

Rules

RULE

Department of Agriculture and Forestry Office of the Commissioner

Testing Procedures and Quarantines of Pet Turtles (LAC 7:XXI.2311)

In accordance with provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the Department of Agriculture and Forestry has amended regulations regarding microbiological testing procedures and quarantines for the farming and selling of Louisiana pet turtles.

The Department of Agriculture and Forestry is amending these rules and regulations to enhance the accuracy and consistency of the testing for salmonella by requiring that all follow up testing of positive samples be done by the same state operated reference laboratory; thereby providing maximum protection for the industry and the public in the production of a safe wholesome product and to further assist the industry in its efforts to lift the FDA ban that was imposed on the sale of pet turtles in the United States and to increase the industry's ability to control *Salmonella* spp.

This Rule complies with and is enabled by R.S. 3:2358.2. No preamble concerning this Rule is available.

Title 7

AGRICULTURE AND ANIMALS

Part XXI. Diseases of Animals

§2311. Microbiological Test Procedures

A. - B. ...

C. If any group of turtles or turtle eggs test positive for *Salmonella* spp, then the licensed pet turtle farmer (owner) may request a retest. Samples of the retest must be submitted when requested by representatives of the department. The owner may request a retest of the group as a whole using the same sampling procedures as used for the original test or the owner may subdivide the affected positive group into a maximum of four equal subgroups. Each such subgroup shall be separately identified, simultaneously randomly sampled and tested. The Louisiana Veterinary Medical Diagnostic Laboratory shall conduct the retesting, whether from the group as a whole or from any of the subgroups in accordance with normal protocol. The Louisiana Veterinary Medical Diagnostic Laboratory test results, whether from the group as a whole or from any of the subgroups shall be the final and conclusive test results. Any group or subgroup that tests positive for *Salmonella* spp shall be disposed of in accordance with the law and these regulations.

D. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:2358.2 and 3:2358.12.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Office of Animal Health Services, LR 17:351 (April 1991) amended by the Department of Agriculture and Forestry,

Office of the Commissioner, LR 26:1569 (August 2000), LR 30:1445 (July 2004).

Bob Odom
Commissioner

0407#086

RULE

Board of Elementary and Secondary Education

Bulletin 111 **C**The Louisiana School, District, and State Accountability System (LAC 28:LXXXIII.514, 521, 1301, and Chapter 43)

Editor's Note: Several sections were renumbered in this amendment. Section 4311 is renumbered as Section 4321, Section 4313 as 4321, and Section 4315 as 4325.

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, the Board of Elementary and Secondary Education adopted revisions to *Bulletin 111 **C**The Louisiana School, District, and State Accountability System* (LAC Part Number 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 changes more clearly explain and refine existing policy as follows: school subgroup performance scores; pair/share relationships; rewards/recognition eligibility; district accountability.

Title 28

EDUCATION

Part LXXXIII. Bulletin 111 **C**The Louisiana School, District, and State Accountability System

Chapter 5. Calculating the NRT Index

§514. Subgroup Performance Scores (GPS)

A. Subgroup performance scores are calculated for each subgroup (African American, American Indian/Alaskan Native, Asian, Hispanic, White, Economically Disadvantaged, Limited English Proficient, Students with Disabilities, and All Students) in the same manner as a SPS is calculated.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 30:1445 (July 2004).

§521. Pairing/Sharing of Schools with Insufficient Test Data

A. In order to receive an SPS, a given school must have at least one grade level of CRT testing and at least one grade level of NRT testing. A school that does not meet this

requirement must be either "paired or shared" with another school in the district as described below. For the purpose of the Louisiana Accountability System, such a school shall be defined as a "non-standard school."

B. A school with a grade-level configuration such that it participates in neither the CRT nor the NRT (e.g., a K, K-1, K-2 school) must be "paired" with another school that has at least one grade level of CRT testing and one grade level of NRT testing. This "pairing" means that a single SPS shall be calculated for both schools by averaging both schools' attendance and/or dropout data and using the test score data derived from the school that has at least two grade levels of testing.

C. A school with a grade-level configuration in which students participate in either CRT or NRT testing, but not both (e.g., a K-3, 5-6 school) must "share" with another school that has at least one grade level of the type of testing missing. Both schools shall "share" the missing grade level of test data. This shared test data must come from the grade level closest to the last grade level in the non-standard school. The non-standard school's SPS shall be calculated by using the school's own attendance, dropout, and testing data and the test scores for just one grade from the other school.

D. A district must identify the school where each of its non-standard schools shall be either "paired or shared". The "paired or shared" school must be the one that receives by promotion the largest percentage of students from the non-standard school. In other words, the "paired or shared" school must be the school into which the largest percentage of students "feed." If two schools receive an identical percentage of students from a non-standard school, the district shall select the "paired or shared" school.

E. If a school is not paired/shared at the beginning of the school year for the baseline SPS, it shall not be paired/shared at the end of the school year for the growth SPS.

F. Requirements for the number of test units shall be the sum of the test units in a one-year period (not the number of test units in one year). A school's sharing/pairing status at the beginning of the school year for the baseline SPS shall be its status at the end of the school year for the growth SPS.

G. If a school has too few test units to be a "stand-alone" school, it may request to be considered stand-alone.

1. It shall receive an SPS that is calculated solely on that school's data, despite the small number of test units.

2. The request shall be in writing to the LDE from the LEA superintendent.

3. The school forfeits any right to appeal its growth status based on minimum test unit counts.

H. Once the identification of "paired or shared" schools has been made, this decision is binding for 10 years. An appeal to the SBESE may be made to change this decision prior to the end of 10 years, when redistricting or other grade configuration and/or membership changes occur.

I. If 10 years has not elapsed, but a paired/shared school acquires a sufficient number of testing units, then the pair/share relationship will be broken, and the school will be treated as a stand-alone school.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2741 (December 2003), amended LR 30:1445 (July 2004).

Chapter 13. Rewards/Recognition

§1301. Reward Eligibility

A. For 2003, a school shall receive recognition and monetary awards (as appropriated by the Legislature) when it meets or surpasses its growth target and when it shows growth in the performance of students who are classified as high poverty and special education students (at least 0.1 points). Beginning in 2004, a school shall receive recognition and monetary awards (as appropriated by the Legislature) when it achieves a growth label of Exemplary or recognized academic growth. Exemplary academic growth shall require, in addition to achieving the school's Growth Target, at least 2.0 points growth in every subgroup's GPS (African American, American Indian/Alaskan Native, Asian, Hispanic, White, Economically Disadvantaged, Limited English Proficient, Students with Disabilities, and All Students), and the school cannot be in any level of school improvement. Recognized academic growth is earned by any school that meets its growth target, regardless of subgroup growth or school improvement status.

B. School personnel shall decide how any monetary awards shall be spent; however, possible monetary rewards shall not be used for salaries or stipends.

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 30:1446 (July 2004).

Chapter 43. District Accountability

§4301. Inclusion of All Districts

A. Every school district shall participate in a district accountability system based on the performance of schools as approved by the Louisiana State Board of Elementary and Secondary Education (SBESE).

B. Indicators for District Accountability. There shall be three statistics reported for each school district for district accountability:

1. a District Performance Score (DPS);
2. a District Responsibility Index (DRI); and
3. a Subgroup Component.

D. District Performance Score (DPS). A District Performance Score (DPS) shall be calculated in the same manner as a SPS, aggregating all of the students in the district. The DPS shall be reported as a numeric value and a label shall be assigned based on the numeric value.

E. District Responsibility Index (DRI). A District Responsibility Index (DRI) shall be the weighted average of four indicators with each indicator to be expressed as an index. A score of 100 = good and a score of 150 = excellent.

F. The DRI indicators:

1. summer school;
2. the change in SPS for all schools relative to growth targets;
3. the change in LEAP 21 first-time passing rate from one year to the next; and
4. certified teachers.

¹Indicators for school finance and graduation rate of high school students may be considered in the calculation of the district responsibility index at a later date.

Indicators and Weights	
Indicator	Weighting
1. Summer School.	30% (Part A 15% + Part B 15%)
2. The change in SPS for all schools relative to growth targets.	25%
3. The change in LEAP 21 first-time passing rate from one year to the next.	25% (Part A 12.5% + Part B 12.5%)
4. Certified Teachers	20% (Part A 15% + Part B 5%)

G. Subgroup Component. District AYP shall be determined by evaluating the performance of subgroups as defined below.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2755 (December 2003), amended LR 30:1446 (July 2004).

§4309. Indicator 4: Classes Taught by Certified Teachers

A. For the purpose of district accountability, the Louisiana Department of Education shall define certified teachers as those who hold a standard teaching certificate¹ in the state of Louisiana or who have been certified in accordance with the 12-hour rule. The Louisiana Department of Education shall use two statistics (listed below in B) when calculating an index score for the percentage of state core classes (English Language Arts, mathematics, science, social studies) taught by certified teachers.

B. Part A: The percentage of state core classes taught by certified teachers in schools with a performance label of one star or below. The Louisiana Department of Education shall calculate this statistic by multiplying 100 times the number of state core classes taught by certified teachers in the district, divided by the total number of state core classes taught in the district. If no schools in the district are scoring below an SPS of 80, Part A of this indicator shall not apply and the total weight of this indicator shall be applied to Part B.

1. Formula for converting Part A to an index: 5* (percent of state core classes taught by certified teachers - 70).

2. Implications of index for Part A:

a. 90 percent of state core classes taught by certified teachers shall yield an index of 100;

b. 100 percent of state core classes taught by certified teachers shall yield an index of 150.

C. Part B: The percentage of state core classes taught by certified teachers in the district. The Louisiana Department of Education shall calculate this statistic by multiplying 100 times the number of state core classes taught by certified teachers in the district divided by the number of state core classes taught in the district.

1. Formula for converting Part B to an index: 5* (percent of state core classes taught by certified teachers - 70)

2. Implications of index for Part B:

a. 90 percent of state core classes taught by certified teachers shall yield an index of 100;

b. 100 percent of state core classes taught by certified teachers shall yield an index of 150.

NOTE: Reference Bulletin 746.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2756 (December 2003), amended LR 30:1447 (July 2004).

§4310. Subgroup Component AYP (Adequate Yearly Progress)

A. District Subgroup Component Indicators

1. Each district shall be evaluated on the subgroup component. A district shall pass the subgroup component provided that each subgroup of students meets the subgroup component, and the district, as a whole, meets the criteria for status or improvement on the additional academic indicator.

a. Passing the Subgroup Component

i. Participation rate test: 95 percent of the students within the subgroup participated in the standards-based assessments; and

ii. Annual Measurable Objective status test (AMO status test): the subgroup percent proficient score is at/or above the annual measurable objective in ELA and mathematics; or

iii. Safe Harbor Test:

(a) the percentage of non-proficient students within the subgroup reduced by at least 10 percent of the previous year's value; and

(b) the subgroup improved or met the criterion on the additional academic indicator (attendance rate for elementary and middle schools and non-dropout rate for high schools).

b. 2002-03 will be year one of judging districts based on the subgroup component.

c. 2003-04 will be year two of judging districts based on the subgroup component.

d. For the non-proficient reduction portion of the safe harbor test, a comparison of current year assessment data to the previous year assessment data shall be used. For the additional academic indicator check for the safe harbor test and for the whole district check, attendance and dropout data from two years prior will be compared to data from three years prior.

e. To ensure high levels of reliability, Louisiana will apply a 99 percent confidence interval to the calculations of subgroup component determinations for:

i. AMO status test;

ii. reduction of non-proficient students (safe harbor test); and

iii. status attendance/non-dropout rate analyses.

f. Louisiana will not apply a confidence interval to improvement analyses for attendance/non-dropout rate.

B. Inclusion of Students in the Subgroup Component

1. Students that meet the following criteria shall be included in all subgroup component analyses for the AMO status test and reduction of non-proficient students (safe harbor test).

a. Enrolled for the Full Academic Year (FAY):

i. at school level enrolled at the school on Oct. 1 and the date of testing;

ii. at district level enrolled in the district on Oct. 1 and the date of testing;

iii. at state level enrolled in a public LEA in the state on Oct. 1 and the date of testing.

b. First Administration of the Test:

i. only the first test administration will be used for the subgroup status and growth tests;

ii. excludes summer school results and repeaters.

2. For analyses involving the additional academic indicator, all students in each subgroup in the district shall be included.

3. Each subgroup (African American, American Indian/Alaskan Native, Asian, Hispanic, White, Economically Disadvantaged, Limited English Proficient, Students with Disabilities, and All Students) within each district shall be evaluated separately on ELA and mathematics.

a. In calculating the subgroup component for a district, the alternate academic achievement standards for students participating in LAA will be used, provided that the percentage of LAA students at the district level does not exceed 1.0 percent of all students in the grades assessed. If the district exceeds the 1.0 percent cap, the district shall request a waiver. If the district fails to request the waiver or if the district requests the waiver but it is determined by LDE that ineligible students were administered LAA, the students that exceed the cap or that are ineligible shall be assigned a zero on the assessment and considered non-proficient.

b. Students participating in LAA shall be included in the special education subgroup.

c. LEP students shall participate in the statewide assessments.

i. Scores of all LEP students shall be included in the subgroup component calculations.

4. Subgroups shall consist of:

a. at least 10 students in order to be evaluated for the subgroup component;

b. at least 40 students in order to be evaluated for the 95 percent participation rate.

5. Subgroups shall pass the participation rate test and either the AMO status test; or the safe harbor test in order to be considered as having passed the subgroup /component.

C. AMO

1. The Annual Measurable Objective (AMO) is the percent of students required to reach the proficient level in a given year on the standards-based assessments, which through 2005 will include English/language arts and mathematics tests for 4th, 8th, and 10th grades.

a. Proficient = a score of basic, mastery or advanced.

2. As required in NCLB, the AMOs have been established based on the baseline percent proficient score (proficient = CRT level of basic, mastery, or advanced) in English-language arts and mathematics in the 20th percentile school, using the 2002 CRT test scores in ELA and mathematics for grades 4, 8, and 10.

3. The AMOs for ELA and math are as follows.

School Year	ELA	Mathematics
2001-2002		
2002-2003	36.9%	30.1%
2003-2004	36.9%	30.1%
2004-2005	47.4%	41.8%
2005-2006	47.4%	41.8%
2006-2007	47.4%	41.8%

School Year	ELA	Mathematics
2007-2008	57.9%	53.5%
2008-2009	57.9%	53.5%
2009-2010	57.9%	53.5%
2010-2011	68.4%	65.2%
2011-2012	78.9%	76.9%
2012-2013	89.4%	88.6%
2013-2014	100.0%	100.0%

4. A 99 percent confidence interval shall be used when evaluating whether subgroups within a district have attained the Annual Measurable Objective (AMO).

5. A confidence interval is a statistic that creates a range of scores. Subgroups with a 95 percent participation rate that attain a percent proficient score within or above the confidence interval range for the AMO shall be considered as having passed the subgroup component. Confidence interval ranges are affected by subgroup size. Smaller subgroups will have a wider range and larger subgroups will have a narrower range.

D. Safe Harbor

1. Subgroups that do not pass the AMO status test by attaining a percent proficient score within or above the confidence interval range shall be evaluated for safe harbor.

2. Safe harbor is attained if:

a. the subgroup makes a 10 percent reduction in its non-proficiency rate from the previous year:

i. a 99 percent confidence interval is applied to this reduction check; and

b. the subgroup:

i. achieves a 90 percent non-dropout rate (any LEA without a 12th grade shall use attendance rate). (A 99 percent confidence interval is applied to the 90 percent attendance rate and 90 percent non-dropout rate check); or

ii. makes at least 0.1 percent improvement in non-dropout rate from the previous year (any LEA without a 12th grade shall use attendance rate).

3. The non-dropout rate shall be evaluated for students in grade 9 and above.

4. Subgroups passing the participation rate test and achieving safe harbor shall be considered as having passed the subgroup component.

E. Failing the Subgroup Component

1. A district shall fail the subgroup component if ANY subgroup within that district fails the participation rate test, the ELA or math AMO status test and the safe harbor test.

2. A district in which all subgroups have passed the subgroup component must also have the district pass the additional academic indicator:

a. achieved a 90 percent non-dropout rate (any LEA without a 12th grade shall use attendance rate). (A 99 percent confidence interval is applied to the 90 percent non-dropout or attendance rate check.); or

b. made at least 0.1 percent improvement in non-dropout rate from the previous year (any LEA without a 12th grade shall use attendance rate).

NOTE: If a district in which all subgroups have passed the subgroup component does not pass the additional academic indicator, it shall not pass the subgroup component.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 30:1447 (July 2004).

§4311. Performance Labels

A. Districts shall be assigned a DPS performance label as follows:

Performance Label	District Performance Score
Academically Unacceptable	Below 45.0
Academic Warning*	45.0 – 59.9
★	60.0 – 79.9
★★	80.0 – 99.9
★★★	100.0 – 119.9
★★★★	120.0 – 139.9
★★★★★	140.0 and above

*Effective with the 2005 performance labels, the definition of an academically unacceptable district shall be any district with a DPS below 60.0. The academic warning label will be used only with the 2003 and 2004 district performance scores.

B. A label shall be reported for the District Responsibility Index (DRI) and for each of the four indicators.

District Responsibility Index	DRI Label
120.0 or more	Highly responsive
100.0-119.9	Adequately responsive
80.0-99.9	Responsive
60.0-79.9	Minimally responsive
0.0-59.9	Unresponsive

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2757 (December 2003), amended LR 30:1449 (July 2004).

§4313. Corrective Actions

A. The Louisiana Department of Education shall report district scores and labels on every school district. Consequences imposed on a district shall be based on its District Responsibility Index (DRI). Any district receiving a performance label of unsatisfactory for its DRI shall become subject to an operational audit. If a district scores unsatisfactory again within two years, the SBESE shall have the authority to act on the audit findings, including the withholding of funds to which the district might otherwise be entitled.

B. Beginning in 2004, Districts shall be evaluated on their District Responsibility Index label and on the subgroup component. Districts that receive a DRI Index label of Unresponsive and/or fail to achieve Adequate Yearly Progress (AYP) in the subgroup component shall complete district self-assessments and submit it to the Louisiana Department of Education.

1. The DOE shall review each self-assessment.
2. The DOE may recommend that BESE schedule a District Dialogue with the District.

C. Districts that receive a DRI Index label of Unresponsive and/or fail to achieve AYP in the subgroup component for a second consecutive year shall write District Improvement Plans based on the prior years' self-assessments and submit those plan to the LDE.

1. The DOE shall review each District Improvement Plan.
2. The DOE may recommend that BESE schedule a District Dialogue with the District.

D. Districts that receive a DRI Index label of Unresponsive and/or fail to achieve AYP in the subgroup component for a third consecutive year shall be audited by the LDE. The audit shall include academic, fiscal, and support services.

E. BESE shall take action on the findings of the prior years audit for Districts that receive a DRI Index label of Unresponsive and/or fail to achieve AYP in the subgroup component for a fourth consecutive year. Actions taken shall be dependent upon whether identification was through the DRI label or the subgroup component.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2757 (December 2003), amended LR 30:1449 (July 2004).

§4315. Progress Report

A. The Louisiana Department of Education shall publish a district accountability report. The report shall contain the labels for the DPS and DRI and for each of the four indicators. The report shall also contain the percent poverty, poverty ranking, and percentage of students enrolled in public education for the district, as well as data from the subgroup component.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2757 (December 2003), amended LR 30:1449 (July 2004).

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Executive Director

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RULE

Board of Elementary and Secondary Education

Bulletin 113 **Louisiana's Reading and Language Competencies for New Teachers**
(LAC 28:XCV.Chapters 1-17)

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, the Board of Elementary and Secondary Education has adopted *Bulletin 113 Louisiana's Reading and Language Competencies for New Teachers*. Bulletin 113 will be printed in codified format as Part XCV of the Louisiana Administrative Code. Bulletin 113 establishes competencies required for new teachers of reading/language arts in Louisiana that are aligned with scientifically based reading research.

**Title 28
EDUCATION**

**Part XCV. Bulletin 113 Louisiana's Reading and Language Competencies for New Teachers
Chapter 1. Foundational Concepts Strand A
§101. BESE Reading Competencies Knowledge**

- A. Knows the progression (stages) of reading/language development. (A.1.1)
- B. Knows the major components of reading and language instruction and the teaching activities that typically address each component. (A.1.2)
- C. Understands at a general level the causal links between phonological skill, phonic decoding, spelling, word

recognition, reading fluency, vocabulary, reading comprehension, and writing. (A.1.3)

D. Understands the most common intrinsic differences between proficient and poor readers (cognitive, physiological, and linguistic) and the major differences (language spoken at home, exposure to books, values, schooling itself.) (A.1.4)

E. Understands principles of teaching: model, lead, give guided practice, and independent practice. (A.1.5)

F. Knows how to question at multiple levels to assess and build comprehension at all levels from lower level factual to higher order thinking. (A.1.6)

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10) et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 30:1449 (July 2004).

§103. BESE/LDE Reading Competencies Skills

A. Develops and implements instructional activities that appropriately utilize and demonstrate the concept of the continuum of skills in reading, writing, and oral language proficiencies.

B. Plans and implements instruction that demonstrates an understanding of the major components of reading, writing, and oral language instruction and addresses each component thoroughly and systematically with emphasis appropriate to students' grade levels or needs.

C. Designs and implements instructional activities that build on an understanding of the connections between phonological skill, phonic decoding, spelling, word recognition, reading fluency, vocabulary, reading comprehension, and writing.

D. Analyzes and selects instructional goals based on cognitive, physiological, cultural, environmental, and linguistic differences underlying good and poor reading.

E. Selects, develops and uses media (books, technology, non-print materials) to support instruction, based on considerations of student interests and cultural and linguistic backgrounds in reference to scientifically based reading research.

F. Asks questions at multiple levels, from lower level factual to higher order thinking, when assessing and building comprehension.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10) et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 30:1450 (July 2004).

§105. Reading and Language

Competencies Knowledge

A. Understands how to select, develop, and use a large supply of books, technology-based information, and non-print materials to match the reading levels and needs of the students (e.g., decoding, fluency, vocabulary). Choices should also consider the students' interests, cultures, and linguistic backgrounds. (A.2.1)

B. Understands how to manage all students in a classroom while working with whole class/groups/individual students who are performing at multiple instructional levels. (A.2.2)

C. Understands how to provide instruction that is explicit and systematic across the reading components (e.g., phonemic awareness, phonics, vocabulary, fluency, comprehension, oral language, and writing. (A.2.3)

D. Knows how to plan for and use appropriate practices, including technology-based practices, in effective reading instruction for learners at various stages of reading, writing, and language development and from different cultural and linguistic backgrounds. (A.2.4)

E. Knows how to recognize reading research that is scientifically based and is aware of the histories of reading. (A.2.5)

F. Are committed to ethical and caring attitudes in classrooms. (A.2.6)

G. Are committed to the success of each student involved in literacy (reading, writing, and oral language). (A.2.7)

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10) et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 30:1450 (July 2004).

§107. Reading and Language Competencies Skills

A. Selects, develops, and uses media (books, technology, non-print materials) to support instruction based on considerations of the reading level and instructional needs of the student, as well as students' interests, cultures, and linguistic backgrounds.

B. Creates learning environments that provide support for individual learner needs. Balances whole class/group/individual instructional activities to address multiple instructional levels. Provides small flexible homogeneous group instruction to students who are below grade-level benchmarks.

C. Provides instruction that is explicit and systematic across reading components (e.g., phonemic awareness, phonics, vocabulary, fluency, comprehension, oral language, and writing).

D. Plans and uses appropriate practices, including technology-based practices, in effective reading instruction for learners at various stages of reading, writing, and language development and from different cultural and linguistic backgrounds.

E. Uses reading research that is scientifically based.

F. Demonstrates respect and concern for the needs of all students.

G. Demonstrates commitment to the success of all students.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10) et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 30:1450 (July 2004).

