 27:24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 25:1967 (October 1999), repealed LR 30:

§3132. Casino War

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and R.S. 27:24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 25:1968 (October 1999), repealed LR 30:

Part XIII. Riverboat Gaming

Subpart 2. State Police Riverboat Gaming Division

Chapter 31. Rules of Play

§3101. Authority and Applicability

A. ...

B. The games and gaming activities authorized by this Chapter shall be conducted pursuant to rules and procedures contained in the division's rules and the licensee's rules of play as are approved by the division in writing. In the event of a conflict or inconsistency between the division's rules and the licensee's rules of play, the division's rules shall prevail unless the division issues a written order indicating otherwise in that particular case.

C. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, Riverboat Gaming Enforcement Division, LR 21:705 (July 1995), amended LR 30:

§3103. Rules of Play

A. As approved by the division in writing, each licensee shall adopt and make available to all patrons at its licensed premises written and comprehensive rules of play governing wagering transactions with patrons.

B. Without limiting the generality of the foregoing, the rules of play must specify the amounts to be paid on winning wagers.

C. A licensee may offer side wagers for a bonus or progressive jackpot by receiving various combinations in any authorized game, as long as the rules relating to such wagers are clearly specified in the rules of play pursuant to this Chapter and approved by the division in writing.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, Riverboat Gaming Enforcement Division, LR 21:705 (July 1995), amended LR 30:

§3105. Submission of Rules

A. Each licensee shall submit in writing to the division for review and approval the proposed rules of play prior to the commencement of gaming operations. The licensee's rules of play shall be included in the licensee's internal controls. The licensee's rules of play shall contain detailed procedures for each game including but not limited to:

1. object of the game and method of play, including what constitutes win, loss or tie bets;
2. physical characteristics of the game, gaming equipment and gaming table;
3. opening and closing of the gaming table;
4. wagers:
 - a. permissible wagers and payout odds;
 - b. manner in which wagers may be made;
 - c. minimum and maximum wagers;
 - d. maximum table payouts as applicable;
5. for each game that uses the following, inspection procedures for:
 - a. cards;
 - b. dice;
 - c. wheels and balls;
 - d. manual and electronic devices used to operate and display progressive games;
6. for each game that uses cards:
 - a. shuffling procedures;
 - b. card cutting procedures;
 - c. procedures for dealing, taking, removing used, damaged and burning cards;
 - d. cards, number of decks, number of cards in deck and the valuation of the cards;
7. procedures for the collection of bets and payouts including all requirements for Internal Revenue Service purposes;
8. describe procedures for handling disputes including documenting and reports needed. Include copies of such reports being provided to the Casino Gaming Section;
9. describe procedures for handling suspected cheating or irregularities including the immediate notification to the Casino Gaming Section;
10. describe procedures for dealers/box persons etc. conducting each game including procedures for being relieved;
11. procedures describing irregularities of each game.

B. All table games utilizing cards, for which procedures are described above, shall be dealt from a shoe or shuffling device, except card games which have been approved by the Casino Gaming Section.

C. Any change in the licensee's rules of play including permissible rules, wagers and payout odds must be submitted in writing and gain prior written approval by the division before implementation.

D. No licensee shall permit any game to be played other than those specifically named in the act, these rules, or the licensee's rules of play as approved by the division. For each game, the licensee shall provide a written set of game rules to the division 120 days in advance of commencing the game's operation or within such time period as the division may designate.

E. The rules of play shall not be considered confidential and copies shall be made available to the public upon request.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, Riverboat Gaming Enforcement Division, LR 21:705 (July 1995), amended LR 30:

§3107. Wagers

A. All wagers at gaming tables shall be made by placing gaming chips or tokens on the appropriate area of the gaming table layout. In addition, each player shall be responsible for the correct positioning of their wager or wagers on the gaming layout regardless of whether or not they are assisted by the dealer. Each player must ensure that any instructions they give to the dealer regarding the placement of their wager are correctly carried out.