§109. Additional Reading and Language

Competencies Knowledge

A. Knows how and when to differentiate and/or provide additional instruction for students who are working above, on, or below grade level. (A.3.1)

B. Understands the components of effective literacy instruction and how they are represented in comprehensive reading programs. (A.3.2)

C. Understands that oral language is the expression of communication of thoughts and feelings by means of sounds, and combinations of such sounds, to which meaning is attributed. (A.3.3)

D. Knows the value and purpose of teacher-directed and student-directed assignments. (A.3.4)

E. Is enthusiastic about the teaching of reading, writing, and oral language skills. (A.3.5)

F. Is committed to reflection on practice to ensure that instruction is appropriate and results in improved student outcomes, as measured by student achievement data. (A.3.6)

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10) et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 30:1450 (July 2004).

§111. Additional Reading and Language Competencies Skills

A. Designs and implements instructional activities that differentially address the needs of students who are working above, on, or below grade level.

B. Analyzes all reading materials and programs to determine if they are aligned with practices supported by scientifically based reading research and adapts programs as needed to provide comprehensive instruction.

C. Plans instruction that develops a student's oral language skills, recognizing the critical links between oral language, phonological awareness, and decoding abilities.

D. Incorporates teacher-directed and student-directed assignments into instructional routines that demonstrate an understanding of the role and value of each.

E. Demonstrates enthusiasm for the teaching of reading, writing, and oral language skills

F. Systematically examines student achievement data, including early literacy screening assessments and ongoing outcome and progress monitoring data, and adjusts practice as needed to meet student reading goals.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10) et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 30:1451 (July 2004).

Chapter 3. Assessment Strand B

§301. BESE/LDE Reading Competencies Knowledge Reserved.

§303. BESE/LDE Reading Competencies Skills Reserved.

§305. NCATE Reading and Language Competencies Knowledge

A. Knows how to select scientifically based, validated assessment tools and practices that include individual and standardized group tests; informal, individual, and group classroom assessment strategies; and technology-based assessment tools for measuring important components of reading/language development. (B.2.1)

B. Knows how to effectively communicate results of assessments to specific individuals (e.g., students, parents, caregivers, colleagues, administrators, policymakers, policy officials, community). (B.2.2)

C. Knows how to use assessment information to identify students' proficiencies and needs. Knows how to group students for small groups based on data, including small flexible intervention groups. Knows how to develop instruction that is targeted and linked to student deficits visible through screening assessments. (B.2.3)

D. Views reading/language assessment as instrumental in making decisions about appropriate instruction, rather than as a mechanical process for assigning grades and ranking students by ability or achievement. (B.2.4)

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10) et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 30:1451 (July 2004).

§307. NCATE Reading and Language Competencies Skills

A. Administers, scores, analyzes, interprets, and communicates results of individual and group standardized measures of literacy achievement (i.e., screening, diagnosis, monitoring progress, and measuring outcomes).

B. Utilizes informal assessment strategies to identify and communicate student proficiencies and needs to students, parents, caregivers, colleagues, administrators, policymakers, policy officials, community, etc.

C. Demonstrates an ability to access and use technology-based (including web-based) assessments.

D. Develops appropriate instructional and intervention strategies based on information produced by formal and informal assessments. (Refer to §305.A-D)

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10) et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 30:1451 (July 2004).

§309. Additional Reading and Language Competencies Skills

A. Understands that assessments are used for various purposes, including determining strengths and needs of students in order to plan for instruction and flexible grouping; monitoring progress in relation to stages of reading/language development; assessing curriculum-specific learning; and using norm-referenced or diagnostic tests to inform practice. (B.3.1)

B. Knows how to design appropriate informal measures for ongoing assessment of students' reading/language development. (B.3.2)

C. Values reading/language assessment as an essential tool in the instructional process. (B.3.3)

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10) et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 30:1451 (July 2004).

§311. Additional Reading and Language Competencies Skills

A. Refer to §307.A

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10) et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 30:1541 (July 2004).

§313. Additional Reading and Language Competencies Dispositions

A. Values reading/language assessment as an essential tool in the instructional process. (B.3.3)

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10) et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 30:1451 (July 2004).

§315. Additional Reading and Language Competencies Skills

A. Refer to § 307.A)

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10) et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 30:1451 (July 2004).

Chapter 5. Phonemic Awareness and Letter Knowledge
Strand C

§501. BESE/LDE Reading Competencies
Knowledge

A. Knows the progression of development of phonological skill (e.g., rhyme, syllable, onset-rime, phoneme segmentation, blending, and substitution). (C.1.1)

B. Understands the difference between speech sounds (phonemes) and the letters/letter combinations (graphemes) that represent them. (C.1.2)

C. Knows how to identify and pronounce the speech sounds in standard English (consonant and vowel phoneme systems). (C.1.3)

D. Understands the print concepts young children must develop (e.g., directionality, connection of print to meaning). (C.1.4)

E. Knows how to segment and blend any single-syllable word at the onset-rime and phoneme level. (C.1.5)

F. Understands the role of fluency of letter name knowledge in reading and spelling. (C.1.6)

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10) et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 30:1452 (July 2004).

§503. BESE/LDE Reading Competencies
Skills

A. Selects and instructs a range of activities representing a developmental progression of phonological skill (words in sentences, rhyming; oral word repetition, syllable counting, onset-time segmentation and blending, phoneme identification, segmentation, blending, and substitution).

B. Designs lessons that begin with auditory phonemic awareness activities and then links phonemes with letters as soon as students develop an adequate level of phonemic awareness.

C. Demonstrates appropriate enunciation in oral demonstrations, especially when conducting phonemic awareness lessons.

D. Explains and demonstrates through shared reading and oral reading how print is used when reading a book. (e.g., provides details that readers take for granted while reading such as sentences and paragraphs, and that the end of lines or a page does not necessarily mean the end of a unit of meaning).

E. Models and assists students in segmenting and blending single-syllable words at the onset-rime and phoneme levels using words with two, three, and four phonemes.

F. Uses techniques for teaching fluency of letter naming, matching, and writing, including multi-sensory strategies for teaching letter identification and letter formation.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10) et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 30:1452 (July 2004).

§505. NCATE Reading and Language Competencies
Knowledge

Reserved.

§507. NCATE Reading and Language Competencies
Skills

Reserved.

§509. Additional Reading and Language Competencies
Knowledge

A. Understands the distinction between phonemic awareness and phonics. (C3.1)

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10) et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 30:1452 (July 2004).

§511. Additional Reading and Language Competencies
Skills

A. Distinguishes differences between high frequency, predictable and uncontrolled text from decodable text, reinforcing skills that have been taught previously.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10) et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 30:1452 (July 2004).

Chapter 7. Phonics and Word Recognition
Strand 7

§701. BESE/LDE Reading Competencies
Knowledge

A. Understands the various structures of language that underlie the English spelling system (e.g., phoneme-grapheme, syllable pattern, morpheme units in print, and word origin). (D.1.1)

B. Understands explicit, systematic teaching and implicit, incidental, and opportunistic teaching of phonics. (D.1.2)

C. Understands the developmental progression in which orthographic knowledge is generally acquired. (D.1.3)

D. Knows how to recognize examples of sound-symbol correspondences, rules, and patterns in English and recognizes syllable types and morphemes. (D.1.4)

E. Possesses an awareness that second languages or dialects have varying phonological features that present a challenge to English pronunciation and phonics. (D.1.5)

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10) et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 30:1452 (July 2004).

§703. BESE/LDE Reading Competencies
Skills

A. Identifies the kind of phonics and spelling instruction that is in an adopted comprehensive reading program (e.g., systematic, incidental, synthetic, analytic). Develops lessons that include practice in reading texts that are written for students to use their knowledge of language structure to decode and read words.

B. Teaches all steps in a decoding lesson, resulting in reading words fluently, accurately, and with appropriate intonation and expression. Uses the following systematic progression to teach word reading so as to make public the important steps involved in reading a word.

1. Students orally produce each sound in a word and sustain that sound as they progress to the next.

2. Students must be taught to put those sounds together to make a whole word.

3. Students sound out the letter-sound correspondences "in their head" or silently and then produce the whole word.

C. Selects and delivers grade-appropriate lessons on spelling, phonics, and word identification skills.

D. Explicitly teaches phoneme-grapheme association, blending, and segmentation, in addition to syllable pattern and morpheme recognition.

E. Identifies the phonological, morphological, and orthographic differences in English and a second language.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10) et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 30:1452 (July 2004).

§705. NCATE Reading and Language Competencies **Knowledge**

Reserved.

§707. NCATE Reading And Language Competencies **Skills**

Reserved.

§709. Additional Reading and Language Competencies **Knowledge**

A. Knows how to identify and teach high frequency, irregular words. (D.3.1)

B. Distinguishes differences between high frequency, predictable, and uncontrolled text from decodable text reinforcing skills that have been taught previously. (D.3.2)

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10) et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 30:1453 (July 2004).

§711. Additional Reading and Language Competencies **Skills**

A. Teaches words that are nonphonetic, using multiple strategies so that students can recognize them by sight (D.3.1-D.3.2).

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10) et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 30:1453 (July 2004).

Chapter 9. Fluent, Automatic Reading of Text **Strand E**

§901. BESE/LDE Reading Competencies **Knowledge**

A. Understands the role of fluency in word recognition, oral reading, silent reading, and comprehension of written discourse. (E.1.1)

B. Knows how to define and identify examples of text at a student's frustration, instructional, and independent reading levels. (E.1.2)

C. Understands reading fluency from multiple perspectives: stages of normal reading development, intrinsic characteristic of some reading disorders, and consequence of practice and instruction. (E.1.3)

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10) et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 30:1453 (July 2004).

§903. BESE/LDE Reading Competencies **Skills**

A. Provides opportunities for repeated readings of continuous text with corrective feedback to promote speed, accuracy, comprehension, and expression.

B. Determines the reading level of text and the student's reading level, and selects appropriate text to match the student's instructional and independent reading levels.

C. Implements instructional strategies, targeting the unique needs of each student to foster reading fluency.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10) et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 30:1453 (July 2004).

§905. NCATE Reading and Language Competencies **Knowledge**

Reserved.

§907. NCATE Reading and Language Competencies **Knowledge**

Reserved.

§909. Additional Reading and Language Competencies **Knowledge**

A. Understands the importance of language structure (syntactic awareness, discourse awareness) in developing fluency. (E.3.1)

B. Understands how to create opportunities for students to read aloud daily to provide a fluent reading model and to promote interest in independent reading. (E.3.2)

C. Understands how to carefully observe reading behaviors often associated with fluency problems. (E.3.3)

D. Understands how to provide interventions to develop fluency in struggling readers. (E.3.4)

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10) et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 30:1453 (July 2004).

§911. Additional Reading and Language Competencies **Skills**

A. Guides student awareness of syntax and discourse and provides opportunities for developing fluency.

B. Provides daily read-alouds and multiple opportunities for independent reading.

C. Assesses specific behaviors (e.g., automaticity, substitution, omissions, repetitions, reading rates, accuracy) that often accompany difficult reading.

D. Matches appropriate intervention instruction to struggling readers.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10) et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 30:1453 (July 2004).

Chapter 11. Vocabulary

§1101. BESE/LDE Reading Competencies **Knowledge** **(Strand F)**

A. Understands the role of vocabulary development and vocabulary knowledge in comprehension. Understands the concept of building word consciousness. (F.1.1)

B. Understands the role and characteristics of both direct and contextual methods of vocabulary instruction. (F.1.2)

C. Knows varied techniques for rich vocabulary instruction before, during, and after reading/language instruction. (F.1.3)

D. Understands principles of word selection for rich vocabulary instruction (e.g., words with broad utility, specialty words). (F.1.4)

E. Knows reasonable goals and expectations for learners at various stages of literacy development (e.g., Biemiller's list); knows how to recognize the wide differences in students' vocabularies. (F.1.5)

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10) et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 30:1453 (July 2004).

§1103. BESE/LDE Reading Competencies Skills

A. Structures lessons and selects appropriate words to develop students' vocabulary using strategies and materials.

B. Develops and teaches lessons to provide both direct and contextual vocabulary instruction that is robust and engages the student.

C. Identifies and applies varied techniques for vocabulary instruction before, during, and after reading, writing, and oral language.

D. Identifies and directly teaches words necessary for understanding text that should be taught before the passage is read, and differentiates specialty words from words with broad utility

E. Plans and adjusts vocabulary instruction based on the needs of students.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10) et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 30:1454 (July 2004).

§1105. NCATE Reading and Language Competencies Knowledge

Reserved.

§1107. NCATE Reading And Language Competencies Skills

Reserved.

§1109. Additional Reading and Language Competencies Knowledge (Strand F)

A. Understands how to help students develop four types of vocabulary: listening, speaking, reading, and writing (i.e., receptive and expressive). (F.3.1)

B. Understands how to model robust vocabulary, encourages students to use new vocabulary in the classroom, and extends its use beyond the classroom. (F.3.2)

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10) et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 30:1454 (July 2004).

§1111. Additional Reading and Language Competencies Skills (Strand F)

A. Selects materials for teacher-directed and independent reading that will expand students' vocabularies. Actively involves students in conversations about vocabulary as they listen, speak, read, and write.

B. Provides for frequent encounters with target words and multiple opportunities to use target words orally and in writing beyond the present context.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10) et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 30:1454 (July 2004).

Chapter 13. Text Comprehension (Strand G)

§1301. BESE/LDE Reading Competencies Knowledge

A. Understands comprehension monitoring strategies used by good readers. (G.1.1)

B. Differentiates among strategies that are appropriate before, during, and after reading. (G.1.2)

C. Knows the differences between characteristics of major text genres, including narration, exposition, and argumentation. (G.1.3)

D. Knows how to recognize text structure and syntax (phrases, clauses, sentences, paragraphs and "academic language") that could be a source of miscomprehension. (G.1.4)

E. Understands the similarities and differences between written composition and text comprehension and the usefulness of writing in building comprehension. (G.1.5)

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10) et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 30:1454 (July 2004).

§1303. BESE/LDE Reading Competencies Skills (Strand G)

A. Organizes and provides instruction that models comprehension monitoring strategies and have students use them (e.g., asking questions, summarizing, predicting, making connections).

B. Utilizes instructional strategies that teach students differences between major text genres, including narration, exposition, and argumentation.

C. Models strategies to identify text structures and syntax and has students use the strategies to improve their comprehension.

D. Employs comprehension strategies across the content areas that emphasize the relationships among reading, writing, and oral language.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10) et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 30:1454 (July 2004).

§1305. NCATE Reading and Language Competencies Knowledge

Reserved.

§1307. NCATE Reading And Language Competencies Skills

Reserved.

§1309. Additional Reading and Language Competencies Knowledge

A. Understands and knows how to teach comprehension of oral, visual (e.g., graphic organizers, maps, tables), and written texts. (G.3.1)

B. Understands how to teach students to adjust their reading as they encounter a variety of genres, structures, and formats. (G.3.2)

C. Understands the relationship between text structure and graphic representation that can be used to develop comprehension. (G.3.3)

D. Understands multiple ways students can demonstrate comprehension. (G.3.4)

E. Understands how purposes for reading affect the use of comprehension strategies (e.g., knowledge, enjoyment). (G.3.5)

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10) et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 30:1454 (July 2004).

§1311. Additional Reading and Language Competencies Skills

A. Applies instructional strategies for building comprehension of oral, visual, and written texts.

B. Guides students in adjusting their reading as they encounter different genres, structures, and formats.

C. Incorporates comprehension strategies that emphasize the relationship between text structure and graphic representation.

D. Uses assessment strategies (formal and informal) that provide students with opportunities to demonstrate comprehension in multiple ways.

E. Assists students in matching comprehension strategies to purposes for reading.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10) et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 30:1454 (July 2004).

Chapter 15. Spelling and Writing

§1501. BESE/LDE Reading Competencies Knowledge (Strand H)

A. Understands the organizing principles of the English spelling system at the sound, syllable, and morpheme levels. (H.1).

B. Knows how to identify students' levels of spelling achievement and orthographic knowledge. (H.2)

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10) et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 30:1455 (July 2004).

§1503. BESE/LDE Reading Competencies Skills (Strand H)

A. Plans and teaches a sequence of lessons that incorporate spelling and word study activities appropriate for students at each developmental level. (refer to H.1)

B. Analyzes students' spelling, identifies their levels of development, and provides appropriate instruction to improve their spelling achievement. (refer to H.2)

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10) et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 30:1455 (July 2004).

§1505. NCATE Reading and Language Competencies Knowledge

Reserved.

§1507. NCATE Reading and Language Competencies Skills

Reserved.

§1509. Additional Reading and Language Competencies Knowledge (Strand H)

A. Understands that composition is a recursive process of planning, drafting, revising, and editing. (H.3.1)

B. Understands that different kinds of writing require different organizational approaches. (H.3.2)

C. Understands the need for diverse forms of writing to address specific audiences and purposes. (H.3.3)

D. Knows and understands the use of informal and formal written language in appropriate settings. (H.3.4)

E. Knows how to analyze, model, and teach the elements of legible penmanship. (H.3.5)

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10) et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 30:1455 (July 2004).

§1511. Additional Reading and Language Competencies Skills (Strand H)

A. Develops and implements unit plans that incorporate multiple opportunities for different types of writing, and builds in opportunities for planning, drafting, revising, editing, and publishing written pieces for different purposes and audiences.

B. Same as above.

C. Same as above.

D. Provides appropriate responses to students' formal and informal uses of language. Supports students' development of informal and formal written language appropriate to a given context or purpose.

E. Analyzes students' handwriting for elements of legibility (e.g., letter formation, size and proportion, spacing, slant, alignment, and line quality). identifies elements that need improvement; and designs instruction that assists students with improving those that are problematic.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10) et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 30:1455 (July 2004).

Chapter 17. Professional Development (Strand I)

§1701. BESE/LDE Reading Competencies Knowledge Reserved.

§1703. BESE/LDE Reading Competencies Skills Reserved.

§1705. NCATE Reading and Language Competencies Knowledge

Reserved.

§1707. NCATE Reading and Language Competencies Skills

Reserved.

§1709. Additional Reading and Language Competencies Knowledge (Strand I)

A. Knows how to work collaboratively with colleagues to observe, evaluate, and provide feedback on professional practice. (I.3.1)

B. Knows how to create, implement, and evaluate individual professional development plans. (I.3.2)

C. Knows how to participate in and evaluate professional development programs. (I.3.3)

D. Knows how to differentiate between research and non-research based practices and programs. (I.3.4)

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10) et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 30:1455 (July 2004).

§1711. Additional Reading and Language Competencies Skills (Strand I)

A. Collaborates with colleagues to observe, evaluate, and provide feedback on professional practice.

B. Designs and implements professional development plans with follow-up evaluations.

C. Seeks out opportunities for professional development and critiques impact of development programs on professional growth and academic improvement of students.

D. Critiques the research base of professional development programs and selectively adopts practices most consistent with scientifically based research.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10) et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 30:1455 (July 2004).

§1713. Additional Reading and Language Competencies Dispositions (Strand I)

A. Values and is committed to ongoing individual and collaborative professional development. (I.3.5)

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10) et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 30:1455 (July 2004).

§1715. Additional Reading and Language Competencies Skills (Strand I)

A. Actively pursues and continuously develops professional knowledge, skills, and dispositions. (refer to I.3.5)

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10) et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 30:1455 (July 2004).

**Sample: Phase 5 Development Of Reading And Language Rubrics
Draft Rubrics To Evaluate Portfolios
For Teacher Candidates**

Grades PK-3

The following is a sample of the grades PK-3 draft rubrics for the Reading and Language Competencies for Strand G: Text Comprehension.

Strand G: Text Comprehension

Performance Assessment G1:

Unsatisfactory

(Expectations for teacher candidates who fail to adequately address identified competencies.)

Emerging

(Expectations for teacher candidates at an initial stage of competency development in Teacher Preparation Programs.)

Meets Expectations

For Teacher Preparation Programs

(Expectations for teacher candidates as they exit Teacher Preparation Programs.)

Meets Expectations

For Experienced Teacher

(Expectations for teachers after their first three years of teaching.)

Lacks the knowledge and skills to appropriately model comprehension monitoring strategies and fails to have students use the strategies.

With guidance and support, models comprehension monitoring strategies and guides students' use when asking questions, summarizing, predicting, and making connections when working with individuals/small groups of students.

Accurately provides instruction that models comprehension monitoring strategies and guides all students' use when asking questions, summarizing, predicting, and making connections.

Accurately organizes and provides instruction that models comprehension monitoring strategies that address specific needs of individual students and guides students' use when asking questions, summarizing, predicting, and making connections.

Performance Assessment G2:

Unsatisfactory

(Expectations for teacher candidates who fail to adequately address identified competencies.)

Emerging

(Expectations for teacher candidates at an initial stage of competency development in Teacher Preparation Programs.)

Meets Expectations

For Teacher Preparation Programs

(Expectations for teacher candidates as they exit Teacher Preparation Programs.)

Meets Expectations

For Experienced Teacher

(Expectations for teachers after their first three years of teaching.)

Lacks the knowledge and skills to accurately model and employ instructional strategies that teach students differences between major text genres, including narration, exposition, and argumentation.

With guidance and support, models and employs instructional strategies that teach differences between major text genres, including narration, exposition, and argumentation when working with individuals/small groups of students.

Accurately models and employs instructional strategies that teach all students the differences between major text genres, including narration, exposition, and argumentation.

Accurately researches, organizes, utilizes, models, and employs instructional strategies that teach all students the differences between major text genres, including narration, exposition, and argumentation

Sample: Phase 5 Development Of Reading And Language Rubrics

**Draft Rubrics To Evaluate Portfolios
For Teacher Candidates Grades Pk-3**

The following is a sample of the grades PK-3 draft rubrics for the Reading and Language Competencies for Strand G: Text Comprehension.

Strand G: Text Comprehension

Performance Assessment G1:

Unsatisfactory

(Expectations for teacher candidates who fail to adequately address identified competencies.)

Emerging

(Expectations for teacher candidates at an initial stage of competency development in Teacher Preparation Programs.)

Meets Expectations

For Teacher Preparation Programs

(Expectations for teacher candidates as they exit Teacher Preparation Programs.)

Meets Expectations

For Experienced Teacher

(Expectations for teachers after their first three years of teaching.)

Lacks the knowledge and skills to appropriately model comprehension monitoring strategies and fails to have students use the strategies.

With guidance and support, models comprehension monitoring strategies and guides students' use when asking questions, summarizing, predicting, and making connections when working with individuals/small groups of students.

Accurately provides instruction that models comprehension monitoring strategies and guides all students' use when asking questions, summarizing, predicting, and making connections.

Accurately organizes and provides instruction that models comprehension monitoring strategies that address specific needs of individual students and guides students' use when asking questions, summarizing, predicting, and making connections.

Performance Assessment G2:

Unsatisfactory

(Expectations for teacher candidates who fail to adequately address identified competencies.)

Emerging

(Expectations for teacher candidates at an initial stage of competency development in Teacher Preparation Programs.)

Meets Expectations

For Teacher Preparation Programs

(Expectations for teacher candidates as they exit Teacher Preparation Programs.)

Meets Expectations

For Experienced Teacher

(Expectations for teachers after their first three years of teaching.)

Lacks the knowledge and skills to accurately model and employ instructional strategies that teach students differences between major text genres, including narration, exposition, and argumentation.

With guidance and support, models and employs instructional strategies that teach differences between major text genres, including narration, exposition, and argumentation when working with individuals/small groups of students.

Accurately models and employs instructional strategies that teach all students the differences between major text genres, including narration, exposition, and argumentation.

Accurately researches, organizes, utilizes, models, and employs instructional strategies that teach all students the differences between major text genres, including narration, exposition, and argumentation

Performance Assessment G3:

Unsatisfactory

(Expectations for teacher candidates who fail to adequately address identified competencies.)

Emerging

(Expectations for teacher candidates at an initial stage of competency development in Teacher Preparation Programs.)

Meets Expectations

For Teacher Preparation Programs

(Expectations for teacher candidates as they exit Teacher Preparation Programs.)

Meets Expectations

For Experienced Teacher

(Expectations for teachers after their first three years of teaching.)

Lacks the knowledge and skills to model strategies to identify text structures and syntax and lacks the skills to guide students as they utilize the strategies to improve their comprehension.

With guidance and support, models strategies to identify text structure and syntax when working with individuals/small groups of students and guides the students as they utilize the strategies to improve their comprehension.

Accurately models strategies to identify text structure and syntax when working with all students and guides the students as they utilize the strategies to improve their comprehension.

Accurately researches, organizes, selects, models, and employs strategies to identify text structure and syntax that are appropriate for students with special needs and guides the students as they utilize the strategies to improve their comprehension.

Examples Of Artifacts For Use With Draft

Rubrics To Demonstrate Competencies:

Categories

Descriptions

Performance Task

Performance of candidate as he/she would need to do in real life (e.g., written lesson plans, written unit plans, sample tests, instructional/teaching activities, student work).

Observation

Information/data collected by watching the candidates teach lessons to students in site-based settings.

Survey

A paper-pencil or online questionnaire completed by a supervising teacher who possesses first-hand knowledge of the candidate's knowledge and skills.

Interview

A structured set of questions asked of all candidates by trained assessors. The structured interview requires the respondent to

identify his/her practices, how those practices and procedures have been selected, and why they have been selected and carried out as they have been.

A structured set of questions asked of all supervising teachers/mentors by trained assessors about a candidate's performance.

Written Examination

Traditional paper-pencil examinations, using one or more item formats (e.g., completion, constructed response, matching, true/false).

Oral Examination

A question-answer session between an assessor and candidate. Questions should be tailored to the individual candidate.

Self Evaluation

An analysis of knowledge and skills completed by the candidate.

Weegie Peabody

Executive Director

0407#006

RULE

Board of Elementary and Secondary Education

Bulletin 741 **L**ouisiana Handbook for School Administrators **C**GED Age Waiver Requirements (LAC 28:1.901)

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, the Board of Elementary and Secondary Education has amended *Bulletin 741* **L**he Louisiana Handbook for School Administrators, referenced in LAC 28:1.901.A, promulgated by the Board of Elementary and Secondary Education in LR 1:483 (November 1975). The revision will add language to the current policy to allow districts more definitive criteria in the determination of student eligibility to take the GED.

Title 28

EDUCATION

Part I. Board of Elementary and Secondary Education

Chapter 9. Bulletins, Regulations, and State Plans

Subchapter A. Bulletins and Regulations

§901. School Approval Standards and Regulations

A. Bulletin 741

* * *

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education LR 1:483 (November 1975), amended LR 28:269, 272 (February 2002), LR 28:991 (May 2002), LR 28:1187 (June 2002), LR 29:2757 (December 2003), LR 30:1457 (July 2004).

Standard 1.124.02

A student shall be 17 years of age or older in order to be authorized to be administered the General Educational Development (GED) test. A married or emancipated individual may be permitted to take the GED test at 16 years of age and above. A student who has attained the age of 16 and qualified to take the GED test may request an age waiver from the local school superintendents if one or more of the following hardships exist and appropriate documentation is on file at the local school board office:

pregnant or actively parenting;
incarcerated or adjudicated;

institutionalized or living in a residential facility;
chronic physical or mental illness;
family or economic hardship.

The local school superintendent or his/her designee may approve the request without requesting action from the Board of Elementary and Secondary Education (BESE). Such local action must occur prior to a qualified 16 year old student taking the GED test. If the request for an age waiver is denied at the local level, a student may request the waiver from the Department of Education for approval by BESE with documentation of reason for denial at the local level. All other requests for age waivers due to hardships not listed above, must be approved by BESE prior to taking the GED test. Individual 15 years of age and below shall not be permitted to take the GED test under any circumstances.

* * *

Weegie Peabody
Executive Director

0407#007

RULE

Board of Elementary and Secondary Education

Bulletin 746 **Louisiana Standards for State Certification of School Personnel** Certification of Secondary Career and Technical Trade and Industrial Education Personnel (LAC 28:I.903)

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, the Board of Elementary and Secondary Education has amended *Bulletin 746 Louisiana Standards for State Certification of School Personnel*, referenced in LAC 28:I.903.A. The revision will change the Louisiana standards for state certification of Secondary Career and Technical Trade and Industrial Education personnel, allowing job applicants holding industry-based certification, or who have passed an approved NOCTI exam, credit for up to two years of work experience in meeting the qualifications for the position of Instructor. Industries have shown increased effort to require the certification of skills used in those industries to assure technical competence and public confidence. Recognizing industry certifications in the competition for trade and industrial instructors assures that instruction is directly related to the needs of industry and nationally recognized industry standards.

Title 28

EDUCATION

Part I. Board of Elementary and Secondary Education

Chapter 9. Bulletins, Regulations, and State Plans

Subchapter A. Bulletins and Regulations

§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 (April 1975), LR 1:311 (July 1975), LR 1:399 (September 1975), LR 1:435 (October 1975), LR 1:541 (December 1975), LR 28:760, 763, 765 (April 2002), LR 28:990 (May 2002), LR 28:2505 (December 2002); LR

29:117, 119, 121 (February 2003), LR 30:200 (February 2004), LR 30:1458 (July 2004).

* * *

Louisiana Standards for State Certification of Secondary Career and Technical Trade and Industrial Education Personnel

Career and Technical Trade and Industrial Education Certificate **Valid for one year**

A Career and Technical Trade and Industrial Education (CTTIE) Certificate authorizes employment for instructors of Career and Technical Trade and Industrial Education classes. It does not apply to Technology Education. For renewal of this certificate, at least three semester hours in professional CTTIE must be earned each year until a minimum of 15 semester hours has been completed by those without a degree; 12 semester hours with an associate degree; nine semester hours with a degree, six semester hours with an education degree, at which time the CTTIE Certificate shall become permanent. The New Instructor Course is mandatory and will be counted toward permanent certification requirements.

Special requirements for various personnel are as follows:

I. Secondary Career and Technical Trade and Industrial Education Instructor

A. Education

1. A high school diploma or equivalent (an equivalency test approved by the State Department of Education).

B. Experience

1. A minimum of at least four years of successful full-time experience in the Career and Technical field in which the applicant is to teach. At least one full year of the above experience must have been served within the five years immediately prior to certification. Evidence of technical competency may be determined by the Career and Technical Education Section of the State Department of Education by a test given through such agencies as the State Department of Education may designate; (e.g.; NOCTI).

2. Graduates of Community and Technical Colleges will be given credit for up to two years of occupational experience if the training is in the area for which the applicant is applying.

3. Graduates with a bachelor's degree from a state approved or regionally accredited college or university will be given credit for two years of the four years of experience as required in B1. The remaining two years of work experience in B1 must be continuous full-time.

4. The applicant must show, if requested by the State Department of Education, that one year of the required years of work experience has been at a level above starting requirements and that he/she has progressed in knowledge and skills of the trade.

5. Applicants holding current approved industry-based certification or, if industry-based certification is not available, who pass the approved NOCTI exam, may be given credit for two of the required four year's work experience. An industry-based certification may not be combined with educational attainment to qualify for a waiver from all required work experience, except as stipulated in number 6 below.

6. Applicants with an earned baccalaureate degree and who hold an industry-based certification in an

information technology area may apply years of education experience toward the required work experience.

C. When the applicant has met the requirements listed under Items A and B, a one year CTTIE Certificate will be issued. For renewal of this certificate, at least three semester hours in professional Career and Technical education must be earned each year until all hours required for certification have been completed, at which time the CTTIE Certificate shall become permanent.

D. The applicant being certified under these requirements may teach CTTIE programs at the secondary level only. To become certified to teach at the postsecondary level, the applicant must meet the requirements for certification of postsecondary instructors.

E. In addition to CTTIE certification, a current license must be held when a state or national license is required in the workplace. A state or national license will be recognized as an industry-based certification.

II. Health Occupations Nurse's Aide Instructor

A. Education

A graduate of a professional diploma nursing program with current licensure in Louisiana as a registered nurse.

B. Experience

Shall have a minimum of two of the past four years experience in staff nursing or nursing education.

C. When the applicant has met the requirements of Items A and B, he/she shall be issued a one year CTTIE Certificate. For renewal of this certificate, at least three semester hours in professional Career and Technical education must be earned each year until all hours required for certification have been completed, at which time the CTTIE Certificate shall become permanent.

D. Department Head

In addition to the requirements of Items A, B, and C, the applicant shall have had a minimum of three years of teaching experience as a certified Practical Nursing instructor in this state.

E. Part-Time

When the applicant has met requirements of Items A and B, he/she shall be issued a CTTIE Certificate. The professional Career and Technical Trade and Industrial education courses shall not be required, but the applicant shall complete such teacher training as may be prescribed by the State Department of Education to improve competencies.

III. Health Occupations-Related Health Fields

A. Education

A graduate of approved program in the area in which the applicant is to teach, with current state license or national certification where required. Nutrition Instructors in nursing programs may meet certification requirements with a degree in Family and Consumer Sciences and a minimum of 12 semester hours in Foods and Nutrition.

B. Experience

A minimum of two years of occupational experience in the area in which the applicant is to teach. One year of this experience must have been served within the last five years.

C. When an applicant has met the requirements of Items A and B, the applicant shall be issued a one year CTTIE Certificate. For renewal of this certificate, at least

three semester hours in professional Career and Technical education must be earned each year until all semester hours required have been completed, at which time the CTTIE Certificate shall become permanent.

D. Part-Time

When the applicant has met the requirements of Items A and B, he/she shall be issued a CTTIE Certificate. The professional Career and Technical education courses shall not be required but the applicant shall complete such teacher training as may be prescribed by the State Department of Education to improve competencies.

IV. CTTIE Cooperative Coordinator

A. Education

Applicant must have an active CTTIE Certificate, having completed the CTTIE requirements or being in the process of completing them at the time of application.

B. For the individual in the process of completing CTTIE requirements, a one year Career and Technical Certificate as a Cooperative Coordinator at only the secondary level will be issued. For renewal of this certificate, at least three semester hours in professional technical education must be earned each year until all requirements for certification have been completed, at which time the CTTIE Certificate shall become permanent.

V. Principal or Director of Career Centers Operated by Local School Systems

A. Education

An applicant must be fully certified as a secondary school principal.

VI. Jobs for America's Graduates Louisiana Job Specialist

A. Education/Experience

1. A bachelor's degree from a state approved and regionally accredited college or university, preferably in education, business administration, marketing, or related field and two years of fulltime work experience, preferably in business, marketing, or related field; or

2. A high school diploma or general equivalency diploma (GED) and five years of full-time work experience, preferably in business, marketing, or related field. Exceptions to the number of required years of experience may be approved by the Board of Elementary and Secondary Education.

B. When the applicant has met the requirements listed under Item A1 or A2, a one year CTTIE Certificate will be issued. For renewal of this certificate, at least three semester hours in professional CTTIE must be earned each year until a minimum of 15 semester hours has been completed by those without a degree; 12 semester hours with an associate degree; 9 semester hours with a degree, 6 semester hours with an education degree, at which time the CTTIE Certificate shall become permanent. The New Instructor Course is mandatory and will be counted toward permanent certification requirements.

Weegie Peabody
Executive Director

0407#008

RULE

Board of Elementary and Secondary Education

Bulletin 746 Louisiana Standards for State Certification of School Personnel Educational Technology Facilitation Endorsement (LAC 28:I.903)

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, the Board of Elementary and Secondary Education has amended *Bulletin 746 Louisiana Standards for State Certification of School Personnel*, referenced in LAC 28:I.903.A. This amendment to current Bulletin 746 policy adds a certification option that represents an additional pathway for obtaining the add-on endorsement for Educational Technology Facilitation. This broadens opportunities for teachers to add the Educational Technology Facilitation certification endorsement through a technology pathway that promotes increased technology proficiency while increasing educational technology knowledge.

**Title 28
EDUCATION**

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

A. Bulletin 746

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 1:183 (April 1975), LR 1:311 (July 1975), LR 1:399 (September 1975), LR 1:435 (October 1975), LR 1:541 (December 1975), LR 28:760, 763, 765 (April 2002), LR 28:990 (May 2002), LR 28:2505 (December 2002), LR 29:117, 119, 121 (February 2003), LR 30:200 (February 2004), LR 30:1460 (July 2004).

* * *

Educational Technology Facilitation

1. A valid Type B or Level 2 Louisiana Teaching Certificate*
2. Complete one of the following options:
 Option A: A minimum of 9 semester hours of graduate credit in educational technology, to include the following:
 1. Design and Development of Multimedia Instructional Units.....3 semester hours
 2. Educational Telecommunications, Networks, and the Internet.....3 semester hours
 3. Technology Leadership in Schools.....3 semester hours

-or-

Option B: A minimum of three online courses, to include the following:

1. Effective Instructional Technology: An Introduction
 Course focuses on the NETS-T and will include an introduction to educational telecommunications, networks and the Internet.

2. Effective Instructional Technology: Building a Portfolio of Exemplars
 Course focuses on building a portfolio of teacher and student work that demonstrates the understandings and skills as they relate to the NETS-T and the Louisiana K-12 Educational Technology Standards.
3. An additional course to be selected from a menu of Department approved online course offerings. Courses that have been developed falling under this menu include the following: Lessons by Design; Bridging the Gap: Universal Design for Learning; Universal Design for Learning: Technology Support for Math and the K-12 Classroom; and Universal Design for Learning: Technology Support for Reading and the K-12 Classroom.
3. Persons who have met requirements of 1 and 2 (Option A or Option B) may be issued an Educational Technology Facilitation certification endorsement.
4. Certified teachers who have served as a facilitator of educational technology at the building level may petition the Office of Certification and Higher Education to be "grandfathered in" with an Educational Technology Facilitation endorsement if they meet the following qualifications by August 31, 2002:
 - a) Hold certification in computer literacy and have earned an additional six semester hours in educational technology, and have served as a facilitator of educational technology at the school, district, regional, or state level successfully for the past three years as verified by the employment authority.
 - or-
 - b) Have served as a facilitator of educational technology above the school, district, regional, or state level successfully for the past five years as verified by the employing authority.

* Requires three years of teaching experience.

* * *

Weegie Peabody
Executive Director

0407#010

RULE

Board of Elementary and Secondary Education

Bulletin 746 Louisiana Standards for State Certification of School Personnel Twelve-Hour Rule Policy (LAC 28:I.903)

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, the Board of Elementary and Secondary Education has amended *Bulletin 746 Louisiana Standards for State Certification of School Personnel*, referenced in LAC 28:I.903.A. This policy amends the current Twelve-Hour Rule Policy to align it with requirements under the No Child Left Behind Act of 2001. The nature of the change concerns those teaching in the core academic subject

areas, who must have attained "highly qualified" status by the 2006-2007 school year.

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 (April 1975), amended LR 1:311 (July 1975), LR 1:399 (September 1975), LR 1:435 (October 1975), LR 1:541 (December 1975), LR 28:760, 763 765 (April 2002), LR 28:990 (May 2002), LR 28:2505 (December 2002), LR 29:117, 119, 121 (February 2003), LR 30:200 (February 2004), LR 30:1461 (July 2004).

Twelve-Hour Rule Policy

For the non-core academic subject areas, full-time secondary certified teachers in schools including grades 6 through 12 (or any combination thereof) may be allowed to teach a maximum of two periods in one subject out of their field of certification if they have earned 12 hours in that subject. Secondary certified teachers shall not teach below the sixth grade level.

Teachers in core academic areas must meet the highly qualified requirements in order to teach in any core academic subject.

* * *

Weegie Peabody
Executive Director

0407#011

RULE

Board of Elementary and Secondary Education

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

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, the Board of Elementary and Secondary Education has amended *Bulletin 746 Louisiana Standards for State Certification of School Personnel*, referenced in LAC 28:I.903.A. These changes to current Bulletin 746 policy amend language for the add-on (endorsement) of certification teaching levels and teaching areas within levels. This amended language streamlines current policy and aligns Bulletin 746 policy with No Child Left Behind Act of 2001 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

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education in LR 1:183, 311, 399, 435, 541 (April, July, September, October, December 1975), amended LR 27:825, 828 (June 2001), LR 27:1189 (August 2001), LR 27:1516 (September 2001), LR 27:1676, 1680 (October 2001), LR 27:2096, 2099 (December 2001), LR 28:273 (February 2002), LR 28:1727 (August 2002), LR 28:2505 (December 2002), LR 29:117, 119, 121 (February 2003), LR 30:1461 (July 2004).

* * *

Additions to Existing Certificates

Permanent Authorization on a Certificate

The holder of a valid Louisiana teacher's certificate, upon completing all requirements for an additional area of certification as outlined in this bulletin, may have the authorization on his certification extended to include the newly achieved qualifications.

Additional authorizations should be requested and must be substantiated by an official transcript from a regionally accredited institution. The final authority for approval of additional authorization is the State Department of Education.

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., 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).

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), upper elementary or middle school certificate (e.g., 4-8, 5-8, 6-8), secondary certificate (e.g., 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).

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.

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

- Requirements for individual holding a valid early childhood certificate (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., 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 Praxis score for 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:

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

To Add Special Education Mild/Moderate:

- Requirements for individual holding a valid early childhood certificate (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., 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 mild/moderate special education Praxis pedagogy exam(s) required in Louisiana.

To Add an All-Level (K-12) Area Governed by NCLB Requirements (foreign language, arts):

- Requirements for individual holding a valid early childhood certificate (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., 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.

Other Certification Areas

Computer Education

Computer Literacy.....9 semester hours
 Certification in computer literacy may be added to an existing elementary or secondary certificate and is intended for those teachers who teach introductory computer literacy classes. The six-hour requirement for computer literacy certification in 1-a and 1-b below may be waived for teachers certified in business education subjects who have completed a data processing course and a word processing course which include computer applications.

1. Introduction to Computer Literacy and Microcomputers.....3 semester hours
2. Computer Science Education elective that includes evaluation and use of hardware and software.....3 semester hours
3. Computer Programming.....3 semester hours

NOTE: A person who has been successfully employed as a teacher of computer education for a minimum of three years prior to September 1, 1986, may be certified in Computer Literacy and have this authorization added to his/her Louisiana elementary or secondary teaching certificate entitling him/her to teach computer literacy at the elementary or the secondary level, depending upon the area of certification.

Mandatory 1986-87 School Year, Revised 10/29/87
 * * *

Weegie Peabody
 Executive Director

0407#009

RULE

Board of Elementary and Secondary Education

Bulletin 1530 Louisiana's IEP Handbook for Students with Disabilities (LAC 28:XC VII.Chapters 1-7)

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, the Board of Elementary and Secondary Education has adopted *Bulletin 1530 Louisiana's IEP Handbook for Students with Disabilities*. Bulletin 1530 will be printed in codified format as Part XC VII of the Louisiana Administrative Code. This document replaces any

previously advertised versions. *Louisiana's IEP Handbook for Students with Disabilities*, revised 2000, provides information regarding the Individualized Education Program (IEP)—the basis for educational programming for students with disabilities in Louisiana. The handbook describes the IEP process and the legal procedures involved as mandated by the *Individuals with Disabilities Education Act* (IDEA) PL. 105-17, Section 504 of the *Rehabilitation Act of 1973*, and *Revised Statute 17:1941, et seq.*, and their regulations.

Louisiana's IEP Handbook for Students with Disabilities, revised 2000, provides information regarding the Individualized Education Program (IEP)—the basis for educational programming for students with disabilities in Louisiana. The handbook describes the IEP process and the legal procedures involved as mandated by the *Individuals with Disabilities Education Act* (IDEA) PL. 105-17, Section 504 of the *Rehabilitation Act of 1973*, and *Revised Statute 17:1941, et seq.*, and their regulations. Although the intent of this handbook is not to replace any regulations, it does outline "best practices" as well as mandatory procedures. It serves as a training vehicle for interested parties in the effort to improve the quality of IEPs in Louisiana.

The IEP Handbook for Gifted and Talented Students should be referred to for information regarding students identified as gifted and talented students in Louisiana. A separate IEP form described in the handbook must be used for all students identified as gifted and talented, with the exception of students in the following categories:

1. gifted and/or talented students who have an additional identified disability;
2. gifted and/or talented students who require a related service, including counseling;
3. gifted and/or talented students who require modifications/accommodations for the Louisiana Educational Assessment Program testing.

Extended School Year Program Handbook should be referred to for information regarding students with disabilities identified as needing extended school year services in Louisiana. A separate ESY-IEP form must be used for all students eligible for ESY.

The Best Practices Guidelines for Developing IEPs for Louisiana's Early Education Program has been written for families, early intervention personnel, and others working with young children with disabilities, 3-5 years of age. These guidelines, which reflect federal and state mandates, are interspersed throughout the *Louisiana's IEP Handbook for Students with Disabilities* in the appropriate sections.

Title 28

EDUCATION

Part XCVII. Bulletin 1530 Louisiana's IEP Handbook for Students with Disabilities

Chapter 1. Introduction

§101. The IEP Process and Evaluation/Reevaluation of Students with Disabilities

A. This section emphasizes the IEP process as one intertwined with the process of evaluation and re-evaluation of students with disabilities.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 30:1463 (July 2004).

§103. The Three Types of IEPs

A. The three types of IEPs are outlined below as follows.

1. The INTERIM IEP shall be developed for students who have severe or low incidence impairments documented by a qualified professional concurrent with the conduct of an evaluation according to the *Pupil Appraisal Handbook*. The interim IEP may also be developed for students who have been receiving special educational services in another state concurrent with the conduct of an evaluation. An interim IEP may also be developed for students out of school, including students ages 3-5, who are suspected of having a disability and for former special education students, through the age of 22, who have left a public school without completing their public education by obtaining a state diploma.

2. The INITIAL IEP is developed for a student with disabilities who has met criteria for one or more exceptionalities outlined in the *Pupil Appraisal Handbook* and who has never received special educational services, except through an interim IEP, from an approved Louisiana school/program.

3. The REVIEW IEP is reviewed and revised at least annually or more frequently to consider the appropriateness of the program, placement, and any related services needed by the student.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 30:1463 (July 2004).

Chapter 3. Initial Iep Development

§301. Responsibilities

A. A student is initially determined to be exceptional through the individual evaluation process. The responsibility for making a formal commitment of resources to ensure a free, appropriate public education (FAPE) for a student identified as exceptional rests with the local education agency (LEA) in which the student resides.

B. The LEA is responsible for initiating the assurance of FAPE regardless of whether the system will:

1. provide all of the service directly or through interagency agreements;
2. place the student in another system or in a nonpublic facility; or
3. refer the student to another LEA for educational purposes.

C. The responsibility for offering FAPE is met through the process of developing an initial IEP. This process includes:

1. communication between the LEA and the parents;
2. IEP meeting(s) at which parents and school personnel make joint decisions and resolve any differences about the student's needs and services;
3. a completed IEP/placement document, which describes the decisions made during the meeting(s), including the special education and related services that are to be provided;
4. a formal assurance by the LEA that the services described in the document will be provided;
5. parental consent for initial placement;
6. procedural safeguards for differences that cannot be resolved mutually; and
7. initial placement and provision of services as described in the IEP/placement document.

D. The LEA is required to offer FAPE to those students with disabilities whose ages fall between 3 and 21 years. The LEA may choose to offer and provide services to young

children with disabilities, birth through 2 years of age. If the LEA chooses to provide services, all the requirements of FAPE apply.

1. The child is eligible for FAPE on his 3rd birthday.
2. The responsibility for providing services to a student with disabilities continues until
 - a. the student receives a state diploma; or
 - b. the student reaches his or her 22nd birthday. (If the 22nd birthday occurs during the course of the regular school session, the student shall be allowed to remain in school for the remainder of the school year.)
3. The LEA is not responsible for providing FAPE if, after carefully documenting that the agency has offered FAPE via an IEP, the parents choose to voluntarily enroll the student elsewhere or indicate their refusal of special educational services. Documentation of these parental decisions should be kept on file.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 30:1463 (July 2004).

§303. Timelines

A. An initial evaluation is considered "completed" when the written report has been disseminated by the pupil appraisal staff to the administrator of special education programs. A LEA has a maximum of 30 calendar days to complete the IEP/placement document for an eligible student. During this time, two activities must take place and be documented.