B. Minimum and maximum wagers and maximum table payouts shall be posted on a sign at each table.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, Riverboat Gaming Enforcement Division, LR 21:705 (July 1995), amended LR 30:

§3115. Blackjack

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, Riverboat Gaming Enforcement Division, LR 21:705 (July 1995), repealed LR 30:

§3117. Craps

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, Riverboat Gaming Enforcement Division, LR 21:705 (July 1995), repealed LR 30:

§3119. Roulette

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, Riverboat Gaming Enforcement Division, LR 21:705 (July 1995), repealed LR 30:

§3121. Mini-Baccarat Rules of the Game

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, Riverboat Gaming Enforcement Division, LR 21:705 (July 1995), repealed LR 30:

§3123. Big Six Wheel

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, Riverboat Gaming Enforcement Division, LR 21:705 (July 1995), repealed LR 30:

§3125. Bourée

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, Riverboat Gaming Enforcement Division, LR 21:705 (July 1995), repealed LR 30:

§3127. Poker

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, Riverboat Gaming Enforcement Division, LR 21:705 (July 1995), repealed LR 30:

§3129. Variations of Poker

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, Riverboat Gaming Enforcement Division, LR 21:705 (July 1995), repealed LR 30:

§3131. Red Dog

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, Riverboat Gaming Enforcement Division, LR 21:705 (July 1995), repealed LR 30:

§3133. Sic Bo

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, Riverboat Gaming Enforcement Division, LR 21:705 (July 1995), repealed LR 30:

Family Impact Statement

Pursuant to the provisions of R.S. 49:953(A), the Louisiana Gaming Control Board through its chairman, has considered the potential family impact of amending LAC 42:IX.3103-3107 and XIII.3101-3107 and repealing LAC 42:IX.3115-3132 and XIII.3115-3133

It is accordingly concluded that amending LAC 42:IX.3103-3107 and XIII.3101-3107 and repealing LAC 42:IX.3115-3132 and XIII.3115-3133 would appear to have a positive yet inestimable impact on the following:

1. the effect on stability of the family;
2. the effect on the authority and rights of parents regarding the education and supervision of their children;
3. the effect on the functioning of the family;
4. the effect on family earnings and family budget;
5. the effect on the behavior and personal responsibility of children;

6. the ability of the family or a local government to perform the function as contained in the proposed rule.

All interested persons may contact Tom Warner, Attorney General's Gaming Division, (225) 326-6500, and may submit comments relative to these proposed rules, through July 9, 2004, to 1885 North Third Street, Suite 500, Baton Rouge, LA 70802.

H. Charles Gaudin
Chairman

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES
RULE TITLE: Rules of Play**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)
There are no implementation costs to state or local government units estimated.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
There is no determinable effect on revenue collections of state or local governmental units.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)
No significant cost and/or economic benefit to directly affected persons or non-governmental groups is estimated.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
No significant effect on competition or employment is estimated.

H. Charles Gaudin
Chairman
0406#062

Robert E. Hosse
General Government Section Director
Legislative Fiscal Office

NOTICE OF INTENT

**Department of Public Safety and Corrections
Office of Motor Vehicles**

License Plates; Types of License Plates
(LAC 55.III.325 and 389)

Under the authority of R.S. 47:511, R.S. 47:305.50 and R.S. 47:321 and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the Department of Public Safety and Corrections, Office of Motor Vehicles (Department), hereby gives notice of intent to amend the existing rules regarding the adoption of the International Registration Plan, and the sales tax exemption on commercial motor vehicles issued apportioned plates and used in interstate commerce. These amendments are technical in nature and do not change the substance of the rules.

The first proposed amendment adopts the current International Registration Plan by reference. The International Registration Plan authorizes the apportioned registration of fleets of vehicles among the various jurisdictions in which the vehicles are operated. This plan provides that for one license plate even though the motor vehicle is registered in more than one jurisdiction. Louisiana was approved to participate in the plan on December 1, 1975, and began participating in the plan on April 1, 1976.

The second amendment amends the existing Rule regarding the expiration of the exemption from state and local sales and use taxes for commercial motor vehicles registered pursuant to the International Registration Plan. This amendment reflects the change made by Act 10, of the First Extraordinary Session of 2004, to R.S. 47:305.50 that deleted the language that provided for the expiration of the exemption to occur on June 30, 2004.