1. Written Notice(s) that the LEA proposes to provide FAPE through the IEP process must be given to the parents.
 - a. The notice(s) must be provided in the parents' native language or must be given using other means of communication, whenever necessary, to assure parental understanding.
 - b. The notice(s) must indicate the purpose, time, and location of the IEP meeting; who will be in attendance; the parents' right to take other participants to the meeting; the student's right to participate (when appropriate); and the name of the person in the LEA the parents can contact if and when they have questions or concerns.
 - c. The notice(s) must explain the procedural safeguards available to the parents: that they can negotiate the time and place of the IEP meeting, that they have the right to full and meaningful participation in the IEP decision-making process, that their consent is required before initial placement will be made, and that all information about the student shall be kept confidential.
 - d. If it appears that a student may be eligible to participate in alternate assessment, the notice must explain that data appear to support the student's participation in alternate assessment, that the students participating in alternate assessment are eligible to work toward a Certificate of Achievement, and that the decision for participation in alternate assessment will be made with the parent(s) at the IEP meeting.
 - e. Additionally, if the LEA has not already done so, the system must inform the parents of their right to an oral explanation of the evaluation report and of their right to an independent education evaluation (IEE) if the parents disagree with the current evaluation.

2. An IEP meeting(s) that results in a completed IEP/placement document must be held. The IEP meeting(s)

should be a vehicle for communication between parents and school personnel to share formal and informal information about the student's needs, educational projections, and services that will be provided to meet the student's needs. The completed IEP/placement document is a formal record of the IEP team's decisions. The timeline for completion of the document is intended to ensure that there is no undue delay in providing a free, appropriate public education (FAPE) for the student. The document is "completed" when the form has been completed and signed by the LEA's officially designated representative or director/supervisor of special education.

B. Additional Notes About Timelines

1. Summer recess. When an initial evaluation report has been completed within the 30 days prior to the summer recess or during the recess, the LEA may request, through written documentation, parental approval to delay the initial IEP meeting until the first week of the next school session. However, if the parents wish to meet during the summer recess, the LEA must ensure that the appropriate IEP team members are present.

2. Children approaching age 3 years. ChildNet eligible children who are "turning three-years-old" suspected of being eligible for Part B services must be referred to the LEA and the IEP team 10 months prior to their 3rd birthday. The date on which a child first becomes eligible for services may occur after the child's evaluation or last required re-evaluation. In such a case, a LEA has the following options:

- a. to develop the IEP/placement document following the evaluation or re-evaluation and to indicate the date that services are to begin; or
- b. to develop the IEP/placement document immediately before the LEA is required to provide services.

3. Parents refuse services. In some cases, when the LEA is in the process of offering FAPE to an eligible student (i.e., after an IEP has been developed), the parents will clearly indicate that they do not wish to have any special educational services for the student.

- a. If the parent's decision is to withhold consent for the initial evaluation or initial placement of the student in a special educational program, the LEA may appeal to the appropriate state court. If the parent withholds consent for a reevaluation, the LEA may request a due process hearing following the procedures outlined in §507 of *Bulletin 1706* **C** *Regulations for Implementation of the Children with Exceptionalities Act*.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 30:1463 (July 2004).

§305. Participants

A. At any initial IEP meeting, the following participants must be in attendance: an officially designated representative of the LEA, the student's regular education and special education teachers, the student's parent(s), and a person knowledgeable about the student's evaluation procedures and results. The student, as well as other individuals the parents and/or LEA may deem necessary, should be given the opportunity to attend. Documentation of attendance is required.

1. An officially designated representative of the LEA is one who is qualified to provide or supervise the provision of specially designed instruction to meet the unique needs of

students with disabilities, is knowledgeable about the general curriculum, and is knowledgeable about the availability of resources of the LEA. The LEA may designate another LEA member of the IEP team to serve also as the agency representative, if the above criteria are satisfied. A LEA must have on file and must disseminate within the agency a policy statement naming the kinds of persons who may act as the official representative of the LEA. Representatives may include the director/ supervisor of special education, principals, instructional strategists, teachers, or any other LEA employee certified to provide or supervise special educational services. A member of the student's evaluation team may serve in this capacity.

2. Parents are equal participants in the IEP process in discussing the educational and related services needs of the student and deciding which placement and other services are appropriate. As such, one or both of the student's parents should participate in the initial IEP/placement meeting(s). Other team members must rely on parents to contribute their perspective of the student outside of school. Parental insight about the student's strengths and support needs, learning style, temperament, ability to work in various environments, and acquired adaptive skills is of vital importance to the team in making decisions about the student's needs and services. The concerns of the parents for enhancing the education of their child must be documented in the IEP.

a. *Parent*—A natural or adoptive parent of a child; a guardian, but not the state if the child is ward of the state; a person acting in the place of a parent of a child (such as a grandparent or stepparent with whom the child lives or a person who is legally responsible for the child's welfare); or a surrogate parent who has been appointed. A foster parent may qualify as a "parent" when the natural parents' authority to make educational decisions on the child's behalf has been extinguished under state law, and the foster parent has an ongoing, long-term parental relationship with the child; is willing to participate in making educational decisions in the child's behalf; and has no interest that would conflict with the interests of the child.

b. The LEA must take measures to ensure that parents and all other team members, including sensorially impaired and non-English-speaking participants, can understand and actively participate in discussions and decision making. These measures (i.e., having an interpreter or translator) should be documented. Local education agencies shall further ensure that, for those parents who cannot physically attend the IEP meeting(s), every effort is made to secure parental participation. After documenting attempts to arrange a mutually convenient time and place, several possibilities remain.

i. The meeting(s) may be conducted via telephone conference calls.

ii. The IEP team may consider parental correspondence to the school regarding the student's learning environment, any notes from previous parental conferences, and any data gathered during the screening and evaluation period.

iii. Visits may be made to the parents' home or place of employment to receive parental suggestions.

c. If, however, every documented attempt fails and the IEP/placement document is developed without parental participation, the parents still must give written informed

consent for initial placement before any special education or related services may begin.

d. When a student with disabilities has a legal guardian or has been assigned a surrogate parent by the LEA, that person assumes the role of the parent during the IEP process in matters dealing with special educational services. When a student with disabilities is emancipated, parental participation is not mandated. Additionally, if the LEA has been informed that a parent is legally prohibited from reviewing a student's records, that parent may not attend the IEP meeting(s) without permission of the legal guardian.

e. Beginning at least one year before the student reaches the age of majority, by the student's seventeenth birthday, the parents will be informed that the rights under Part B of the Act will transfer to the student, unless the student is determined incompetent under state law.

3. An evaluation representative is a required participant at an initial IEP meeting. The person may be a member of the pupil appraisal team that performed the evaluation or any person knowledgeable about and able to interpret the evaluation data for that particular student. The evaluation coordinator who coordinated the activities for the re-evaluation must be present at the reevaluation IEP meeting.

4. A regular education teacher is at least one of the student's regular teachers (if the student is, or may be, participating in the regular education environment). The teacher must, to the extent appropriate, participate in the development, review, and revision of the student's IEP including the determination of appropriate positive behavioral interventions and strategies for the student; the determination of supplementary aids and services, program modifications, and supports for school personnel that will be provided for the student. When a regular education teacher calls for a reconvening of the individualized education program (IEP) team for any student with a disability assigned to his or her classroom on a full time basis in which the IEP requires an adjustment in the curriculum, instruction or services to be provided by the regular education teacher, this teacher shall participate on the IEP team and participate continuously thereafter for as long as the student is assigned to his or her classroom.

a. Thus, while a regular education teacher must be a member of the IEP team if the child is, or may be, participating in the regular education environment, the teacher need not (depending upon the child's needs and the purpose of the specific IEP team meeting) be required to participate in all decisions made as part of the meeting or to be present throughout the entire meeting or attend every meeting. For example, the regular education teacher who is a member of the IEP team must participate in discussions and decisions about how to modify the general curriculum in the regular classroom to ensure the child's involvement and progress in the general curriculum and participation in the regular education environment.

b. In determining the extent of the regular education teacher's participation at IEP meetings, LEAs and parents should discuss and try to reach agreement on whether the student's regular education teacher, who is a member of the IEP team, should be present at a particular IEP meeting and, if so, for what period of time. The extent to which it would

be appropriate for the regular education teacher to participate in IEP meetings must be decided on a case-by-case basis.

5. A special education teacher is at least one of the student's special education teachers, or when appropriate, at least one special education provider of the student.

a. For example, if a student's only disability is speech or language impairment, then the speech/language pathologist is considered the special education provider.

6. The student should be given the opportunity to participate in the development of the IEP. In many cases, the student will share responsibility for goals and objectives.

a. The LEA must invite a student with a disability of any age to attend his or her IEP meeting if a purpose of the meeting will be to consider transition services needs or needed transition services, or both. The LEA must invite the student and, as part of the notification to the parents of the IEP meeting, inform the parents that the LEA will invite the student to the IEP meeting.

b. Beginning at least one year before the student reaches the age of majority, by the student's seventeenth birthday, the student must be informed that his or her rights under Part B of the Act will transfer to him or her unless he or she has been determined incompetent under state law.

7. Other individuals can be invited, at the discretion of the parent or LEA, who have knowledge or special expertise regarding the student, including related service personnel as appropriate. The LEA also must inform the parents of the right of both the parents and the agency to invite other individuals who have knowledge or special expertise regarding the child, including related service personnel as appropriate to be members of the IEP team. The LEA may recommend the participation of other persons when their involvement will assist the decision-making process.

a. It is also appropriate for the agency to ask the parents to inform the agency of any individuals the parents will be taking to the meeting. Parents are encouraged to let the agency know whom they intend to take. Such cooperation can facilitate arrangements for the meeting and help ensure a productive, child-centered meeting.

NOTE: The determination of the knowledge or special expertise of any individual described above shall be made by the parent or LEA, whoever invited the individual to be a member of the IEP team.

b. When the LEA responsible for the initial IEP/placement process considers referring or placing the student in another LEA, the responsible LEA must ensure the participation of a representative of the receiving system at the IEP meeting.

c. The LEA must ensure the attendance of a representative of a private school if the student is voluntarily enrolled in a private school. If the representative cannot attend, the local education agency shall use other methods to ensure participation by the private school or facility, including individualized or conference telephone calls.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 30:1464 (July 2004).

§307. Placement Decisions

A. The IEP team has the responsibility for determining the special educational needs and placement for a student

with disabilities. Program decisions must be made and written on the IEP in the following areas that form the basis for the placement:

1. the student's strengths and support needs;

2. the concerns of the parents for enhancing the education of their child;

3. the results of the initial evaluation or most recent reevaluation of the student;

4. as appropriate, the results of the student's performance on any general state or district-wide assessment program;

5. the student's present levels of educational performance:

a. how the student's disability affects the student's involvement and progress in the general curriculum; and

b. for preschool students, as appropriate, how the disability affects the student's participation in appropriate activities;

6. the IEP team must also consider any of the following special factors:

a. in the case of a student whose behaviors impede his or her learning or that of others, if appropriate, strategies including positive behavioral intervention, strategies and supports to address that behavior;

b. in the case of a student with limited English proficiency, the language needs of the student as those needs relate to the student's IEP;

c. in the case of a student who is blind or visually impaired, provision of instruction in braille and the use of braille unless the IEP team determines - after an evaluation of the student's reading and writing skills, needs, and appropriate reading and writing media (including an evaluation of the student's future needs for instruction in braille or the use of braille) - that instruction in braille or the use of braille is not appropriate for the student;

d. the communication needs of the student, and in the case of a student who is deaf or hard of hearing, the student's language and communication needs, opportunities for direct communications with peers and professional personnel in the student's language and communication mode, academic level, and full range of needs, including opportunities for direct instruction in the student's language and communication mode;

e. whether the student requires assistive technology devices and services based on assessment/evaluation results;

f. in the case of a student who has health problems, the needs to be met during the school day. These needs would include such medical conditions as asthma, diabetes, seizures, or other diseases/disorders that may require lifting and positioning, diapering, assistance with meals, special diets, or other health needs;

7. the measurable annual goals, including benchmarks or short-term objectives, related to:

a. meeting the student's needs that result from the student's disability to enable the student to be involved in and progress in the general curriculum;

b. meeting each of the student's other educational needs that result from the student's disability; and

c. appropriate activities for the preschool aged student.

NOTE: IEP teams may continue to develop short-term instructional objectives or, as an alternative, develop

benchmarks that should be thought of as describing the amount of progress the student is expected to make within specified segment of the year. Generally, benchmarks establish expected performance levels that allow for regular checks of progress that coincide with the reporting periods for informing parents of their child's progress toward achieving the annual goals. An IEP team may use either short-term objectives or a combination of the two, depending on the nature of the annual goals and needs of the child.

8. the special educational and related services and supplementary aids and services to be provided to the student, or on behalf of the student, and the program modifications or supports for school personnel that will be provided for the student:

a. to advance appropriately toward attaining the annual goals;

b. to be involved and progress in the general curriculum and to participate in extracurricular and other nonacademic activities; and

c. to be educated and participate with other students with and without disabilities in the activities,

9. the explanation of the extent, if any, to which the student will not participate with students without disabilities in the regular class and extracurricular and other nonacademic activities including:

a. any individual modifications and/or accommodations in the administration of state or district-wide assessments of student achievement that are needed in order for the student to participate in the assessment; and

b. the student's participation in a particular state or district-wide assessment of student achievement (or part of an assessment);

10. the anticipated frequency, location, and duration of the special educational services and modifications;

11. possible extended school year program (ESYP) eligibility;

12. the type of physical education program to be provided;

13. for each student beginning at age 14, transition service needs that focus on the student's courses of study; and

14. for each student beginning at age 16, the needed transition services including any interagency responsibilities or linkages.

B. The IEP team, following a discussion of the student's educational needs, must choose a setting(s) in which the educational needs will be addressed. The term *placement* refers to the setting or class in which the student will receive special educational services.

1. Placement decisions for students whose ages are 6-21. For the location of instruction/ services, IEP team members should consider the following.

a. Where would the student attend school if he or she did not have a disability?

b. Has the student, as a special education student, ever received special educational instruction or services within the general education environment?

c. What accommodations and modifications have been used to support the student as a special education student in the general education class?

d. After a review of the modifications and accommodations form of the IEP, what additional strategies and supports have been determined to facilitate the student's success in the general education setting?

e. If the student is not currently receiving instruction and/or services in a general education setting, what strategies could be used for providing services in the general education classroom?

f. Based on IEP goals and objectives or benchmarks, what the instructional setting(s) would support the achievement of these goals and objectives or benchmarks?

g. If the decision has been made to provide the student with instruction and/or services outside the general education setting, what specific opportunities will the student have for integration in general education activities?

2. Placement decisions for students whose ages are 3-5. For the location of instruction/ services, the IEP team should consider the following.

a. Where would the student spend the majority of the day if he or she did not have a disability (natural environment)?

b. Can the services identified on the IEP be provided in the student's natural environment?

i. If not, what changes should be made in that environment to enable the required services to be delivered there?

ii. If not, what programming and/or placement(s)/ service(s) options are necessary to meet the student's identified needs while providing meaningful opportunities for interactions with peers without disabilities?

c. What accommodations, supports, and/or related services are needed to meet the student's identified needs?

3. For students aged 6-21. Utilizing the above information, the IEP team should choose the most appropriate setting from the continuum below:

a. regular classroom (less than 21 percent of the day outside the regular class);

b. resource with regular classes (at least 21 percent, but no more than 60 percent of the day outside the regular class);

c. self-contained class on a regular campus (more than 60 percent of the day outside the regular class);

d. special school; or

e. hospital/homebound.

4. For students aged 3-5. In determining the appropriate setting for a preschool aged student, each noted setting must be considered; but the list should not be considered a continuum of least restrictive environment. The settings for preschool-aged students, 3-5 years, are defined as follows.

a. Home. A child's home, caregiver's home, or any other home setting.

b. Regular Preschool Placement. Head Start, Title 1, kindergarten, pre-kindergarten, child care center, Even Start, 4 year-old at-risk program, infant/toddler class or any other program designed for children without disabilities.

c. Self-Contained. A preschool class, infant/toddler class or any other program designed for children with disabilities.

d. Special School. Any school designated in Special School District#1 or other SDE-approved Special Schools.

e. Hospital. A hospital in which a child is confined because of the child's physical illness, an accident, or treatment therapy.

f. Speech/Language Therapy Only. Speech/Language Therapy (SLT), when it is the only special educational service included on the child's IEP, regardless of the setting in which the child receives SLT.

g. Adapted Physical Education Only: Adapted Physical Education (APE), when it is the only special educational service included on the child's IEP, regardless of the setting in which the child receives APE.

C. The official designated representative shall be knowledgeable about placement considerations and shall be responsible for informing the IEP team members. The IEP team must participate in decisions made about the placement; however, the LEA has the right to select the actual school site in view of committee decisions.

NOTE: See "Forms and Instructions for Use," Section 2, for the complete instructions for writing the IEP.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 30:1466 (July 2004).

§309. Additional Clarification

A. Although throughout Louisiana most students with disabilities are served in their neighborhood schools, there are some extenuating circumstances that impact the decision to serve a student in a school other than his or her neighborhood school.

B. The following is provided as an example. In a small system, there may be only four multidisabled students who need a multidisabled self-contained class. The local education agency may establish one classroom system wide. Those multidisabled students could be grouped together on a centrally located campus as age-appropriate as possible. Because of the limited number of students, the age span may be greater than the 3-year span. In this situation, ages may be from 10-14 years, with two children being 10-years-old, one being 11, and one being 14. If the administration decided to locate this class on an elementary K-6 campus because the majority of the class is of elementary age, there could be adequate justification to allow the 14-year-old to remain on the elementary campus. This placement, of course, is not a desirable situation but a necessity in some cases.

C. In addition to the questions on the IEP and Site Determination Form, the following issues must be considered:

1. students should be placed in programs on the basis of their unique needs, not as a result of their particular disabling condition;

2. placement cannot be based on either a particular local education agency's special education delivery system or on the availability of related services;

3. in order for effective integration, students should be served in schools where the ratio of the student with disabilities is comparable to the overall regular/special education ratio of the local education agency.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 30:1468 (July 2004).

§311. Related Services Decisions

A. *Related Services* Transportation and such developmental, corrective, and other supportive services as are required to assist a student with a disability to benefit

from special education. A LEA, as part of its requirement to provide a free, appropriate public education (FAPE), must provide any related service for which there is a documented need. However, for certain related services, specific eligibility criteria must be met. The decision regarding related services must be made in view of each student's unique needs. Sources of documentation can be the individual evaluation report and any subsequent evaluation reports submitted by therapists, physicians, psychologists, and so forth. Examples of related services may include speech/language pathology services, assistive technology, physical or occupational therapy, audiological services, orientation and mobility training, interpreter and counseling services, and transportation services.

B. The IEP team must consider each related service that is recommended on the evaluation report(s) and document its decisions on the IEP form. For example, the team must:

1. list all services recommended by the team and the service provision schedules, dates, and location, etc.;
2. explain the team's decisions not to include a recommended related service;
3. explain delays in providing any related service listed on the IEP.

NOTE: This delay, or hardship, in no way relieves a system from providing the service and from documenting every effort to provide it in a timely manner.

a. The participation of related service personnel is extremely important during the IEP meeting. Involvement should be through either direct participation or written recommendations.

C. Additional Notes About Related Services

1. Adapted physical education (APE) is not a related service; APE is a direct instructional program. A student who requires only adapted physical education may be eligible for related services, since adapted physical education is a direct instructional program.

2. A student who is identified with only a speech or language impairment may be eligible for other related services, since in this case the speech therapy is the direct special educational program.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 30:1468 (July 2004).

§313. Parental Consent

A. A LEA must obtain formal parental consent before it can initially provide a student with special education and related services in any setting. Consent includes the following:

1. the parent and/or student has been fully informed of all relevant information in a manner that is clearly understandable to the parent and/or student; and
2. the parent and/or student formally agrees in writing.

B. After the parent and/or student has given written consent, the IEP is in effect. The parent and/or student must be provided a completed copy of the IEP/placement document signed by the official designated representative of the LEA.

NOTE: The student's consent is needed once the student reaches the "age of majority."

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 30:1468 (July 2004).

§315. Parental Withholding of Consent

A. Parents may disagree with all or some part(s) of the initial program, placement, or related services proposals. The LEA and the parents should make conciliatory attempts to resolve the disputes, including making modifications to the proposed program, placement, and related services. A LEA may not use a parent's refusal to consent to one service or activity to deny the parent or student any other service, benefit, or activity of the LEA.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 30:1469 (July 2004).

§317. Mediation

A. Mediation is an informal, voluntary process by which the parent and the LEA are given an opportunity, through the help of a trained mediator, to resolve their differences and find solutions to enhance the overall learning environment for the student. Differences may arise in the planning and implementing of programs for students with disabilities. It is important for parents and LEAs to have an opportunity to present their viewpoint in a dispute.

1. See Louisiana's Educational Rights of Exceptional Children and the Mediation Services for Students with Exceptionalities brochure for more information.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 30:1469 (July 2004).

§319. Due Process

A. The parents and the LEA both have the right to an "impartial due process hearing" when disagreements arise between the parent and the LEA, relative to initiating or changing the identification, evaluation, or educational placement of a student with a disability. Due process hearings may be initiated by the parent or the LEA.

1. See Louisiana's Educational Rights of Exceptional Children and the Special Education Impartial Due Process Hearing brochure for more information.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 30:1469 (July 2004).

§321. Implementation of the IEP

A. Implementation of the IEP means that the student begins participating in the special education placement and receives the related services as written on the IEP/placement document. A LEA must begin providing services as stated on the IEP within 10 calendar days. The date of initiation of services shall be noted on the IEP. When meetings occur during the summer or other vacation periods, a delay may occur. When meetings to develop the initial IEP/placement document occur just prior to the summer vacation, the date of implementation of services may be delayed to the beginning of the next school year if the parent(s) agree.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 30:1469 (July 2004).

Chapter 5. Review IEP Development

§501. Responsibilities and Timelines

A. A LEA is required to initiate and conduct IEP meetings periodically, but not less than annually, to review each student's IEP in order to determine whether the annual goals for the student are being achieved and to revise the IEP as appropriate. The LEA must notify parents of the review IEP meeting or the review/reevaluation IEP meeting in accordance with the same procedures as the initial IEP.

B. An additional IEP/placement review meeting is not required when a LEA elects to move the student to another school site within the agency when all of the information on the IEP remains the same and the effect of the program has not been changed.

C. The IEP team shall:

1. review the student's progress toward achieving the annual goals and objectives/benchmarks;
2. review the student's progress in the general education curriculum;
3. discuss any lack of expected progress toward the annual goals and in the general education curriculum;
4. review the results of the student's performance on any state or district-wide assessment;
5. review the results of any reevaluation;
6. review information about the child provided to, or by, the parents;
7. discuss the student's anticipated needs;
8. review the student's special educational and related service needs; for the preschool-aged child, address his or her developmental needs;
9. incorporate, as needed, any behavior interventions and strategies that should be used;
10. make updated decisions about the student's program, placement, and related services;
11. consider whether the child requires assistive technology devices and services;
12. for each student beginning at age 14, discuss transition service needs that focus on the student's courses of study;
13. for each student beginning at age 16, discuss the needed transition services including any interagency responsibilities or linkages;
14. in making decisions for location of instruction/services, refer to pages 19-21 of this handbook for guidance;
15. discuss any other matters.

D. A review meeting must be conducted in addition to the required annual review when:

1. a student's teacher feels the student's IEP or placement is not appropriate for the student; or
2. the student's parents believe their child is not progressing satisfactorily or that there is a problem with the student's IEP;
3. the LEA proposes any changes regarding program or placement, such as to modify, add, or delete a goal or

objective; to add or delete a related service; or to discuss the need for extended school year services;

4. the behavior of the student warrants a review by the IEP team to decide on strategies including positive behavioral intervention, strategies, and supports to address the behavior;

5. either a parent or a public agency believes that a required component of the student's IEP should be changed; the LEA must conduct an IEP meeting if it believes that a change in the IEP may be necessary to ensure the provision of FAPE;

6. a hearing officer orders a review of the student's IEP/placement document;

7. an out-of-district placement or referral is being proposed;

NOTE: A review IEP meeting must be conducted as part of the reevaluation process.

a. in the cases listed above, it may not be necessary to rewrite the entire IEP/placement document. However, the following documentation must be provided:

i. signatures of the team members;

ii. the date of the meeting;

iii. the changes made in the IEP; and

iv. the dated signatures of the official designated representative of the system and the parent who authorized the change;

c. in the case in which the IEP/placement document is entirely rewritten, the date of that meeting shall become the anniversary date for the next annual review meeting.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 30:1469 (July 2004).

§503. Participants

A. The LEA must ensure there is attendance by an officially designated representative of the system, the student's regular education and special education teachers, the parents, and the student, as appropriate. At the discretion of the parent(s) or the LEA, other individuals who have knowledge or special expertise regarding the student may attend. The evaluation coordinator who coordinated the activities for the re-evaluation must be present at the reevaluation IEP meeting. A representative of another LEA or approved facility may be included if a placement in or referral to another LEA is proposed.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 30:1470 (July 2004).

§505. Placement Decisions

A. The IEP team must address the placement of the student according to the same placement guidelines required for an initial IEP meeting.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 30:1470 (July 2004).

Chapter 7. Interim IEP Development

§701. Responsibilities and Timelines

A. The interim IEP provides a basis on which the student may begin to receive special educational and related services and provides an appraisal program to gather assessment data for the individual evaluation process.

B. A student must be offered enrollment in a LEA. This enrollment process, from initial entry into the LEA to placement, shall occur within 10 school days.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 30:1470 (July 2004).

§703. Placement Decisions

A. Local supervisors of special education may approve enrollment in special education after existing student information has been reviewed by pupil appraisal personnel. An interim IEP would be developed and formal parental approval obtained. The interim IEP remains in effect as long as the evaluation is in process and may be revised as necessary. During this time all regulations pertaining to students with disabilities shall apply. The interim IEP shall not exceed the duration of the evaluation.

B. Often, discussion about the current performance, goals, and objectives for the student will have to be conducted without the benefit of integrated assessment data or teacher observation. To gather information about current performance, the parent may be the prime source of information about the student's skills, development, motivation, medical history, etc. The goals and objectives should address the student's educational program during the assessment process. Related services may be provided for diagnostic purposes. When available information indicates that related services are required, services should be provided. The student's performance during an interim placement must be documented by the teacher and pupil appraisal personnel. This documentation should provide meaningful data for determining an appropriate program and placement.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 30:1470 (July 2004).

§705. Parental Consent

A. Parental consent for the interim placement and related services must be obtained by parental signature on the IEP form. Parents should be informed that the student will exit from the special educational program if the student is found to be ineligible for special educational services according to the criteria of the *Pupil Appraisal Handbook*. If the student is eligible for special educational services, an initial IEP/placement meeting will be conducted within 30 calendar days from the date of dissemination of the written evaluation to the LEA's special education administrator.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 30:1470 (July 2004).

Weegie Peabody
Executive Director

0407#012

RULE

Student Financial Assistance Commission Office of Student Financial Assistance

Scholarship/Grant Programs **C** Returning Students
(LAC 28:IV.503, 507, and 703)

The Louisiana Student Financial Assistance Commission (LASFAC) has exercised the provisions of the Administrative Procedure Act, R.S. 49:953(B) et seq., and has amended its Scholarship/Grant Rules.

Title 28 EDUCATION

Part IV. Student Financial Assistance **C** Higher Education Scholarship and Grant Programs

Chapter 5. Application; Application Deadlines and Proof of Compliance

§503. Application Deadlines

A. - B.2. ...

3. Returning Students

a. Notwithstanding the deadline established by §503.B.1 above, returning students, who graduated from high school during the 2001-2002 academic year (high school) and who enroll in an eligible college or university in the spring semester of 2003, must submit the FAFSA to be received by the federal processor no later than July 1, 2004.

b. Notwithstanding the deadline established by §503.B.1 above, returning students, who enroll in an eligible college or university in the fall semester of 2003 or later, must submit the FAFSA to be received by the federal processor no later than July 1 following the first semester of enrollment. Examples:

i. a student who seeks to enroll in an eligible college or university for the spring semester of 2004 must submit his FAFSA to be received by the federal processor no later than July 1, 2004;

ii. a student who seeks to enroll in an eligible college or university for the fall semester of 2004 must submit his FAFSA to be received by the federal processor no later than July 1, 2005.

C. - E. ...

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

HISTORICAL NOTE: Promulgated by the Student Financial Assistance Commission, Office of Student Financial Assistance, LR 24:635 (April 1998), repromulgated LR 24:1900 (October 1998), amended LR 25:655 (April 1999), LR 25:2396 (December 1999), LR 26:1994 (September 2000), repromulgated LR 27:1847 (November 2001), amended LR 28:447 (March 2002), LR 28:1760 (August 2002), LR 29:554 (April 2003), LR 30:1471 (July 2004).

§507. Final Deadline for Submitting Documentation of Eligibility

A. - B. ...

C.1. Returning students, who graduated high school during the 2001-2002 academic years (high school) and who enroll in an eligible college or university in the spring semester 2003, must submit documentation that establishes TOPS eligibility no later than May 1, 2004.

2. Returning students, who enroll in an eligible college or university in the fall semester of 2003 or later,

must submit documentation that establishes TOPS eligibility no later than May 1 of the academic year (college) the student enrolls in an eligible college or university. For example, a student who seeks to enroll in an eligible college or university in the fall semester of 2003 must submit documentation that establishes TOPS eligibility no later than May 1, 2004.

D.1. A student who successfully completed an undergraduate degree prior to or during the 2001-2002 academic year (college) and wishes to receive his remaining award eligibility to attend a postgraduate school must provide the documentation and certifications required to establish student eligibility no later than May 1, 2004.

2. A student who successfully completes an undergraduate degree during the 2002-2003 academic year (college) or later and wishes to receive his remaining award eligibility to attend a postgraduate school must provide the documentation and certifications required to establish student eligibility no later than May 1 of the academic year (college) the student seeks to receive his remaining award eligibility. For example, to receive the remaining award for the 2003-2004 academic year (college), the student must submit the required documents no later than May 1, 2004.

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

HISTORICAL NOTE: Promulgated by the Student Financial Assistance Commission, Office of Student Financial Assistance, LR 24:635 (April 1998), repromulgated LR 24:1901 (October 1998), repromulgated LR 27:1847 (November 2001), amended LR 28:447 (March 2002), LR 30:1471 (July 2004).

Chapter 7. Tuition Opportunity Program for Students (TOPS) Opportunity, Performance, and Honors Awards

§703. Establishing Eligibility

A.1. - 4.g.iii. ...

5.a. graduate from an eligible public or nonpublic Louisiana high school or non-Louisiana high school defined in §1701.A.1, 2, or 3; and

i.(a). For students graduating in academic year (high school) 2006-2007 and prior, at the time of high school graduation, an applicant must have successfully completed 16.5 units of high school course work documented on the student's official transcript as approved by the Louisiana Department of Education constituting a core curriculum as follows.

Units	Course
1	English I
1	English II
1	English III
1	English IV
1	Algebra I (one unit) or Applied Algebra 1A and 1B (two units)
1	Algebra II
1	Geometry, Trigonometry, Calculus or comparable Advanced Mathematics
1	Biology
1	Chemistry
1	Earth Science, Environmental Science, Physical Science, Biology II, Chemistry II, Physics, Physics II, or Physics for Technology
1	American History
1	World History, Western Civilization or World Geography

1	Civics and Free Enterprise (one unit combined) or Civics (one unit, nonpublic)
1	Fine Arts Survey; (or substitute two units performance courses in music, dance, or theater; or two units of studio art or visual art; or one elective from among the other subjects listed in this core curriculum)
2	Foreign Language, both units in the same language
1/2	Computer Science, Computer Literacy or Business Computer Applications (or substitute at least one-half unit of an elective course related to computers that is approved by the State Board of Elementary and Secondary Education (BESE); or substitute at least one-half unit of an elective from among the other subjects listed in this core curriculum); BESE has approved the following courses as computer related for purposes of satisfying the 1/2 unit computer science requirement for all schools (courses approved by BESE for individual schools are not included): Advanced Technical Drafting (1 credit) Computer/Technology Applications (1 credit) Computer Architecture (1 credit) Computer/Technology Literacy (1/2 credit) Computer Science I (1 credit) Computer Science II (1 credit) Computer Systems and Networking I (1 credit) Computer Systems and Networking II (1 credit) Desktop Publishing (1/2 credit) Digital Graphics and Animation (1/2 credit) Introduction to Business Computer Applications (1 credit) Multimedia Productions (1 credit) Technology Education Computer Applications (1 credit) Telecommunications (1/2 credit) Web Mastering (1/2 credit) Word Processing (1 credit) Independent Study in Technology Applications (1 credit)

(b). Beginning with the graduates of academic year (high school) 2007-2008, at the time of high school graduation, an applicant must have successfully completed 17.5 units of high school course work that constitutes a core curriculum and is documented on the student's official transcript as approved by the Louisiana Department of Education.

Units	Course
1	English I
1	English II
1	English III
1	English IV
1	Algebra I (one unit) or Applied Algebra 1A and 1B (two units)
1	Algebra II
1	Geometry, Trigonometry, Calculus or comparable Advanced Mathematics
1	Biology
1	Chemistry
1	Earth Science, Environmental Science, Physical Science, Biology II, Chemistry II, Physics, Physics II, or Physics for Technology
1	American History
1	World History, Western Civilization or World Geography
1	Civics and Free Enterprise (one unit combined) or Civics (one unit, nonpublic)
1	Fine Arts Survey; (or substitute two units performance courses in music, dance, or theater; or two units of studio art or visual art; or one elective from among the other subjects listed in this core curriculum)
2	Foreign Language, both units in the same language

1 1/2	Computer Science, Computer Literacy or Business Computer Applications (or substitute at least one and one-half units of an elective course related to computers that is approved by the State Board of Elementary and Secondary Education (BESE). BESE has approved the following courses as computer related for purposes of satisfying the 1 1/2 unit computer science requirement for all schools (courses approved by BESE for individual schools are not included): Advanced Technical Drafting (1 credit) Computer/Technology Applications (1 credit) Computer Architecture (1 credit) Computer/Technology Literacy (1/2 credit) Computer Science I (1 credit) Computer Science II (1 credit) Computer Systems and Networking I (1 credit) Computer Systems and Networking II (1 credit) Desktop Publishing (1/2 credit) Digital Graphics and Animation (1/2 credit) Introduction to Business Computer Applications (1 credit) Multimedia Productions (1 credit) Technology Education Computer Applications (1 credit) Telecommunications (1/2 credit) Web Mastering (1/2 credit) Word Processing (1 credit) Independent Study in Technology Applications (1 credit)
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A.5.a.iii. - H.3. ...

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

HISTORICAL NOTE: Promulgated by the Student Financial Assistance Commission, Office of Student Financial Assistance, LR 24:636 (April 1998), amended LR 24:1902 (October 1998), LR 24:2237 (December 1998), LR 25:257 (February 1999), LR 25:655 (April 1999), LR 25:1794 (October 1999), LR 26:64 and 67 (January 2000), LR 26:689 (April 2000), LR 26:1262 (June 2000), LR 26:1602 (August 2000), LR 26:1996, 1999 and 2001 (September 2000), LR 26:2268 (October 2000), LR 26:2753 (December 2000), LR 27:36 (January 2001), LR 27:702 (May 2001), LR 27:1219 and 1219 (August 2001), repromulgated LR 27:1850 (November 2001), amended LR 28:772 (April 2002), LR 28:2330 and 2332 (November 2002), LR 29:125 (February 2003), LR 30:1471 (July 2004).

George Badge Eldredge
General Counsel

0407#014

RULE

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

Student Tuition and Revenue Trust (START Saving)
Program Interest Rates 2004 (LAC 28:VI.315)

The Louisiana Tuition Trust Authority (LATA) has amended the rules of the Student Tuition Assistance and Revenue Trust (START Saving) Program (R.S. 17:3091 et seq.).

**Title 28
EDUCATION**

**Part VI. Student Financial Assistance Higher
Education Savings Tuition Trust Authority
Chapter 3. Education Savings Account
§315. Miscellaneous Provisions**

A. - B.8. ...

9. For the year ending December 31, 2003, the Louisiana Education Tuition and Savings Fund earned an interest rate of 5.33 percent.

10. For the year ending December 31, 2003, the Earnings Enhancements Fund earned an interest rate of 5.17 percent.

C. - R. ...

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

HISTORICAL NOTE: Promulgated by the Tuition Trust Authority, Office of Student Financial Assistance, LR 23:718 (June 1997), amended LR 24:1274 (July 1998), LR 26:1263 (June 2000), repromulgated LR 26:2267 (October 2000), amended LR 27:1221 (August 2001), LR 27:1884 (November 2001), LR 28:1761 (August 2002), LR 28:2335 (November 2002), LR 29:2038 (October 2003), LR 29:2374 (November 2003), LR 30:1472 (July 2004).

George Badge Eldredge
General Counsel

0407#015

RULE

Department of Environmental Quality Office of Environmental Assessment Environmental Planning Division

Bacterial Criteria for Primary and Secondary Contact Recreation Uses and Drinking Water Supply (LAC 33:IX.107, 1105, 1111, 1113, and 1123)(WQ053)

Under the authority of the Environmental Quality Act, R.S. 30:2001 et seq., and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the secretary has amended the Water Quality regulations, LAC 33:IX.107, 1105, 1111, 1113, and 1123 (Log #WQ053).

This Rule clarifies criteria and assessment methods that may be used by the department to assess whether designated uses of water bodies for primary and secondary contact recreation and drinking water supply are being supported. This revision clarifies existing criteria and assessment methods in order to better define the intent of the original regulation. The basis and rationale for this Rule are to more accurately reflect the department's intent and responsibilities regarding bacterial water quality criteria and assessments used to determine support for designated uses.

This Rule meets an exception listed in R.S. 30:2019(D)(2) and R.S. 49:953(G)(3); therefore, no report regarding environmental/health benefits and social/economic costs is required. This Rule has no known impact on family formation, stability, and autonomy as described in R.S. 49:972.

Title 33

ENVIRONMENTAL QUALITY

Part IX. Water Quality

Subpart 1. Water Pollution Control

Chapter 1. General Provisions

§107. Definitions

Designated Use **C**a use of the waters of the state as established by the water quality standards provided in LAC 33:IX.1111. These uses include, but are not limited to, primary and secondary contact recreation, fish and wildlife

propagation, drinking water supply, oyster propagation, agriculture, and outstanding natural resource waters.

Primary Contact Recreation **C**any recreational or other water contact use involving prolonged or regular full-body contact with the water and in which the probability of ingesting appreciable amounts of water is considerable. Examples of this type of water use include swimming, skiing, and diving.

Secondary Contact Recreation **C**any recreational or other water contact use in which body contact with the water is either incidental or accidental and the probability of ingesting appreciable amounts of water is minimal. Examples of this type of water use include fishing, wading, and boating.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Section 2074 (B)(3) and (B)(4).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 11:1066 (November 1985), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2538 (November 2000), LR 30:1473 (July 2004).

Chapter 11. Surface Water Quality Standards §1105. Definitions

Designated Use **C**a use of the waters of the state as established by the water quality standards provided in LAC 33:IX.1111. These uses include, but are not limited to, primary and secondary contact recreation, fish and wildlife propagation, drinking water supply, oyster propagation, agriculture, and outstanding natural resource waters.

Primary Contact Recreation **C**any recreational or other water contact use involving prolonged or regular full-body contact with the water and in which the probability of ingesting appreciable amounts of water is considerable. Examples of this type of water use include swimming, skiing, and diving.

Secondary Contact Recreation **C**any recreational or other water contact use in which body contact with the water is either incidental or accidental and the probability of ingesting appreciable amounts of water is minimal. Examples of this type of water use include fishing, wading, and boating.

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 10:745 (October 1984), amended LR 15:738 (September 1989), LR 17:264 (March 1991), LR 20:883 (August 1994), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2545 (November 2000), LR 29:557 (April 2003), LR 30:1473 (July 2004).

§1111. Water Use Designations

There are seven water uses designated for surface waters in Louisiana: primary contact recreation, secondary contact recreation, fish and wildlife propagation, drinking water supply, oyster propagation, agriculture, and outstanding natural resource waters. Designated uses assigned to each subsegment apply to all water bodies (listed water body and

tributaries/distributaries of the listed water body) contained in that subsegment unless unique chemical, physical, and/or biological conditions preclude such uses. However, the designated uses of drinking water supply, oyster propagation, and/or outstanding natural resource waters apply only to the water bodies specifically named in Table 3, LAC 33:IX.1123, and not to any tributaries and distributaries to such water body, which are typically contained in separate subsegments. A description of each designated use follows.

A. Primary Contact Recreation. Primary contact recreation is any recreational or other water contact use involving prolonged or regular full-body contact with the water and in which the probability of ingesting appreciable amounts of water is considerable. Examples of this type of water use include swimming, skiing, and diving.

B. Secondary Contact Recreation. Secondary contact recreation is any recreational or other water contact use in which body contact with the water is either incidental or accidental and the probability of ingesting appreciable amounts of water is minimal. Examples of this type of water use include fishing, wading, and boating.

C. - G. ...

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 10:745 (October 1984), amended LR 15:738 (September 1989), LR 20:883 (August 1994), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 25:2401 (December 1999), LR 26:2546 (November 2000), LR 30:1473 (July 2004).

§1113. Criteria

A. - C.4.c. ...

5. Bacteria. The applicability of bacterial criteria to a particular stream subsegment depends upon the use designation of that individual stream subsegment. Criteria are established to protect water quality commensurate with the most stringent designated use assigned to the subsegment. Applicable bacterial criteria for the most stringent designated use of each individual Louisiana stream subsegment are listed in the "BAC" column of Table 3, LAC 33:IX.1123. For water quality monitoring and assessment purposes the following criteria shall be used to determine support for the designated uses.

a. Primary Contact Recreation. No more than 25 percent of the total samples collected on a monthly or near-monthly basis shall exceed a fecal coliform density of

400/100 mL. This primary contact recreation criterion shall apply only during the defined recreational period of May 1 through October 31. During the nonrecreational period of November 1 through April 30, the criteria for secondary contact recreation shall apply.

b. Secondary Contact Recreation. No more than 25 percent of the total samples collected on a monthly or near-monthly basis shall exceed a fecal coliform density of 2,000/100 mL. This secondary contact recreation criterion shall apply year round.

c. Drinking Water Supply. No more than 30 percent of the total samples collected on a monthly or near-monthly basis shall exceed a fecal coliform density of 2,000/100 mL.

d. Oyster Propagation. The fecal coliform median most probable number (MPN) shall not exceed 14 fecal coliforms per 100 mL, and not more than 10 percent of the samples shall exceed an MPN of 43 per 100 mL for a five-tube decimal dilution test in those portions of the area most probably exposed to fecal contamination during the most unfavorable hydrographic and pollution conditions.

C.6. - Table 1A.Footnote d. ...

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 10:745 (October 1984), amended LR 15:738 (September 1989), LR 17:264 (March 1991), LR 17:967 (October 1991), repromulgated LR 17:1083 (November 1991), amended LR 20:883 (August 1994), LR 24:688 (April 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 25:2402 (December 1999), LR 26:2547 (November 2000), LR 27:289 (March 2001), LR 30:1474 (July 2004)

§1123. Numerical Criteria and Designated Uses

A. - C.2. ...

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

- A—Primary Contact Recreation
- B—Secondary Contact Recreation
- C—Fish and Wildlife Propagation
- L—Limited Aquatic Life and Wildlife Use
- D—Drinking Water Supply
- E—Oyster Propagation
- F—Agriculture
- G—Outstanding Natural Resource Waters

Numbers in brackets, e.g. [1], refer to endnotes listed at the end of the table.

Table 3. Numerical Criteria and Designated Uses									
A-Primary Contact Recreation; B-Secondary Contact Recreation; C-Fish And Wildlife Propagation; L-Limited Aquatic Life and Wildlife Use; D-Drinking Water Supply; E-Oyster Propagation; F-Agriculture; G-Outstanding Natural Resource Waters									
Code	Stream Description	Designated Uses	Numerical Criteria						
			CL	SO ₄	DO	pH	BAC	°C	TDS

[See Prior Text in 010101 - 120806]									

ENDNOTES:

[1] - [23] ...

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 15:738 (September 1989), amended LR 17:264 (March 1991), LR 20:431 (April 1994), LR 20:883 (August 1994), LR 21:683 (July 1995), LR 22:1130 (November 1996), LR 24:1926 (October 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 25:2405 (December 1999), LR 27:289 (March 2001), LR 28:462 (March 2002), LR 28:1762 (August 2002), LR 29:1814, 1817 (September 2003), LR 30:1474 (July 2004).

Wilbert F. Jordan, Jr.
Assistant Secretary

0407#040

RULE

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

Fee Number for Title V Facilities
(LAC 33:III.223)(AQ243)

Under the authority of the Environmental Quality Act, R.S. 30:2001 et seq., and in accordance with the provisions

of the Administrative Procedure Act, R.S. 49:950 et seq., the secretary has amended the Air regulations, LAC 33:III.223 (Log #AQ243).

Changes are made to the Fee Schedule Listing to add a new fee number to differentiate between Title V and Non-Title V facilities reporting under the current Fee Number 2300 for criteria pollutant annual fees. No new fee is being added. The change is simply adding a new fee number so the department can differentiate revenues collected by facility type and fee number. The basis and rationale for this Rule are to add a new fee number so the department can distinguish criteria pollutant annual fees by facility type.

This Rule meets an exception listed in R.S. 30:2019(D)(2) and R.S. 49:953(G)(3); therefore, no report regarding environmental/health benefits and social/economic costs is required. This Rule has no known impact on family formation, stability, and autonomy as described in R.S. 49:972.

**Title 33
ENVIRONMENTAL QUALITY
Part III. Air**

**Chapter 2. Rules and Regulations for the Fee System
of the Air Quality Control Programs
§223. Fee Schedule Listing**

Table 1 Fee Schedule Listing						
Fee Number	Air Contaminant Source	SICC	Annual Maintenance Fee	New Permit Application Fee	Modified Permit Fees	
					Major	Minor
*** [See Prior Text in 0010-1722]						

Table 2 Additional Fees		
Fee Number	Fee Description	Amount
*** [See Prior Text in 2000-2200]		
2300 *Note 14*	Criteria Pollutant Annual Fee Per Ton Emitted on an Annual Basis (Non-Title V Facility): Nitrogen oxides (NO _x) Sulfur dioxide (SO ₂) Non-toxic organic (VOC) Particulate (PM ₁₀)	12.83/ton
2310 *Note 14*	Criteria Pollutant Annual Fee Per Ton Emitted on an Annual Basis (Title V Facility): Nitrogen oxides (NO _x) Sulfur dioxide (SO ₂) Non-toxic organic (VOC) Particulate (PM ₁₀)	12.83/ton
*** [See Prior Text in 2400-2914]		

Explanatory Notes for Fee Schedule
Note 1 - Note 20 ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054, 2341 and 2351 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Nuclear Energy, Air Quality Division, LR 13:741 (December 1987), amended LR 14:613 (September 1988), LR 15:735 (September 1989), amended

by the Office of Air Quality and Radiation Protection, Air Quality Division, LR 17:1205 (December 1991), repromulgated LR 18:31 (January 1992), amended LR 18:706 (July 1992), LR 18:1256 (November 1992), LR 19:1420 (November 1993), LR 19:1564 (December 1993), LR 20:421 (April 1994), LR 20:1263 (November 1994), LR 21:22 (January 1995), LR 21:782 (August 1995), LR 21:942 (September 1995), repromulgated LR 21:1080 (October 1995), amended LR 21:1236 (November 1995), LR 23:1496, 1499 (November 1997), LR 23:1662 (December 1997), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:266 (February 2000), LR 26:485 (March 2000), LR 26:1605 (August 2000), repromulgated LR 27:192 (February 2001), amended LR 29:672 (May 2003), LR 29:2042 (October 2003), LR 30:1475 (July 2004).