Title 55

PUBLIC SAFETY

Part III. Motor Vehicles

Chapter 3. License Plates

Subchapter A. Types of License Plates

§325. International Registration Plan

A. The Department of Public Safety and Corrections, Office of Motor Vehicles, hereby adopts by reference, the International Registration Plan, hereinafter referred to as the plan, adopted in August 1994 and as revised through October 1, 2003 by the member jurisdictions, and published by International Registration Plan, Inc. The department only adopts the articles and sections contained in the agreement, as well as the exceptions to the plan as reflected in the October 1, 2003 revision and included in Appendix C of the plan. The commentary and governing board decisions included with the adopted plan shall not be part of this Rule, but may be considered by the department in interpreting and implementing the various sections of the plan.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:511.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of Motor Vehicles, LR 26:89 (January 2000), amended LR 29:605 (April 2003), LR 30:

Subchapter C. Tax Exemption for Certain Trucks and Trailers Used 80 Percent of the Time in Interstate Commerce

§389. Expiration of Exemption

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:305.50 and R.S. 47:321.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of Motor Vehicles, LR 25:2258 (November 1999), repealed LR 30:

Family Impact Statement

1. The Effect of these Rules on the Stability of the Family. These rules should not have any affect on the stability of the family. These rules regulate the use of commercial motor vehicles

2. The Effect of these Rules on the Authority and Rights of Parents Regarding the Education and Supervision of Their Children. These rules should not have any affect on the authority and rights of parents regarding the education and supervision of their children. These rules regulate the use of commercial motor vehicles

3. The Effect of these Rules on the Functioning of the Family. These rules should not have any affect on the functioning of the family. These rules regulate the use of commercial motor vehicles

4. The Effect of these Rules on Family Earnings and Family Budget. These rules should not have any affect on family earnings and family budget. These rules regulate the use of commercial motor vehicles

5. The Effect of these Rules on the Behavior and Personal Responsibility of Children. These rules should not have any affect on the behavior and personal responsibility of children. These rules regulate the use of commercial motor vehicles

6. The Effect of these Rules on the Ability of the Family or Local Government to Perform the Function as Contained in the Proposed Rules. These rules should not have any affect on the ability of the family or local government to perform the function as contained in the proposed rules. These rules regulate the use of commercial motor vehicles

Persons having comments or inquiries may contact Stephen A. Quidd, Attorney for the Office of Motor Vehicles, by writing to P.O. Box 66614, Baton Rouge, LA 70896, by calling (225) 925-4068, or by sending a facsimile to (225) 925-3974. These comments and inquiries should be received by July 26, 2004. A public hearing on these Rules is tentatively scheduled for Wednesday, July 28, 2004, at 9 a.m., in the Executive Conference Room at the Office of Motor Vehicles Headquarters at 7979 Independence Blvd., Baton Rouge, LA 70806. Any person wishing to attend the public hearing should call to confirm the time and the location of the hearing. If the requisite number of comments are not received, no hearing will be held.

Stephen J. Hymel
Undersecretary

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: License Plates; Types of License Plates

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

There will be no savings or increased costs in connection with the amendment to LAC 55, Part III, Chapter 3, Subchapter A, §325, as the International Registration Plan (IRP) is an existing program in which the Department has participated since 1976. The amendment to the International Registration Plan (IRP) rule updates the reference to the current version of the International Registration. The amendment to the sales tax exemption rule for commercial motor vehicles in interstate commerce reflects the change by Act 10 of the 2004 First Extraordinary Session which repealed the expiration of the exemption.

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

There should be no effect on revenue collections of state or local governments. The proposed amendments do not change the manner in which state or local sales and use taxes are collected. The registration license tax due at the initial registration and at each subsequent renewal is also unchanged.

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

There should be no costs and/or economic benefit to directly affected persons or nongovernmental groups in connection with the proposed amendment to §325. The changes to the Plan do not impact the way the Plan is enforced. The elimination of the expiration date will result in no change to the sales tax exemption currently in place.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There should be no effect on competition or employment as a result of these proposals as there are no changes in the effect of the IRP or the sales tax exemption.