Wilbert F. Jordan, Jr.
Assistant Secretary

0407#039

RULE

Office of the Governor Board of Architectural Examiners

Per Diem Compensation (LAC 46:I.317)

Under the authority of R.S. 37:144(C) and in accordance with the provisions of R.S. 49:951 et seq., the Board of Architectural Examiners (board) amended LAC 46:I.317.C pertaining to the compensation which board members receive for discharging their duties and responsibilities. The previous Rule provided that the per diem compensation of board members for discharging their duties and responsibilities shall be \$75 per day. The amended Rule provides that the per diem compensation of board members for discharging their duties and responsibilities shall be the same as members of the Louisiana Legislature. R.S. 24:31 provides that the compensation of the members of the legislature shall be equal to the rate allowable for per diem deduction under §162(h)(1)(B)(ii) of Title 26 of the United States Code for the location of the state capital during their attendance on that body.

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

Title 46

PROFESSIONAL AND OCCUPATIONAL STANDARDS

Part I. Architects

Chapter 3. Organization

§317. National Council of Architectural Registration Boards

A. - B. ...

C. Effective July 1, 2004, out of the funds of the board each board member shall be compensated equal to the rate of compensation allowable for members of the legislature for each day in attending board meetings and hearings, attending NCARB regional and national meetings, issuing certificates and licenses, necessary travel, and discharging other duties, responsibilities, and powers of the board. In addition, out of said funds each board member, the executive director, and the board attorney shall be reimbursed reasonable and necessary travel, meals, lodging, clerical, and other incidental expenses incurred while performing the duties,

responsibilities, and powers of the boards, including but not limited to performing the aforesaid specific activities.

AUTHORITY NOTE: Promulgated and amended in accordance with R.S. 37:144-45.

HISTORICAL NOTE: Adopted by the Department of Commerce, Board of Architectural Examiners, December 1965, amended May 1973, amended and promulgated LR 4:333 (September 1978), amended LR 10:738 (October 1984), LR 12:760 (November 1986), amended by the Department of Economic Development, Board of Architectural Examiners, LR 15:732 (September 1989), amended by the Office of the Governor, Board of Architectural Examiners, LR 30:1476 (July 2004).

Mary "Teeny" Simmons
Executive Director

0407#091

RULE

Office of the Governor Division of Administration Racing Commission

Claiming Rule (LAC 35:XI.9905 and 9913)

The Louisiana State Racing Commission hereby adopts the following Rule.

Title 35

HORSE RACING

Part XI. Claiming Rules and Engagements

Chapter 99. Claiming Rule

§9905. Timing of Entering Next Claiming Race

Note: This Rule is being reinstated; it was repealed in 1996.

A. Except as otherwise provided herein, a claimed horse shall not enter in starter, optional or claiming races for 30 days after being claimed in a race in which the determining eligibility price is less than 25 percent more than the price at which the horse was claimed. The day claimed shall not count, but the following calendar day shall be the first day and the horse shall be entitled to enter whenever necessary so the horse may start on the 31st day following the claim for any claiming price. This provision shall not apply to starter handicaps in which the weight to be carried is assigned by the handicapper. A similar rule in other states will be recognized and enforced.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:141, R.S. 4:142 and R.S. 4:148.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Racing Commission, LR 30:1476 (July 2004).

§9913. Vesting of Title; Tests

A. Title to a claimed horse shall be vested in the successful claimant at the time the horse becomes a starter. The successful claimant shall then become the owner of the horse whether alive or dead, sound or unsound, or injured at any time after leaving the starting gate, during the race or after. However, the successful claimant may request on the claim blank at the time he makes his claim that the horse be tested for the presence of equine infections anemia via a Coggins test. Should this test prove positive, it shall be cause for a horse to be returned to his previous owner and barred from racing in the state of Louisiana. The expense of the Coggins test and the maintenance of the horse during the period requested for the test shall be absorbed by the

successful claimant. If such a test is requested the claimed horse will be sent to the retention barn of the Louisiana State Racing Commission where the state veterinarian will draw a blood sample, which sample shall be sent to a laboratory approved by the Louisiana Livestock Sanitary Board for the conduct of such test.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:141, R.S. 4:142 and R.S. 4:148.

HISTORICAL NOTE: Adopted by the Racing Commission in 1971, promulgated by the Department of Commerce, Racing Commission, LR 2:446 (December 1976), amended LR 3:42 (January 1977), LR 4:285 (August 1978), LR 5:136 (June 1979), amended by the Office of the Governor, Division of Administration, Racing Commission LR 30:1476 (July 2004).

Charles A. Gardiner III
Executive Director

0407#003

RULE

Office of the Governor Real Estate Commission

Mold Disclosure
(LAC 46:LXVII.3801)

Under the authority of R.S. 37:1430 et seq. (Louisiana Real Estate License Law), and in accordance with the provisions of the Louisiana Administrative Procedure Act, R.S. 49:950 et seq., the Real Estate Commission has amended LAC 46:LXVII, Professional and Occupational Standards, Real Estate, to include Chapter 38, Mold Disclosure, Section 3801, Mold Informational Pamphlets.

Title 46

PROFESSIONAL AND OCCUPATIONAL STANDARDS

Part LXVII. Real Estate

Chapter 38. Mold Disclosure

§3801. Mold Informational Pamphlets

A. The United States Environmental Protection Agency (EPA) shall be the official source of any mold informational pamphlet approved by the Louisiana Real Estate Commission.

B. A licensee who chooses to deliver mold information to a buyer shall be deemed in compliance with R.S. 37:1470.A(1) if the licensee performs at least one of the following:

1. delivers *A Brief Guide to Mold, Moisture, and Your Home* (EPA 402-K-02-003), or any successor thereof, to a residential buyer; or

2. delivers *Mold Remediation in Schools and Commercial Buildings* (EPA 402-K-01-001, March 2001), or any successor thereof, to a commercial buyer; or

3. directs a buyer to the mold informational pamphlets maintained on the United States Environmental Protection Agency (EPA) website at <http://www.epa.gov/iaq/molds/index.html>, or any successor thereof.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1430 et seq.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Louisiana Real Estate Commission, LR 30:1477 (July 2004).

Julius C. Willie
Executive Director

0407#071

RULE

Office of the Governor Used Motor Vehicle and Parts Commission

Licensing Used Motor Vehicle Dealers
(LAC 46:V.2901)

Editor's Note: Section 2901 is being repromulgated to correct a typographical error. This Rule may be viewed in its entirety in the March 2004 edition of the *Louisiana Register* on pages 436-437.

In accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., and in accordance with Revised Statutes Title 32, Chapters 4A and 4B, the Office of the Governor, Used Motor Vehicle and Parts Commission, has amended rules and regulations governing dealers to be licensed in accordance with R.S. 32:773, garage liability insurance policy in accordance with R.S. 32:774:I(1) and educational seminars in accordance with R.S. 32:774(B)(3)(b)(i)(ii)(iii)(iv).

Title 46

PROFESSIONAL AND OCCUPATIONAL STANDARDS

Part V. Automotive Industry

Subpart 2. Used Motor Vehicle and Parts Commission Chapter 29. Used Motor Vehicle Dealer

§2901. Dealers to be Licensed

A. ...

B. Dealers in new and used motor homes, new and used semi-trailers, new and used motorcycles, new and used all-terrain vehicles, new and used recreational trailers, new and used boat trailers, and new and used travel trailers, new and used boats, new and used boat motors, daily rentals not of current year or immediate prior year models that have been titled previously to an alternate purchaser, manufacturers and distributors and other types subject to certificate of title law and Title 32 and/or Vehicle Registration Tax Number under Title 47. All new and unused vehicle dealers and other dealers licensed by the Louisiana Motor Vehicle Commission are excluded from licensing by the Louisiana Used Motor Vehicle and Parts Commission.

C. - E. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:773(B).

HISTORICAL NOTE: Promulgated by Department of Commerce, Used Motor Vehicle and Parts Commission, LR 11:1062 (November 1985), amended by the Department of Economic Development, Used Motor Vehicle and Parts Commission, LR 24:1682 (September 1998), amended by the Office of the Governor, Used Motor Vehicle and Parts Commission LR 30:436 (March 2004), repromulgated LR 30:1477 (April 2004).

John M. Torrance
Executive Director

0407#017

RULE

Department of Health and Hospitals Board of Practical Nursing Examiners

Public Comment, Licensure, Adjudication,
Program Evaluation
(LAC 46:XLVII.301, 303, 306, 1105, and 1305)

The Board of Practical Nurse Examiners hereby amends LAC 46:XLVII.101 et seq., in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., and the Practical Nursing Practice Act, R.S. 37:961-979.

The purpose of the Rule change to §301 is to establish guidelines for public comment at open meetings of the board. The purpose of the Rule change to §303 is to provide for potential use of the licensure examination at points in the career of a licensee post initial licensure. The purpose of the Rule changes to §306 is to delete unnecessary and redundant language, to make affected sections clearer, to standardize language used in the rules of the board, to ensure that the rules are in compliance with the Administrative Procedure Act, to set forth what is required of respondents during board investigation of complaints, to clarify how time is calculated in matters related to discipline, to provide the specific process for conclusion of disciplinary matters by default, and to provide additional grounds for disciplinary action against a licensee. The purpose of the Rule changes to §§1105 and 1305 is to provide for first time writers in a graduating class to be the population on which pass/fail rates are calculated and to provide for the use of additional outcome measures in board evaluation of educational programs.

Title 46

PROFESSIONAL AND OCCUPATIONAL STANDARDS

PART XLVII. Nurses

Subpart 1. Practical Nurses

Chapter 3. Board of Practical Nurse Examiners

§301. Organization

A. The Louisiana State Board of Practical Nurse Examiners consists of members appointed by the Governor and is the regulatory agency created by statute to act with legal authority on matters related to practical nursing education and the practice of practical nursing in Louisiana as determined by the Louisiana Revised Statutes, Title 37, Section 961 et seq., as amended.

B. Public comment shall be allowed at open meetings of the board subject to the following rules.

1. Public comment shall be limited to matters set by the board's agenda for discussion at that meeting.

2. Public comment shall be limited to three minutes per individual unless a majority of the board members in attendance vote to extend this limit.

3. Anyone wishing to offer public comment under these rules must present a written request prior to the convening of the meeting. This request must include the name of the individual who will make public comment, the name of the party this individual represents, and the specific agenda item the individual will address. A separate request must be completed for each agenda item to be addressed.

4. The time(s) at which public comment is allowed as to any given agenda item shall be subject to the discretion of the board chair and may vary from meeting to meeting.

5. Unless otherwise provided by law, public comment is not part of the evidentiary record of any adjudication, disciplinary hearing or case unless sworn, offered by a party as relevant testimony, subject to cross examination and offered and received in accordance with the Louisiana Administrative Procedure Act, R.S. 49:950 et seq. and these rules and regulations of the Louisiana State Board of Practical Nurse Examiners.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:969, and 37:962 as amended Act 272, 1982 and Act 642, 1990.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Practical Nurse Examiners, LR 3:192 (April 1977), amended LR 5:355 (November 1979), LR 10:335 (April 1984), amended by the Department of Health and Hospitals, Board of Practical Nurse Examiners, LR 18:1126 (October 1992), repromulgated LR 18:1259 (November 1992), amended LR 26:2614 (November 2000), LR 30:1478 (July 2004).

§303. Additional Duties and Powers of the Board

A. - A.2. ...

3. determine the passing score for the practical nursing licensure examination.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:969.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Practical Nurse Examiners, LR 3:193 (April 1977), amended LR 10:335 (April 1984), amended LR 26:2614 (November 2000), LR 28:2353 (November 2002), LR 29:127 (February 2003), LR 30:1478 (July 2004).

§306. Adjudication Proceedings

A. All adjudication proceedings (as defined in R.S. 49:951) conducted by the board shall be in accordance with the Administrative Procedure Act, R.S. 49:955 et seq.

B. All proceedings calling for disciplinary action, as set forth in R.S. 37:969 (4) or as set forth in this Section 306 (R), regarding a license, shall begin with the receipt by the board of allegation(s) pertaining to the violation(s) of any provisions of R.S. 37:961 et seq., as stated in that statute, or any provision of these rules and regulations of the Louisiana State Board of Practical Nurse Examiners.

C. - E. ...

F. If formal proceedings are deemed necessary by the executive director, a formal hearing shall be conducted before a hearing officer designated by the board. A decision to initiate formal proceedings may be made if one or more of the following conditions exist.

1. The allegation(s) are sufficiently serious.

2. The respondent fails to reply to the board's correspondence concerning the allegation(s).

3. The response to the board's correspondence is deemed insufficient or unsatisfactory.

a. In furtherance of the objective(s) set forth in R.S. 37:961 et seq. and these rules and regulations of the Louisiana State Board of Practical Nurse Examiners, a respondent shall, upon written request, provide the board with any and all information, document(s) and/or thing(s) requested, within 10 days, including weekends and holidays, from the date of the board's request.

b. Failure to respond to a request by the board, or failure to provide a response that the board deems satisfactory or sufficient, may result in the immediate suspension of the respondent's license or may result in the

board taking any other action the board deems necessary commensurate with its philosophy of commitment to the health, safety and welfare of the public.

4. An informal proceeding has failed to resolve all of the issues or allegation(s).

G. Proceedings that require an opportunity for hearing shall commence with the filing of a formal complaint by the board. The complaint shall serve as the notice required by the Administrative Procedure Act 49:955(B) and shall include the following:

1. a statement of the time, place and nature of the hearing;

2. a statement of the legal authority and jurisdiction under which the hearing is to be held;

3. a reference to the particular sections of R.S. 37:961 et seq., and a reference to the particular section of the rules and regulations of the Louisiana State Board of Practical Nurse Examiners;

4. a short and plain statement of the matters asserted. If the board is unable to state the matters in detail at the time the complaint is served, the initial complaint may be limited to a statement of the issues involved. Thereafter, upon request, a more definite and detailed statement shall be furnished.

H. The formal complaint shall be sent by certified mail, at least 20 days, including weekends and holidays, prior to the hearing date, to the last known address of the respondent. It is the licensee's obligation and duty to keep the board informed of his/her whereabouts.

I. The respondent shall return his/her reply to the complaint to the board at least 10 days, including weekends and holidays, prior to the date fixed for the hearing or shall be deemed to have waived his/her right to a hearing. In reply, the respondent shall either deny or admit the allegations of the complaint and may either:

1. appear for the scheduled hearing;

2. submit a written response to the hearing officer to be presented at the hearing in lieu of the respondent's live testimony; or

3. waive his/her right to a hearing.

J. If the respondent waives his/her right to a hearing, the board may take any appropriate disciplinary action by default. If the respondent does not reply in writing within the time allotted, the hearing may proceed as scheduled in the respondent's absence or the board may take any appropriate disciplinary action by default.

K. ...

L. Except for conditions of extreme emergency, motions requesting the continuance of a formal hearing must be received by the board at least seven days, including weekends and holidays, prior to the date fixed for a formal hearing. Such motion must express the specific reason(s) and show good cause why a continuance is warranted and necessary in promoting due process.

M. Discovery

1. Prior to a formal hearing, a respondent shall have the right to retain an attorney to represent his/her interest before, during, and after the proceedings. All costs and/or expenses incurred by a respondent as a result of his/her exercise of said right shall be the sole responsibility and obligation of the respondent.

2. Prior to a formal hearing, the executive director or his/her designee will, upon written request received by the board at least 10 days, including weekends and holidays, prior to the formal hearing, issue subpoenas on behalf of the board and/or the accused. Such subpoenas include or are for the purpose of:

a. requiring that a person appear and give testimony in the formal hearing; and/or

b. requiring that a person produce books, records, correspondence, or other materials over which he/she has control providing:

i. - iv. ...

3. Prior to a formal hearing, the respondent shall, upon written notice received by the board at least seven days, including weekends and holidays, prior to said hearing, be given a list of all witnesses the board will or may call to give testimony during a formal hearing.

4. Depositions for the purpose of discovery are permitted and may also be allowed for the perpetuation of a witness' testimony upon good showing to the board that a witness will be unavailable to appear in person at a formal hearing. All costs of a deposition are borne by the requesting party.

5. Motions may be made before, during, and/or after a formal hearing. All motions made before or after a formal hearing shall be made in writing and in a timely manner in accordance with the nature of the request.

N. During a formal hearing, all parties shall be afforded the opportunity to present documentary, visual, physical or illustrative evidence and to cross-examine witnesses as well as call witnesses to give oral testimony. All testimony given during a formal hearing shall be under oath and may be before a certified stenographer.

O. The record of the proceeding shall be retained until such time for any appeal has expired or until an appeal has been concluded. The record of the proceeding need not be transcribed until such time as a party to the proceeding so requests and the requesting party pays for the cost of the transcript.

P. ...

Q. The board shall make a decision based on the entire record, including the hearing officer's report and determine what sanctions, if any, should be imposed and issue an appropriate order with respect thereto. This order of the board shall be sent to the respondent by certified mail.

R. Disciplinary action(s) imposed by the board may include reprimand, probation, suspension, revocation, as well as penalties provided under R.S. 37:961 et seq., as amended and/or these rules and regulations of the Louisiana State Board of Practical Nurse Examiners and/or any combination thereof.

1. - 2. ...

3. Suspension. A license to practice practical nursing in the state of Louisiana may be withheld by the board. A licensee whose license is suspended may not practice practical nursing in the state of Louisiana during the suspension period so designated. The time of suspension may be a definite stated period or an indefinite term.

a. Definite time of suspension shall be stipulated by the board in the order to the licensee. Upon termination of the time period, the licensee shall be entitled to receive

his/her license upon payment of the required fee and upon documented compliance with the conditions that may have been imposed by the board at the time of the original order.

b. If a license is suspended for an indefinite term, the licensee may petition for reinstatement of his/her license only after one calendar year has lapsed from the date of the original order. The board may terminate the suspension and reinstate such license after the board determines, with or without hearing, that the cause/causes for the suspension no longer exist or that intervening circumstances have altered the condition leading to the suspension. If reinstatement is granted, the licensee shall pay the required reinstatement fee.

4. ...

S. A petition by a party for reconsideration or rehearing must be filed in accordance with the Louisiana Administrative Procedure Act, R.S. 49:950 et seq.

T. The grounds for disciplinary proceedings include, but are not limited to:

1. - 3. ...

4. being habitually intemperate or addicted to the use of habit-forming drugs;

5. - 6. ...

7. using in connection with his/her name any designation tending to imply that he/she is a practical nurse without being duly licensed to practice by the board; or

8. being guilty of unprofessional conduct; unprofessional conduct includes, but is not limited to the following:

a. - m. ...

n. being convicted of a crime or offense which reflects the inability of the nurse to practice practical nursing with due regard for the health and safety of clients or patients or entering a plea of guilty or nolo contendere to a criminal charge regardless of final disposition of the criminal proceeding including, but not limited to, expungement or nonadjudication or pardon;

o. - p. ...

q. using or being under the influence of alcohol while on duty, and/or while making application for employment, or using or being under the influence of drugs which impair judgement while on duty, or using or being under the influence of illegal drugs whether on or off duty;

r. possessing a physical or psychological impairment that interferes with the judgment, skills or abilities required for the practice of practical nursing;

s. refusing to cooperate with employer's request to submit to a drug screen;

t. violating any provisions of R.S. 37:961 et seq. (the practical nursing practice act), as amended or aiding or abetting therein.

U. The board may, at its discretion, impose a reasonable monetary assessment against the respondent for the purpose of defraying expenses of a hearing and/or expenses of the board in monitoring any disciplinary stipulations imposed by order of the board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:969 and 37:978 and Acts 675 and 827, 1993.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Practical Nurse Examiners, LR

20:663 (June 1994), amended LR 26:2614 (November 2000), LR 28:2353 (November 2002), LR 30:1478 (July 2004).

Chapter 11. Program Progression

§1105. Student and Program Evaluation

A. - A.3. ...

4. evaluation and grading systems that shall be realistic and consistent with the objectives of the program.

5. evaluation of student transcripts submitted to the board for application for licensure by examination or endorsement will be based on a letter grade of "C" or number grade of "80" out of 100 in each and every course. A grade of "Pass" will be acceptable for clinical grades if "Pass" is interpreted as "80" or above out of 100.

B. Program evaluation shall be based upon standardized achievement test scores, student retention rate in the practical nursing program, stability of the program faculty and administration of the school, the performance of graduates, graduate placement, and results of the practical nursing licensure examination.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:969 and 37:976.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Practical Nurse Examiners, LR 3:198 (April 1977), amended LR 10:340 (April 1984), amended by the Department of Health and Hospitals, Board of Practical Nurse Examiners, LR 18:1128 (October 1992), repromulgated LR 18:1262 (November 1992), amended LR 30:1480 (July 2004).

Chapter 13. Program Approval and Accreditation

§1305. Types of Approval

A. - A.2. ...

3. A program on initial approval which does not maintain the minimum requirements of the board, including that of less than 20 percent failure rate of first time writers per class on the practical nursing licensure examination may be subject to closure by the board when the currently enrolled class completes and, until examination results are received, the next class cannot be admitted. At the time the examination results are received, the board will make further determination.

B. - D. ...

E. Provisional Approval

1. Programs having been approved by the board that fail to maintain minimum requirements and/or which receive a 20 percent or higher failure rate for first time writers per graduating class on the practical nursing licensure examination may be placed on provisional accreditation.

2. - 5. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:969 and 37:976.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Practical Nurse Examiners, LR 3:199 (April 1977), amended LR 5:355 (November 1979), LR 10:340 (April 1984), amended by the Department of Health and Hospitals, Board of Practical Nurse Examiners, LR 18:1129 (October 1992), repromulgated LR 18:1262 (November 1992), amended LR 26:2617 (November 2000), LR 30:1480 (July 2004).

Claire Doody Glaviano
Executive Director

0407#004

RULE

**Department of Health and Hospitals
Board of Wholesale Drug Distributors**

Required Information; Powers of the Board
(LAC 46:XCI.303 and 509)

The Louisiana Board of Wholesale Drug Distributors has amended LAC 46:XCI.303 and 509 in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., and R.S. 37:3467 et seq. of the Louisiana Board of Wholesale Drug Distributors Practice Act. These Rule amendments will assist the board in its ability to regulate and inspect licensees for the safeguard of life and health, and the promotion of the public's welfare with regard to wholesale distribution of drugs within and into the state. The Rule amendments have no known impact on family formation, stability, and autonomy as described in R.S. 49:972. The amendments to the Rule are set forth below.

Title 46

**PROFESSIONAL AND OCCUPATIONAL
STANDARDS**

Part XCI. Wholesale Drug Distributors

Chapter 3. Wholesale Distributors

§303. Required Information

A. - D. ...

E. Wholesale drug distributors with a place of business physically located in Louisiana must notify the board within three business days of the incident of any theft or diversion of legend or prescription drug product.

F. Wholesale drug distributors with a place of business physically located in Louisiana must notify the board within 24 hours of discovery of any counterfeit or misbranded legend or prescription drug product in their possession.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3461-3482.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Wholesale Drug Distributors, LR 18:382 (April 1992), amended LR 29:1480 (August 2003), LR 30:1481 (July 2004).

Chapter 5. Powers and Functions of the Board

§509. Inspection Contracts

A. The board may contract with any person or agency it deems qualified to conduct any inspections required by state or federal law.

B. The board shall retain exclusive jurisdiction to adjudicate all complaints, allegations or misconduct, or noncompliance by any licensee and to impose appropriate sanctions.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3461-3482.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Wholesale Drug Distributors, LR 18:382 (April 1992), amended LR 30:1481 (July 2004).

John Liggio
Executive Director

0407#036

RULE

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

Durable Medical Equipment Program
Negative Pressure Wound Therapy
(LAC 50:XVII.3111-3123)

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing adopts LAC 50:XVII.3111-3123 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This Rule is promulgated in accordance with the 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 adopts the following provisions governing negative pressure wound therapy.

Title 50

PUBLIC HEALTH/MEDICAL ASSISTANCE

Part XVII. Durable Medical Equipment

Subpart 1. Prosthetics

Chapter 31. Skin Care and Infection Control

Subchapter B. Negative Pressure Wound Therapy

§3111. Definitions

Lack of Improvement of a Wound (as used within this Subchapter B) is a lack of progress in quantitative measurements of wound characteristics including wound length and width (surface area), or depth measured serially and documented over a specified time interval. Wound healing is defined as improvement occurring in either surface area or depth of the wound.