Chris Keaton
Undersecretary
0406#075

Robert E. Hosse
General Government Section Director
Legislative Fiscal Office

NOTICE OF INTENT

**Department of Treasury
State Employees' Retirement System**

DROP Disbursements (LAC 58:I.2713)

The Department of the Treasury, Board of Trustees of the Louisiana State Employees' Retirement System ("LASERS") proposes to amend LAC 58.I.2713. This amendment is needed to allow LASERS to more efficiently administer DROP accounts.

**Title 58
RETIREMENT**

Part I. Louisiana State Employees' Retirement System

Chapter 27. DROP Program

Subchapter C. Withdrawal

§2713. Time for Disbursement

A. - C. ...

D. Requested withdrawals from DROP accounts which would leave a balance in that account of \$500 or less shall be processed as a request for disbursement of the entire balance. All such withdrawal requests shall result in the closing of the account. LASERS may, at its option, conduct audits to identify DROP accounts with a balance of \$500 or less and may disburse the entire amount to the person in whose name the account exists or to their beneficiary after giving notice of at least 30 days prior to disbursement.

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 22:373 (May 1996), amended LR 25:2466 (December 1999), LR 29:1121 (July 2003), LR 30:

Family Impact Statement

The proposed amendment of LAC 58.I.2713 concerns the disbursement of DROP accounts. This regulation should not have any known or foreseeable impact on any family as defined by R.S. 49:972.D or on family formation, stability and autonomy. Specifically there should be no known or foreseeable effect on:

1. the stability of the family;
2. the authority and rights of parents regarding the education and supervision of their children;
3. the functioning of the family;
4. family earnings and family budget;
5. the behavior and personal responsibility of children;
6. the ability of the family or a local government to perform the function as contained in the proposed rules.

No preamble for these rules is necessary. Interested persons may submit written comments on the proposed changes until 4:30 p.m., July 10, 2004, to Steve Stark, Board

of Trustees for the Louisiana State Employees' Retirement, P.O. Box 44213, Baton Rouge, LA 70804.

Robert L. Borden
Executive Director

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES
RULE TITLE: DROP Disbursements**

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

No implementation costs to state or local governmental units are anticipated to result from the implementation of this rule. This rule will reduce administration of DROP accounts, which will in return produce a cost savings for LASERS.

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

No effect on revenue collections to state or local governmental units is expected to result from the implementation of these rules.

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

No costs or economic benefits are expected to either DROP participants are expected to result from the implementation of these rules.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

No effect on competition and employment is expected to result from the implementation of these rules.

Robert L. Borden
Executive Director
0406#038

H. Gordon Monk
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

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

Alligator Licenses, Permits, Fees (LAC 76:V.701)

The Wildlife and Fisheries Commission does hereby advertise its intent to suspend a portion of the alligator tag fee.

Title 76

WILDLIFE AND FISHERIES

Part V. Wild Quadrupeds and Wild Birds

Chapter 7. Alligators

§701. Alligator Regulations

A. The Department of Wildlife and Fisheries does hereby establish regulations governing the harvest of wild populations of alligators and alligator eggs, raising and propagation of farmed alligators, tanning of skins and regulations governing the selling of hides, alligator parts and farm raised alligators. The administrative responsibility for these alligator programs shall rest with the department secretary; the assistant secretary, Office of Wildlife; and the Fur and Refuge Division.

1. - 3. ...

4. Licenses, Permits and Fees

a. The licenses and fees required for activities authorized by these regulations are as prescribed under

provisions of Title 56, or as prescribed in these regulations, and are:

i. - x. ...

xi. \$4 for each alligator hide tag; provided however, that this commission does hereby suspend the collection of \$1 of the \$4 tag fee. This suspension shall commence on September 20, 2004 and continue for a period of 2 years or until such time this commission takes further action, whichever occurs first.

4.a.xii. - 17.c. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:115, R.S. 56:259, R.S. 56:262, R.S. 56:263 and R.S. 56:280.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 16:1070 (December 1990), amended LR 17:892 (September 1991), LR 19:215 (February 1993), LR 20:321 (March 1994), LR 26:1492 (July 2000), LR 28:1996 (September 2002), LR 30:

The secretary of the Department of Wildlife and Fisheries is authorized to take any and all necessary steps on behalf of the commission to promulgate and effectuate this Notice of Intent and the final Rule, including but not limited to, the filing of the Fiscal and Economic Impact Statements, the filing of the Notice of Intent and final Rule and the preparation of reports and correspondence to other agencies of government.

Interested persons may submit comments relative to the proposed Rule to Brandt Savoie, Fur & Refuge Division, Department of Wildlife and Fisheries, Box 98000, Baton Rouge, LA 70898-9000, prior to Thursday, August 5, 2004.

In accordance with Act #1183 of 1999, the Department of Wildlife and Fisheries/Wildlife and Fisheries Commission hereby issues its Family Impact Statement in connection with the preceding Notice of Intent. This Notice of Intent will have no impact on the six criteria set out at R.S. 49:972(B).

Bill A. Busbice, Jr.
Chairman

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES RULE TITLE: Alligator Licenses, Permits, Fees

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

There will be no state or local governmental implementation costs or savings associated with this proposed Rule change.

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

Total revenue collections of the state are estimated to increase by \$464,000 over a two-year period beginning in September 2004. In fiscal year (FY) 04-05, FY 05-06, and FY 06-07, the Department of Wildlife and Fisheries estimates that there will be an increase in revenue collections of \$174,000, \$232,000 and \$58,000, respectively. Revenue collections of local governmental units will not be affected.

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

Any licensed individual that can legally ship alligator skins out-of-state, tan alligator hides in state or use any alligator hide for taxidermy purposes will be directly affected.

The proposed Rule change will suspend \$1 of the \$4 alligator hide tag fee that is scheduled to become effective in September 2004, and will continue for a two-year period. Currently, licensed individuals pay a \$2 alligator hide tag fee, based on a similar action taken by the commission in 2002 that suspended \$2 of the \$4 tag fee per hide. Thus, licensed individuals will incur an additional cost of \$1 per alligator hide above the \$2 tag fee currently being charged. Total accumulated cost to license holders over the two-year period is estimated to be \$464,000. No workload adjustments or additional paperwork will be required.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed Rule change may cause a slight decrease in competition and employment within the alligator hide industry.

Janice A. Lansing
Undersecretary
0406#047

Robert E. Hosse
General Government Section Director
Legislative Fiscal Office

NOTICE OF INTENT

Department of Wildlife and Fisheries Wildlife and Fisheries Commission

Black Bass Daily Take and Size Limits (LAC 76:VII.149)

The Wildlife and Fisheries Commission hereby advertises its intent to amend the following Rule on black bass (*Micropterus* spp.) on Poverty Point Reservoir, located North of the town of Delhi in Richland Parish, Louisiana.

Title 76

WILDLIFE AND FISHERIES

Part VII. Fish and Other Aquatic Life

Chapter 1. Freshwater Sports and Commercial Fishing

§149. Black Bass Regulations Daily Take and Size Limits

A. - B.3. ...

4. Poverty Point Reservoir (Richland Parish)

a. Size limit: 15 inch-19 inch slot. A 15-19 inch slot limit means that it is illegal to keep or possess a black bass whose maximum total length is between 15 inches and 19 inches, both measured inclusive.

b. Daily Take: 8 fish with only one fish over 19 inches per person.

i. On water possession Same as daily limit per person.

*Maximum total length The distance in a straight line from the tip of the snout to the most posterior point of the depressed caudal fin as measured with the mouth closed on a flat surface.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:6(25)(a), R.S. 56:325(C), R.S. 56:326.3.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR:14:364 (June 1988), amended LR 17:277 (March 1991), repromulgated LR 17:488 (May 1991), amended LR 17:1122 (November 1991), LR 20:796 (July 1994), LR 23:1168 (September 1997), LR 24:505 (March 1998), LR 26:97 (January 2000), LR 28:104 (January 2002), LR 29:373 (March 2003), LR 30:

Interested persons may submit written comments of the proposed Rule to Bennie Fontenot, Administrator, Inland Fisheries Division, Department of Wildlife and Fisheries, Box 98000, Baton Rouge, LA, 70898-9000 no later than 4:30 p.m., Thursday, August 5, 2004.