Licensed Health Care Professional (for the purposes of this Subchapter B) may be a physician, registered nurse (RN), or physical therapist (PT). The practitioner must be licensed to assess wounds and/or administer wound care.

Negative Pressure Wound Therapy (NPWT) is the controlled application of sub-atmospheric pressure to a wound using an electrical pump to intermittently or continuously convey sub-atmospheric pressure through connecting tubing to a specialized wound dressing which includes a resilient, open-cell foam surface dressing, sealed with an occlusive dressing that is meant to contain the sub-atmospheric pressure at the wound site and thereby promote wound healing. Drainage from the wound is collected in a canister.

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 30:1481 (July 2004).

§3113. Covered Services

A. Equipment and supplies used in negative pressure wound therapy include:

- 1. a stationary or portable NPWT electrical pump;

2. a dressing set; and
3. a canister set.

B. The stationary or portable NPWT electrical pump provides controlled sub-atmospheric pressure that is designed for use with NPWT dressings to promote wound healing. Such a NPWT pump is capable of being selectively switched between continuous and intermittent modes of operation and is controllable to adjust the degree of sub-atmospheric pressure conveyed to the wound in a range from 25 to greater than 25 mm Hg sub-atmospheric pressure. The pump is capable of sounding an audible alarm when desired pressures are not being achieved such as where there is a leak in the dressing seal, and when the wound drainage canister is full. The pump is designed to fill the canister to full capacity.

C. The dressing set used in conjunction with a stationary or portable NPWT pump must contain all necessary components including, but not limited to, a resilient, open-cell foam surface dressing, drainage tubing, and an occlusive dressing which creates a seal around the wound site for maintaining sub-atmospheric pressure at the wound.

D. The canister set used in conjunction with a stationary or portable NPWT pump must contain all necessary components, including but not limited to a container, to collect wound exudates. Canisters may be various sizes to accommodate stationary or portable NPWT pumps.

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 30:1481 (July 2004).

§3115. Medical Necessity Criteria

A. Negative wound pressure therapy is considered to be medically necessary when the following criteria are met.

1. Treatment of Ulcers and Wounds in the Home Setting. The patient has a chronic Stage III or IV pressure ulcer, neuropathic (such as diabetic) ulcer, venous or arterial insufficiency ulcer, or a chronic (being present for at least 30 days) ulcer of mixed etiology. A complete wound therapy program described by the criterion in Subparagraph a and criteria set forth in Subparagraphs b, c, or d, as applicable depending on the type of wound, must have been addressed, applied, or considered and ruled out prior to application of NPWT.

a. For all ulcers or wounds, the following components of a wound therapy program must include a minimum of all of the following general measures, which should either be addressed, applied, or considered and ruled out prior to the application of NPWT:

- i. documentation in the patient's medical record of evaluation, care and wound measurements by a licensed medical professional; and
- ii. application of dressings to maintain a moist wound environment; and
- iii. debridement of necrotic tissue, if present; and
- iv. evaluation of and provisions for adequate nutritional status.

b. For Stage III or IV pressure ulcers:

- i. the patient has been appropriately turned and positioned; and
- ii. the patient has used a group 2 or 3 support surface for pressure ulcers on the posterior trunk or pelvis (a

group 2 or 3 support surface is not required if the ulcer is not on the trunk or pelvis); and

iii. the patient's moisture and incontinence have been appropriately managed.

c. For neuropathic (for example, diabetic) ulcers:

- i. the patient has been on a comprehensive diabetic management program; and
- ii. reduction in pressure on a foot ulcer has been accomplished with appropriate modalities.

d. For venous insufficiency ulcers:

- i. compression bandages and/or garments have been consistently applied; and
- ii. leg elevation and ambulation have been encouraged.

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 30:1482 (July 2004).

§3117. Continued Coverage

A. For wounds and ulcers described in §3115, in order to continue coverage of an NPWT pump and supplies, a licensed medical professional must comply with the following requirements:

1. on a regular basis:

- a. directly assess the wound(s) being treated with the NPWT pump; and
- b. supervise or directly perform the NPWT dressing changes; and

2. on at least a monthly basis, document changes in the ulcer's dimensions and characteristics.

B. Coverage of NPWT will be discontinued after three months if there is a lack of improvement of the wound(s).

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 30:1482 (July 2004).

§3119. Coverage Exclusions

A. A negative pressure wound therapy pump and supplies will be denied as not medically necessary if one or more of the following conditions are present:

1. the presence in the wound of necrotic tissue with eschar, if debridement is not attempted;
2. untreated osteomyelitis within the vicinity of the wound;
3. cancer is present in the wound; or
4. the presence of a fistula to an organ or body cavity within the vicinity of the wound.

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 30:1482 (July 2004).

§3121. Provider Responsibilities

A. Documentation Requirements

1. A written order for the negative pressure wound therapy pump and supplies shall be signed and dated by the treating physician and submitted with the prior authorization request. The order shall include the type of supplies ordered and the approximate quantity to be used per unit of time.

2. Documentation of the history, previous treatment regimens, and current wound management for which a NPWT pump is being billed shall be submitted with the prior

authorization request. This documentation shall include such elements as length of sessions of use, dressing types and frequency of change, and changes in wound conditions, including:

- a. precise measurements;
- b. quantity of exudates;
- c. presence of granulation and necrotic tissue; and
- d. concurrent measures being addressed relevant to

wound therapy (debridement, nutritional concerns, support surfaces in use, positioning, incontinence control, etc.).

3. Documentation shall indicate regular evaluation and treatment of the patient's wounds. Documentation of quantitative measurements of wound characteristics including wound length and width (surface area), and depth, and amount of wound exudates (drainage), indicating progress of healing shall be entered at least monthly. The supplier of the NPWT equipment and supplies shall obtain an assessment of wound healing progress, based upon the wound measurement as documented in the patient's medical record from the treating clinician, and submit to the prior authorization unit in order for a determination to be made as to whether the equipment and supplies continue to qualify for Medicaid coverage.

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 30:1482 (July 2004).

§3123. Reimbursement

A. The Health Care Common Procedure Coding System shall be used to bill for negative pressure wound therapy equipment and supplies. Only the products referred to in this Subchapter B are reimbursable by Medicaid. These products shall meet approved Medicare guidelines and codes. Claims for negative pressure wound therapy equipment and supplies shall be reimbursed at 80 percent of the 2004 Medicare DMEPOS fee schedule for Louisiana.

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 30:1483 (July 2004).

Frederick P. Cerise, M.D., M.P.H.
Secretary

0407#059

RULE

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

Facility Need Review
Additional Beds for Certain ICF-MRs
(LAC 48:I.12503)

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, amends LAC 48:I.12503, Determination of Bed Need, as authorized by R.S. 40:2116. This 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, amends the Rules on Facility Need Review.

Title 48

PUBLIC HEALTH GENERAL

Part I. General Administration

Subpart 5. Health Planning

Chapter 125. Facility Need Review

§12503. Determination of Bed Need

A. - A.7.h. ...

8. Exception for Additional Beds for Certain ICF-MRs. Any ICF-MR which serves children or adults suffering from mental retardation, autism or behavioral problems and which had no less than 150 and no more than 180 approved beds as of August 15, 2003, shall, upon application to the Department, be granted approval for up to 50 additional beds without being required to meet the standards set forth in Paragraphs A.1-6 above, §12501.F.2 or §12505.

B. - B.11. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2116.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 21:808 (August 1995), amended LR 28:2190 (October 2002), LR 30:1483 (July 2004).

Frederick P. Cerise, M.D., M.P.H.
Secretary

0407#060

RULE

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

Medicaid Eligibility Filing of Applications
(LAC 50:III.501)

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing hereby promulgates LAC 50:III.501 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This Rule is promulgated in accordance with the provision 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, amends the May 20, 1996 Rule pertaining to the filing and signing of applications for Medicaid.

Title 50

PUBLIC HEALTH MEDICAL ASSISTANCE

Part III. Eligibility

Chapter 5. Application Processing

§501. Filing Application

A. The bureau requires an applicant to complete and sign a written application in order to initiate the eligibility determination process for Medicaid benefits. The applicant's signature on the application affirms that all of the information contained on the form is true and correct or the applicant could be subject to a penalty for perjury. In order

to facilitate the application process, the bureau authorizes the electronic filing of Medicaid applications. Applications may be signed by the following means:

1. the applicant's signature on a paper application;
2. a personal identification number (PIN); or
3. a digital signature as issued by DHH (in the *Louisiana Medicaid Manual*).

B. The application may be filed by the applicant or one of the following individuals:

1. a parent;
2. the legal guardian, which is a person legally responsible for the care and management of the person or property of one considered by law to be incompetent to manage his own affairs;
3. a curator, which is any person acting under legal authority for an applicant/recipient who is determined by a court of law to be incompetent to take care of his own person or to administer his estate (an interdict); or
4. someone acting responsibly for the applicant.

C. Assistance with Application

1. The applicant may choose an individual to accompany, assist, and/or represent him/her in the application or renewal process.

2. The bureau must provide assistance if the applicant is unable to participate and has no responsible representation in the application process.

D. Grounds for Accepting/Rejecting Application. The applicant must cooperate in the process of determining eligibility by completing an application form and providing required information. The application may be rejected for non-cooperation only if the applicant, curator, parent or legal guardian is physically and mentally able to make application and provide information and either:

1. does not provide information after being notified; or
2. after being advised of the consequences, has failed to cooperate.

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 Social Services, Office of the Secretary, Bureau of Health Services Financing, LR 30:1483 (July 2004).

Frederick P. Cerise, M.D., M.P.H.
Secretary

0407#058

RULE

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

Medical Transportation Program Non-Emergency Ambulance Services Reimbursement

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

Rule

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing terminates reimbursement for emergency ambulance services that are not authorized as being medically necessary by the attending medical professional. If the appropriate medical professional refuses to sign the Unisys 105 form stating that ambulance transportation was medically necessary, the service shall be considered a non-covered Medicaid service and the provider may bill the recipient for this service.

Frederick P. Cerise, M.D., M.P.H.
Secretary

0407#057

RULE

Department of Social Services Office of Family Support

CCAP Provider Payment Increase (LAC 67.III.5102, 5107, and 5109)

The Department of Social Services, Office of Family Support, has amended Louisiana Administrative Code, Title 67, Part III, Subpart 12, Child Care Assistance Program, pursuant to the authority granted to the department by the Child Care and Development Fund (CCDF).

Title 67

SOCIAL SERVICES

Part III. Family Support

Subpart 12. Child Care Assistance

Chapter 51. Child Care Assistance Program

§5102. Definitions

* * *

Special Needs Child Care Child care for a child up to age 17 who because of a mental, physical, or emotional disability, requires specialized facilities, lower staff ratio, and/or specially trained staff to meet his or her developmental and physical needs. Incentive payments up to 25 percent higher than the regular rates can be allowed for a special needs child if the provider is actually providing the specialized care.

* * *

AUTHORITY NOTE: Promulgated in accordance with 45 CFR Parts 98 and 99 and P.L. 104-193.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Family Support, LR 26:2826 (December 2000), LR 27:1932 (November 2001), LR 28:1490 (June 2002), LR 29:43 (January 2003), LR 29:189 (February 2003), LR 30:1484 (July 2004).

§5107. Child Care Provider

A. - E.4. ...

F.1. Quality incentive bonuses are available to:

a. - b. ...

c. Child Care Assistance Program eligible providers who provide special care for children with special needs. This special needs care includes but is not limited to specialized facilities/equipment, lower staff ratio, and specially trained staff. The amount of these special needs care incentive payments will be in accordance with 5109.B.1.b. and 5109.B.2.b.

2. ...

G. The Child Care Assistance Program offers repair and improvement grants to either licensed or registered providers, or to those who have applied to become licensed or registered, to assist with the cost of repairs and improvements necessary to comply with DSS licensing or registration requirements and/or to improve the quality of child care services.

1. Effective September 1, 2002 the program will pay for 75 percent of the cost of such a repair or improvement, up to the following maximums.

a. For Class A centers the maximum grant amount will be equal to \$100 times the number of children listed in the licensed capacity, or \$10,000, whichever is less.

b. For Family Child Day Care Home (FCDCH) providers the maximum grant amount will be \$600.

c. These amounts may be adjusted at the discretion of the assistant secretary, based upon the availability of funds.

2. A provider can receive no more than one such grant for any state fiscal year. To apply, the provider must submit an application form indicating that the repair or improvement is needed to meet DSS licensing or registration requirements, or to improve the quality of child care services. Two written estimates of the cost of the repair or improvement must be provided and the provider must certify

that the funds will be used for the requested purpose. If the provider has already paid for the repair or improvement, verification of the cost in the form of an invoice or cash register receipt must be submitted. Reimbursement can be made only for eligible expenses incurred no earlier than six months prior to the application.

AUTHORITY NOTE: Promulgated in accordance with 45 CFR Parts 98 and 99, P.L. 104-193, Act 152, 2002 First Extraordinary Session, Act 13, 2002 Reg. Session, Act 58, 2003 Reg. Session.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Family Support, LR 24:357 (February 1998), amended LR 25:2444 (December 1999), LR 26:2827 (December 2000), LR 27:1932 (November 2001), LR 28:349 (February 2002), LR 28:1491 (June 2002), LR 29:43 (January 2003), LR 29:189 (February 2003), LR 30:496 (March 2004), LR 30:1484 (July 2004).

§5109. Payment

A. The sliding fee scale used for non-FITAP recipients is subject to adjustment based on the state median income and poverty levels, which are published annually. A non-FITAP household may pay a portion of its child care costs monthly in accordance with the sliding fee scale, and this shall be referred to as a "co-payment." The sliding fee scale is based on a percentage of the state median income.

**Sliding Fee Scale for Child Care Assistance Recipients
75 Percent of Projected Median Income**

Number in Household	2	3	4	5	6	DSS %
Monthly Household Income	0 - 968	0 - 1219	0 - 1471	0 - 1723	0 - 1974	75%
	969 - 1535	1220 - 1908	1472 - 2281	1724 - 2654	1975 - 3027	55%
	1536 - 2101	1909 - 2596	2282 - 3090	2655 - 3585	3028 - 4079	35%
	above 2101	above 2596	above 3090	above 3585	above 4079	0%

Number in Household	7	8	9	10	11	DSS %
Monthly Household Income	0 - 2226	0 - 2478	0 - 2729	0 - 2981	0 - 3233	75%
	2227 - 3199	2479 - 3372	2730 - 3543	2982 - 3716	3234 - 3888	55%
	3200 - 4172	3373 - 4265	3544 - 4357	3717 - 4450	3889 - 4543	35%
	above 4172	above 4265	above 4357	above 4450	above 4543	0%

Number in Household	12	13	14	15	16	DSS %
Monthly Household Income	0 - 3484	0 - 3736	0 - 3988	0 - 4239	0 - 4491	75%
	3485 - 4060	3737 - 4232	3989 - 4405	4240 - 4577	4492 - 4749	55%
	4061 - 4636	4233 - 4728	4406 - 4821	4578 - 4914	4750 - 5006	35%
	above 4636	above 4728	above 4821	above 4914	above 5006	0%

Number in Household	17	18	19	20		DSS %
Monthly Household Income	0 - 4743	0 - 4994	0 - 5246	0 - 5498		75%
	4744 - 4921	4995 - 5093	5247 - 5266			55%
	4922 - 5099	5094 - 5192	5267 - 5285			35%
	above 5099	above 5192	above 5285			0%

B. Determination of Payments

1. Payments to providers on behalf of non-FITAP recipients will be a percentage of the lesser of:

a. ...

b. the state maximum rate for authorized services as indicated below.

Provider Type	Regular Care	Regular Care for Infants/Toddlers (under age 3)	Special Needs Care Incentive	Special Needs Care Incentive for Infants/Toddlers (under age 3)
Class A	\$16.50	\$17.50	\$20.65	\$21.65
Class E	\$14.00	\$15.00	\$17.50	\$18.50
Class R	\$14.00	\$15.00	\$17.50	\$18.50
Class U	\$13.50	\$14.50	\$16.90	\$17.90

2. Payments to providers on behalf of FITAP recipients will be the lesser of:

a. ...

b. the State Maximum Rate for authorized services as indicated below.

Provider Type	Regular Care	Regular Care for Infants/Toddlers (under age 3)	Special Needs Care Incentive	Special Needs Care Incentive for Infants/Toddlers (under age 3)
Class A	\$16.50	\$17.50	\$20.65	\$21.65
Class E	\$14.00	\$15.00	\$17.50	\$18.50
Class R	\$14.00	\$15.00	\$17.50	\$18.50
Class U	\$13.50	\$14.50	\$16.90	\$17.90

3. The number of hours authorized for payment is based on the lesser of the following:

a. the number of hours the child is actually in care each week; or

b. the number of hours the head of household, the head of household's spouse, or the minor unmarried parent is working and/or attending a job training or educational program each week, plus one hour per day for travel to and from such activity; or

c. the number of hours care is actually needed and available.

C. - E. ...

AUTHORITY NOTE: Promulgated in accordance with 45 CFR Parts 98 and 99, and P.L. 104-193.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Family Support, LR 24:357 (February 1998), amended LR 25:2445 (December 1999), LR 26:2828 (December 2000), LR 27:1933 (November 2001), LR 28:1491 (June 2002), LR 29:1834 (September 2003), LR 30:1485 (July 2004).

Ann Silverberg Williamson
Secretary

0407#087

RULE

**Department of Social Services
Office of Family Support**

FITAP, CCAP, KCSP, and FSP Reporting Requirements (LAC 67:III.1257, 1998, 5103, 5104, 5107, and 5347)

The Department of Social Services, Office of Family Support, has amended LAC 67:III.1257 in the Family Independence Temporary Assistance Program (FITAP), §§5103 and 5107 in the Child Care Assistance Program (CCAP) and §5347 in the Kinship Care Subsidy Program (KCSP) and to adopt §§1998 and 5104 in the Food Stamp and Child Care Assistance Programs.

The agency has adopted, amended or repealed various Sections of each program in order to specify and align reporting requirements in the FITAP, KCSP, CCAP, and Food Stamp Programs. The reorganized sections contain

information mandated by the federal regulations, as well as information that aligns the reporting requirements of all four programs.

In order to comply with federal regulations and to avoid severe penalties or sanctions, the agency has amended §5107, Child Care Providers, to require that family day care home providers retain an immunization record signed/stamped by a physician or physician's designee on each child in care.

**Title 67
SOCIAL SERVICES**

Part III. Office of Family Support

Subpart 2. Family Independence Temporary Assistance Program (FITAP)

Chapter 12. Application, Eligibility, and Furnishing Assistance

Subchapter B. Conditions of Eligibility

§1257. Reporting Requirements

A. Effective February 1, 2004, an FITAP household that is not included in a food stamp semi-annual reporting household shall report any change that affects eligibility or the amount of monthly benefits. Changes in income must be reported if the household's gross monthly income changes by more than \$100 in earned income or \$50 in unearned income. Changes shall be reported within 10 days of the knowledge of the change.

B. Effective February 1, 2004, an FITAP household that is included in a food stamp semi-annual reporting household is subject to the semi-annual household reporting requirements in accordance with §2013.

AUTHORITY NOTE: Promulgated in accordance with 42 U.S.C. 601 et seq., R.S. 36:474, R.S. 46:231 et seq. 7 CFR Part 273.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Family Support, LR 28:522 (March 2002), amended LR 30:1486 (July 2004).

Subpart 3. Food Stamps

Chapter 19. Certification of Eligible Households

Subchapter L. Reporting Changes

§1998. Reporting Requirements

Effective February 1, 2004

A. A food stamp household that is not included in semi-annual reporting shall report any change that affects

eligibility or the amount of monthly benefits. Changes in income must be reported if the household's gross monthly income changes by more than \$100 in earned income or \$50 in unearned income. Changes shall be reported within 10 days of the knowledge of the change.

B. A food stamp household that is included in semi-annual reporting is subject to the semi-annual household reporting requirements in accordance with §2013.

AUTHORITY NOTE: Promulgated in accordance with 7 CFR 273.12(a).

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Family Support, LR 30:1486 (July 2004).

Subpart 12. Child Care Assistance

Chapter 51. Child Care Assistance

Subchapter B. Child Care Assistance Program

§5103. Conditions of Eligibility

A. - C. ...

D. Repealed [Effective February 1, 2004.]

AUTHORITY NOTE: Promulgated in accordance with 45 CFR Parts 98 and 99, P.L. 104-193, Act 58 2003 Reg. Session.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Family Support, LR 24:356 (February 1998), amended LR 25:2444 (December 1999), LR 26:2827 (December 2000), LR 27:1932 (November 2001), LR 28:1490 (June 2002), LR 29:43 (January 2003), LR 29:1833 (September 2003), LR 30:496 (March 2004), LR 30:1487 (July 2004).

§5104. Reporting Requirements

Effective February 1, 2004

A. A low income child care household that is not included in a food stamp semi-annual reporting household shall report any change that affects eligibility or the amount of monthly benefits. Changes in income must be reported if the household's gross monthly income changes by more than \$100 in earned income or \$50 in unearned income. Changes shall be reported within 10 days of the knowledge of the change.

B. A low income child care household that is included in a food stamp semi-annual reporting household is subject to the semi-annual reporting requirements in accordance with §2013. In addition, these households must report the following changes within 10 days of the knowledge of the change:

1. a change in child care provider;
 2. termination of any TEMP's employment or training;
- or
3. a child receiving CCAP services leaves the home.

AUTHORITY NOTE: Promulgated in accordance with 45 CFR Parts 98 and 99, P.L. 104-193, 7 CFR Part 273.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Family Support, LR:30:1487 (July 2004).

§5107. Child Care Providers

A. - B. ...

1. To be eligible for participation, a family child day care home provider must sign a provider agreement, complete a request for registration and Form W-9, pay appropriate fees, furnish verification of Social Security number and residential address, provide proof that he/she is at least 18 years of age, and meet all registration requirements, including:

a. - c. ...

d. retain a statement of good health signed by a physician or his designee which must have been obtained within the past three years and be obtained every three years thereafter; and

e. - f. ...

g. effective February 1, 2004, retain an immunization record signed/stamped by a physician or a physician's designee on each child receiving care verifying the child has had, or is in the process of receiving all age-appropriate immunizations as required by the Office of Public Health. No family day home provider is required to comply with this provision if a child's parent or guardian submits a written statement from a physician stating that the immunization procedure is contraindicated for medical reasons, or if the parent or guardian objects to the procedure on religious grounds.

B.2 - H.2. ...

AUTHORITY NOTE: Promulgated in accordance with 45 CFR Parts 98 and 99, P.L. 104-193, Act 152, 2002 First Extraordinary Session, Act 13, 2002 Reg. Session, Act 58, 2003 Reg. Session.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Family Support, LR 24:357 (February 1998), amended LR 25:2444 (December 1999), LR 26:2827 (December 2000), LR 27:1932 (November 2001), LR 28:349 (February 2002), LR 28:1491 (June 2002), LR 29:43 (January 2003), LR 29:189 (February 2003), LR 30:496 (March 2004), LR 30:1487 (July 2004).

Subpart 13. Kinship Care Subsidy Program (KCSP)

Chapter 53. Application, Eligibility, and Furnishing Assistance

Subchapter B. Conditions of Eligibility

§5347. Reporting Changes

A. Effective February 1, 2004, a KCSP household that is not included in a food stamp semi-annual reporting household shall report any change that affects eligibility. Changes in income must be reported if the household's gross monthly income changes by more than \$100 in earned income or \$50 in unearned income. Changes shall be reported within 10 days of the knowledge of the change.

B. Effective February 1, 2004, a KCSP household that is included in a food stamp semi-annual reporting household is subject to the semi-annual household reporting requirements in accordance with §2013.

AUTHORITY NOTE: Promulgated in accordance with 42 U.S.C. 601 et seq., R.S. 36:474, R.S. 46:231 et seq., 7 CFR Part 273.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Family Support, LR 28:2565 (December 2002), amended LR 30:1487 (July 2004).