The secretary of the Department of Wildlife and Fisheries is authorized to take any and all necessary steps on behalf of the commission to promulgate and effectuate this Notice of Intent and the Final Rule, including, but not limited to, the filing of the Fiscal and Economic Impact Statements, the filing of the Notice of Intent and Final Rule and the preparation of reports and correspondence to other agencies of government.

In accordance with Act #1183 of 1999, the Department of Wildlife and Fisheries/Wildlife and Fisheries Commission hereby issues its Family Impact Statement in connection with the preceding Notice of Intent. This Notice of Intent will have no impact on the six criteria set out at R.S. 49:972(B).

Bill A. Busbice, Jr.
Chairman

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES
RULE TITLE: Black Bass Daily Take and Size Limits**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)
The proposed Rule will have no implementation costs. Enforcement of the proposed Rule will be carried out using existing staff.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
The proposed Rule change is anticipated to have no effect on revenue collections of state and local governmental units.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)
Sport fishermen who fish in the Poverty Point Reservoir will be affected by the proposed action. They will be required to release black bass from 15 inches to 19 inches in length and be able to retain up to 8 black bass in their daily creel, with only 1 fish over 19 inches.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
The proposed Rule change will have no effect on competition and employment in the public and private sectors.

Janice A. Lansing
Undersecretary
0406#045

Robert E. Hosse
General Government Section Director
Legislative Fiscal Office

NOTICE OF INTENT

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

Crappie Daily Take (LAC 76:VII.197)

The Wildlife and Fisheries Commission hereby advertises its intent to establish the following Rule on Crappie (*Pomoxis* spp.) on Poverty Point Reservoir, located North of the town of Delhi in Richland Parish, Louisiana.

Title 76

WILDLIFE AND FISHERIES

Part VII. Fish and Other Aquatic Life

Chapter 1. Freshwater Sports and Commercial Fishing

§197. Crappie Regulations Daily Take

A. Poverty Point Reservoir (Richland Parish)

1. Daily limit: 25 fish per person:

a. on water possession Same as daily limit per person.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:325.1(c).

HISTORICAL NOTE: Promulgated in accordance with Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 30:

Interested persons may submit written comments of the proposed Rule to Bennie Fontenot, Administrator, Inland Fisheries Division, Department of Wildlife and Fisheries, Box 98000, Baton Rouge, LA, 70898-9000 no later than 4:30 p.m., Thursday, August 5, 2004.

The secretary of the Department of Wildlife and Fisheries is authorized to take any and all necessary steps on behalf of the commission to promulgate and effectuate this Notice of Intent and the final Rule, including, but not limited to, the filing of the Fiscal and Economic Impact Statements, the filing of the Notice of Intent and final Rule and the preparation of reports and correspondence to other agencies of government.

In accordance with Act #1183 of 1999, the Department of Wildlife and Fisheries/Wildlife and Fisheries Commission hereby issues its Family Impact Statement in connection with the preceding Notice of Intent. This Notice of Intent will have no impact on the six criteria set out at R.S. 49:972(B).

Bill A. Busbice, Jr.
Chairman

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES
RULE TITLE: Crappie Daily Take**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)
The proposed Rule will have no implementation costs. Enforcement of the proposed Rule will be carried out using existing staff.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
The proposed Rule change is anticipated to have no effect on revenue collections of state and local governmental units.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)
Recreational anglers who fish in the Poverty Point Reservoir will be affected by the proposed Rule. They will be limited to a crappie daily creel limit of 25 fish.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
The proposed Rule change will have no effect on competition and employment in the public and private sectors.

Janice A. Lansing
Undersecretary
0406#046

Robert E. Hosse
General Government Section Director
Legislative Fiscal Office