Ann Silverberg Williamson
Secretary

0407#088

RULE

Department of Social Services Office of Rehabilitation Services Vocational Rehabilitation Services

Financial Information and Transition Planning Process
(LAC 67:VII.115 and 119)

In accordance with the provisions of R.S. 49:953(B) of the Administrative Procedure Act, the Department of Social Services, Louisiana Rehabilitation Services (LRS) has amended §115, Financial, and §119, Transition Process for Individuals in Secondary Education Programs, of its

Vocational Rehabilitation Policy Manual. In Section 115, Financial, the agency amended guidelines to remove the reference to an individual's status for the budget analysis from policy. Revision to §119, Transition Process for Individuals in Secondary Education Programs, was made to provide clarification regarding the transition planning process for the provision of rehabilitation services to transition students who are exiting secondary programs into post-school activities. This Rule does not change the vocational rehabilitation services that are based on the agency's financial need policy.

Title 67

SOCIAL SERVICES

Part VII. Rehabilitation Services

Chapter 1. General Provisions

§115. Financial

A. - B.2.e. ...

f. Individuals who do not provide LRS with necessary financial information to perform the budget analysis will be eligible only for those vocational rehabilitation services that are not conditioned upon an analysis to determine the extent of the individual's participation in the costs of such services.

g. Individuals who have defaulted on a student loan must make good faith efforts with the lender to clear the default or to defer payment before LRS will participate in the cost of the client's vocational rehabilitation program.

h. Simultaneously with the comprehensive assessment, at the annual review of the IPE, and at any time there is a change in the financial situation of either the client or the family, the counselor will perform a budget analysis for each client requiring vocational rehabilitation services as listed above in §115.B.2.b.i.-xi. The amount of client participation in the cost of their vocational rehabilitation program will be based upon the most recent budget analysis at the time the relevant IPE or amendment is developed.

B.3. - C. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 49:664.4 and R.S. 36:477.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Rehabilitation Services, LR 17:891 (September 1991), amended LR 20:317 (March 1994), LR 21:837 (August 1995), LR 24:959 (May 1998), LR 25:1273 (July 1999), LR 27:212 (February 2001), LR 27:1561 (September 2001), LR 29:47 (January 2003), LR 30:921 (April 2004), LR 30:1488 (July 2004).

§119. Transition Process for Individuals in Secondary Education Programs

A. Louisiana Rehabilitation Services (LRS) will become involved in the transition planning process for students with disabilities as early as possible to ensure that students' transition needs are met in a timely manner. LRS involvement in the transition process will provide for outreach, consultation, technical assistance and transition planning by agency personnel that facilitates the development and completion of students' individualized education programs (IEPs), as well as the completion and approval of eligible students' individualized plans for employment (IPEs) prior to their exit from the school system.

B. LRS' transition process is a coordinated set of vocational rehabilitation services planned for an eligible

student with an official secondary education transition plan. Such vocational rehabilitation services for transition students are designed within an outcome-oriented process that promotes movement from school to post school activities, including post secondary education, vocational training, integrated employment (including supported employment), as well as referral services for available continuing and adult education, adult services, independent living or community participation.

C. LRS' vocational rehabilitation services for transition students shall be based upon the eligible student's individual needs, taking into account the student's abilities, preferences and interests, and shall include vocational guidance and counseling, functional vocational evaluation, instruction, community experiences, and other services and activities that may be necessary to facilitate achievement of the employment outcome identified on the IPE.

D. ...

E. The following provisions are the key points in LRS' transition process.

1. LRS will provide consultation and technical assistance (to the extent possible considering time and agency resources) as early as possible in the transition process, for students who have official transition plans within the state education system.

2. LRS will ensure the development and approval of IPEs for eligible students who have official transition plans within the state education system as early as possible in the transition process but, at the latest, by the time each student determined eligible for vocational rehabilitation services leaves the school setting.

F. The LRS director or designee shall have the sole responsibility for any exceptions to this policy on services for transition students.

AUTHORITY NOTE: Promulgated in accordance with R.S. 49:664.4 and R.S. 36:477.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Rehabilitation Services, LR 17:891 (September 1991), amended LR 20:317 (March 1994), repromulgated LR 25:1276 (July 1999), LR 30:922 (April 2004), LR 30:1488 (July 2004).

Ann S. Williamson
Secretary

0407#068

RULE

Department of Transportation and Development Office of Highways/Engineering

Debarment Hearings for Contractors, Subcontractors,
Consultants and Subconsultants (LAC 70:I.Chapter 9)

In accordance with the applicable provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the Department of Transportation and Development hereby enacts Chapter 9 of Part I of Title 70 entitled "Debarment Hearings for Contractors, Subcontractors, Consultants and Subconsultants," in accordance with the provisions of R.S. 48:295 et seq., and House Concurrent Resolution No. 60 of 2003.

Title 70
TRANSPORTATION

Part I. Highway Construction

Chapter 9. Debarment Hearings for Contractors, Subcontractors, Consultants and Subconsultants

§901. Debarment Committee

A. The Debarment Committee, as defined in R.S. 48:295.1, consists of the chief engineer of the department, or his designee, the deputy secretary of the department or his designee, and the general counsel of the department or his designee.

B. The following persons shall act as designees.

1. The chief of Project Development Division shall be the designee of the deputy secretary for any consideration of debarment or suspension of a consultant under R.S. 48:285.

2. The chief of Construction Division shall be designee of the deputy secretary for any consideration of debarment or suspension of a contractor under R.S. 48:251 et seq.

AUTHORITY NOTE: Promulgated in accordance with R.S. 48:295 et seq.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Highways/Engineering, LR 30:1489 (July 2004).

§903. Causes for Debarment of Contractors

A. The causes for debarment are enumerated in R.S. 48:295.2(C).

B. In addition to the statutory causes for debarment, the department shall follow the following guidelines.

1. A history of failure to perform or history of unsatisfactory performance may include, but is not limited to the following:

a. during one calendar year, two or more formal demands by the department to the contractor that the surety for the contractor complete a job, or

b. determination of disqualification five or more times in a calendar year, or three times during each of two consecutive calendar years.

AUTHORITY NOTE: Promulgated in accordance with R.S. 48:295 et seq.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Highways/Engineering, LR. 30:1489 (July 2004).

§905. Causes for Debarment of Consultants

A. The causes for debarment are enumerated in R.S. 48:295.2(C).

B. In addition to the statutory causes for debarment, the department shall follow the following guidelines.

1. A history of failure to perform or history of unsatisfactory performance may include, but is not limited to the following:

a. an unsatisfactory rating two or more times in a calendar year, or

b. formal termination for cause two or more times in a calendar year, or three times during each of two consecutive year, or

c. failure to satisfy final judgments rendered against the entity.

AUTHORITY NOTE: Promulgated in accordance with R.S. 48:295 et seq.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Highways/Engineering, LR. 30:1489 (July 2004).

§907. Imputed Conduct

A. The fraudulent, criminal or other seriously improper conduct of any officer, director, shareholder, partner, employee or other individual associated with a contractor/consultant may be imputed to the contractor/consultant when the conduct occurred in connection with the individual's performance of duties for or on behalf of the contractor/consultant, or with the contractor/consultant's knowledge, approval or acquiescence. The contractor/consultant's acceptance of the benefits derived from the conduct shall be evidence of the contractor/consultant's knowledge, approval or acquiescence.

B. The fraudulent, criminal or other seriously improper conduct of a contractor/consultant may be imputed to any officer, director, shareholder, partner, employee or other individual associated with the contractor/consultant who participated in, knew of or had reason to know of the contractor/consultant's conduct.

C. The fraudulent, criminal or other seriously improper conduct of one contractor/consultant participating in a joint venture or similar arrangement may be imputed to other participating contractors/consultants if the conduct occurred for or on behalf of the joint venture or similar arrangement or with the knowledge, approval or acquiescence of those contractors/consultants. Acceptance of the benefits derived from the conduct shall be evidence of the contractor/consultant's knowledge, approval or acquiescence.

AUTHORITY NOTE: Promulgated in accordance with R.S. 48:295 et seq.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Highways/Engineering, LR 30:1489 (July 2004).

§909. Provisions for the Hearing and Decision

A. Provisions for the hearing and decision are set forth in R.S. 48:295.2(D), (E) and (F).

B. In addition to those provisions:

1. the department debarment hearing shall be as informal as practicable, consistent with fundamental due process of law principles. The debarment committee shall permit contractor/consultants to submit information and arguments in opposition to the proposed debarment. The department may require that a contractor/consultant's opposition be submitted in writing or may permit an oral presentation in person or through a representative;

2. if debarment is imposed, the department shall, within 14 days, notify the contractor/consultant and any affiliates involved by certified mail return receipt requested. The notice shall contain the following:

a. reference to the notice of proposed debarment that initiated the action;

b. reasons for debarment; and

c. period of debarment, specifying the effective date;

3. if debarment is not imposed, the department shall give notice within 14 days from the date of the hearing of that fact to the contractor/consultant involved by certified mail return receipt requested.

AUTHORITY NOTE: Promulgated in accordance with R.S. 48:295 et seq.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Highways/Engineering, LR 30:1489 (July 2004).

§911. Period of Debarment

A. Debarments shall be for a period commensurate with the seriousness of the cause or causes for debarment. Generally, debarment shall not exceed three years. If suspension precedes debarment, the suspension period shall be considered in determining the debarment period.

B. The department may extend the debarment for an additional period if the department determines that an extension is necessary to protect the public interest. However, an extension may not be based solely on the facts and circumstances upon which the initial debarment was based.

C. The department may terminate a debarment or may reduce the period or extent of a debarment, upon the contractor/consultant's request, for reasons considered appropriate by the department such as:

1. newly discovered relevant evidence;
2. reversal of the conviction or judgment upon which the debarment was based;
3. a bona fide change in ownership or management of the contractor/consultant; or
4. elimination of the cause or causes for which debarment was imposed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 48:295 et seq.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Highways/Engineering, LR 30:1490 (July 2004).

§913. Appeals

A. Appeals shall be made in accordance with the provisions of R.S. 48:295.3 and shall be submitted to the department in writing.

AUTHORITY NOTE: Promulgated in accordance with R.S. 48:295 et seq.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Highways/Engineering, LR 30:1490 (July 2004).

§915. Application by the Contractor or Consultant for Requalification

A. Applications for requalification following debarment shall be submitted in writing to the chief engineer of the department.

B. The Debarment Committee shall conduct a hearing and consider the arguments of the applicant for requalification. The applicant may appear in person.

C. The Debarment Committee may terminate a debarment or may reduce the period or extent of a debarment upon application of the contractor/consultant for reasons considered appropriate by the committee, such as:

1. newly discovered relevant evidence;
2. reversal of the conviction or judgment upon which debarment was based;
3. a bona fide change in ownership or management of the contractor/consultant; or
4. elimination of the cause or causes for which debarment was imposed.

D. The Debarment Committee shall render a decision concerning requalification within 14 days of the hearing.

AUTHORITY NOTE: Promulgated in accordance with R.S. 48:295 et seq.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Highways/Engineering, LR 30:1490 (July 2004).

Johnny B. Bradberry
Secretary

0407#081

RULE

**Department of Transportation and Development
Office of Weights, Measures and Standards**

**Escort Requirements for Oversize and/or Overweight
Vehicles or Loads (LAC 73:I.1901)**

In accordance with the applicable provisions of the Administrative Procedure Act, R.S. 49:950 et seq., notice is hereby given that the Department of Transportation and Development hereby amends Chapter 19 of Part I of Title 73 entitled "Escort Requirements for Oversize and/or Overweight Vehicles or Loads," in accordance with R.S. 32:2 and 32:387.

Title 73

WEIGHTS, STANDARDS AND MEASURES

Part I. Weights and Standards

**Chapter 19. Escort Requirements for Oversize and
Overweight Vehicles or Loads**

§1901. Provision Enforcement

A. - B.16. ...

17. In the event a state police escort is required, the permittee shall pay the escort fee, or any portion thereof, in addition to the pay of the off-duty trooper.

B.18. - E.1.n. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:2 et seq.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Highways, LR 5:26 (February 1979), amended by Weights, Measures and Standards, LR 22:120 (February 1996), LR 30:1490 (July 2004).

Johnny B. Bradberry
Secretary

0407#082

RULE

**Department of Treasury
State Bond Commission**

**Costs of Issuance and Reporting Requirements
(LAC 71:III.701)**

In accordance with the provisions of Administrative Procedure Act, R.S. 49:950 et seq., the Louisiana State Bond Commission has amended the commission's Rules as originally adopted November 20, 1976.

The State Bond Commission has amended its Rules regarding costs of issuance and reporting requirements, as follows.

Title 71
TREASURY PUBLIC FUNDS
Part III. Bond Commission Debt Management
Chapter 7. Costs of Issuance and Reporting
Requirements

§701. Procedure

A. No later than 45 days after the closing and delivery of bonds by any non-traditional issuer, including but not limited to the Louisiana Public Facilities Authority, other public trusts, the Louisiana Local Government Environmental Facilities and Community Development Authority, other political subdivisions having statewide jurisdiction, state agencies, and industrial development boards (collectively, the "Issuer"), the Issuer or its representative shall submit to the State Bond Commission a final report with respect to such issue. This final report shall be in a form provided by the State Bond Commission and shall provide information with respect to the final size of the issue, maturities and interest rates, and all costs of issuance including underwriters' discount ("costs of issuance"), paid from bond proceeds and/or other sources.

B. The report shall list:

1. the costs of issuance by individual item as submitted to and approved by the State Bond Commission;
2. the actual costs of issuance by individual item and;
3. the variance, if any, between the approved and actual costs of issuance by individual item, dollar amount and percentage. If:
 - a. the total actual costs of issuance exceed the total approved costs of issuance; or
 - b. the actual costs of issuance in any line item exceed the approved costs of issuance by a variance of 10 percent or more, the Issuer shall obtain supplemental approval of the State Bond Commission prior to paying any individual item in excess of the approved costs of issuance.

AUTHORITY NOTE: Promulgated in accordance with R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of the Treasury, State Bond Commission, LR 18:1418 (December 1992), amended LR 30:1491 (July 2004).

John Kennedy
State Treasurer

0407#035

RULE

Department of Treasury
Parochial Employees' Retirement System

Definitions; Eligibility; Scope of Benefits
(LAC 58:XI.103, 301, 303, 501, 505, and 509)

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, notice is hereby given that the Board of Trustees for the Parochial Employees' Retirement System has approved for advertisement the adoption of Chapter 3, and the amendment of Chapters 1 and 5, of Part XI, included in Title 58, Retirement, of the *Louisiana Administrative Code*. This Rule complies with the statutory law administered by the Board of Trustees for the Parochial Employees Retirement System, and is being adopted pursuant to R.S. 11:1931 which provides that rules and

regulations be adopted which will assure that the Parochial Employees' Retirement System will remain a tax-qualified retirement plan under the United States Internal Revenue Code and the regulations thereunder. This Rule is meant to bring the Parochial Employees Retirement System into compliance with the United States General Agreement on Tariffs and Trade, the Uniformed Services Employment and Reemployment Rights Act of 1996, the Small Business Job Protection Act of 1996, and the Taxpayer Relief Act of 1997 (collectively known as GUST), and the Economic Growth and Tax Relief Reconciliation Act of 2001 (known as EGTRRA). These amendments to the Parochial Employees Retirement System were approved by the United States Internal Revenue Service pursuant to an IRS determination letter and were required to be implemented within 91 days of the issuance of the IRS determination letter. In order to timely effect implementation, a previously published Emergency Rule was adopted by the Parochial Employees Retirement System. This Rule makes the previously published Emergency Rule permanent without any changes to the text of the Emergency Rule. A preamble to this Rule has not been prepared.

Title 58
RETIREMENT

Part XI. Parochial Employees' Retirement System
Chapter 1. General Provisions

§103. Definitions

A. ...

* * *

Eligible Retirement Plan An Individual Retirement Account described in Internal Revenue Code Section 408(a), an individual retirement annuity described in Section 408(b), an annuity plan described in Internal Revenue Code Section 403(a), or a qualified trust described in Internal Revenue Code Section 401(a), that accepts the distributee's eligible rollover distributions. However, in the case of an eligible rollover distribution to the surviving spouse, an eligible retirement plan is an Individual Retirement Account or individual retirement annuity. An eligible retirement plan shall also mean an annuity contract described in Internal Revenue Code Section 403(b) and an eligible plan under Internal Revenue Code Section 457(b) which is maintained by a state, political subdivision of a state, or any agency or instrumentality of a state or political subdivision of a state and which agrees to separately account for amounts transferred into such plan from this system. The definition of eligible retirement plan shall also apply in the case of a distribution to a surviving spouse, or to a spouse or former spouse who is the alternate payee under a qualified domestic relations order.

Eligible Rollover Distribution

a.i any distribution of all or any portion of the balance to the credit of the distributee, except that an eligible rollover distribution does not include:

ii. any distribution that is one of a series of substantially equal periodic payments, not less frequently than annually, made for the life, or life expectancy, of the distributee or the joint lives, or joint life expectancies, of the distributee and the distributee's designated beneficiary, or for a specified period of 10 years or more;

iii. any distribution to the extent such distribution is required under Internal Revenue Code Section 401(a)(9);

iv. the portion of any distribution that is not includable in gross income, determined without regard to the exclusion for net unrealized appreciation with respect to employer securities;

v. a hardship distribution.

b. A portion of a distribution shall not fail to be an eligible rollover distribution merely because the portion consists of after-tax employee contributions which are not includable in gross income. However, such portion may be paid only to an individual retirement account or annuity described in Section 408(a) or (b) of the Code, or to a qualified defined contribution or qualified defined benefit plan described in Code Section 401(a) or 403(a) that agrees to separately account for amounts so transferred, including separately accounting for the portion of such distribution which is includable in gross income and the portion of such distribution which is not so includable.

AUTHORITY NOTE: Promulgated in accordance with R.S. 11:1931.

HISTORICAL NOTE: Promulgated by the Department of the Treasury, Board of Trustees of the Parochial Employees' Retirement System, LR 30:508 (March 2004), amended LR 30:1491 (July 2004).

Chapter 3. Eligibility

§301. Persons not Eligible for Membership; Leased Employees

A. Leased employees or persons considered by the system as leased employees of an employer shall not be eligible to participate. Leased employee shall mean any person who is not employed by an employer and pursuant to an agreement between the employer and any other person or entity ("leasing organization") has performed services for the employer (or for related persons determined in accordance with section 414(n)(6) of the Internal Revenue Code) on a substantially full-time basis for a period of at least 1 year, and such services are performed under primary direction or control by the employer.

AUTHORITY NOTE: Promulgated in accordance with R.S. 11:1931.

HISTORICAL NOTE: Promulgated by the Department of the Treasury, Board of Trustees of the Parochial Employees' Retirement System, LR 30:1492 (July 2004).

§303. Creditable Service; Uniformed Services Employment and Reemployment Rights Act

A. If a member takes a leave of absence to serve in the U.S. armed services, the terms of which are governed by the Uniformed Services Employment and Reemployment Rights Act (USERRA), then upon the member's return to employment with the employer within five years from the leave of absence, the member shall be permitted to make the member contributions called for under the system as if the member had continued employment, and if so made, the member shall be given creditable service under the system for that period of time. The member contributions to the system as permitted under this Section shall be made ratably over a period of time equaling the period the member was in the U.S. armed services, but in no event shall such period exceed five years. If the returning member makes the member contribution, the employer shall be required to make an employer contribution to fund the employer's portion of the creditable service given to the returning member. The amount of the member's contribution and the employer's contribution shall be determined by the system's

actuary. A member who does not return to employment with his employer shall not be affected by this provision.

AUTHORITY NOTE: Promulgated in accordance with R.S. 11:1931.

HISTORICAL NOTE: Promulgated by the Department of the Treasury, Board of Trustees of the Parochial Employees' Retirement System, LR 30:1492 (July 2004).

Chapter 5. Scope of Benefits

§501. Limitation on Payment of Benefits

A. - E.1. ...

2. The required beginning date shall be April 1 of the calendar year following the later of the calendar year in which the member attains 70 1/2 years of age, or the calendar year in which the employee retires. Effective for plan years beginning on or after January 1, 1998, the required beginning date shall be April 1 of the year following the later of the year the member attained 70 1/2 or the year he terminated employment.

F. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 11:1931.

HISTORICAL NOTE: Promulgated by the Department of the Treasury, Board of Trustees of the Parochial Employees' Retirement System, LR 30:508 (March 2004), amended LR 30:1492 (July 2004).

§505. Compensation Limited

A. In addition to other applicable limitations set forth in the plan, and notwithstanding any other provisions of the plan to the contrary, for plan years beginning on or after January 1, 1994 and before January 1, 2002, the annual compensation of each employee taken into account under the plan shall not exceed the Omnibus Budget Reconciliation Act of 1993 annual compensation limit. The Omnibus Budget Reconciliation Act of 1993 annual compensation limit is \$150,000, as adjusted by the commissioner of Internal Revenue for increases in the cost of living in accordance with Section 401(a)(17)(B) of the Internal Revenue Code (see 26 U.S.C. 401 et seq.). The cost-of-living adjustment in effect for a calendar year applies to any period, not exceeding 12 months, over which compensation is determined (determination period) beginning in such calendar year. If a determination period consists of fewer than 12 months, the Omnibus Budget Reconciliation Act of 1993 annual compensation limit will be multiplied by a fraction, the numerator of which is the number of months in the determination period, and the denominator of which is 12.

B. For plan years beginning on or after January 1, 1994 and before January 1, 2002, any reference in this plan to the limitations under Internal Revenue Code Section 401(a)(17) shall mean the Omnibus Budget Reconciliation Act of 1993 annual compensation limit set forth in this Section.

C. ...

D. For plan years beginning on or after January 1, 2002, the annual compensation limitation (section 401(a)(17) of the Internal Revenue Code) for the determination of a retirement allowance shall not exceed \$200,000, as adjusted for cost-of-living under paragraph 401(a)(17)(B) of the Internal Revenue Code. If compensation for a prior period is taken into account in determining a member's benefits accruing in the current plan year, the compensation for the prior period shall be subject to the compensation limit for the current year.

AUTHORITY NOTE: Promulgated in accordance with R.S. 11:1931.

HISTORICAL NOTE: Promulgated by the Department of the Treasury, Board of Trustees of the Parochial Employees' Retirement System, LR 30:509 (March 2004), amended LR 30:1492 (July 2004).

§509. Computation of Retirement Benefits

A. - D.1.b.iii. ...

2. A member's retirement allowance shall be limited to \$160,000. The \$160,000 amount shall be adjusted for members retiring before age 62 or after age 65 under Internal Revenue Code Section 415(b)(2). The benefit limitation in the foregoing sentence shall be further adjusted by multiplying such limitation by the cost of living adjustment factor prescribed by the Secretary of the Treasury under Internal Revenue Code Section 415(d) in such manner as the Secretary shall prescribe. The new limitation will apply to limitation years ending within the calendar year of the date of the adjustment.

3. - 5.b.ii. Repealed.

6. Adjustment for Less than 10 Years of Creditable Service

a. If retirement benefits are payable under this retirement system to a member who has less than 10 years of creditable service in the retirement system, the dollar limitation referred to in the first Paragraph of this Subsection (\$90,000) will be multiplied by a fraction, the numerator of which is the member's number of years of creditable service in the system (not greater than 10), and the denominator of which is 10.

i. Effective for plan years beginning on or after January 1, 2002, "\$160,000" will be substituted for "\$90,000" above.

b. Repealed.

7. Annual Adjustment. The limitation provided in this Subsection shall be adjusted annually to the maximum dollar limits allowable by the secretary of the Treasury of the United States under Internal Revenue Code Section 415(d), such adjustments not to take effect until the first day of the fiscal year following December 31, 1987. The adjustment shall not exceed the adjustment in effect for the calendar year in which the fiscal year of the system begins. The adjusted earlier limitation is applicable to employees who are members of the system and to members who have retired or otherwise terminated their service under the system with a nonforfeitable right to accrued benefits, regardless of whether they have actually begun to receive benefits. This system shall be considered specifically to provide for such post-retirement adjustments. For any limitation year beginning after separation from service occurs, the annual adjustment factor is a fraction, the numerator of which is the adjusted dollar limitation for the limitation year in which the compensation limitation is being adjusted and the denominator of which is the adjusted dollar limitation for the limitation year in which the member separated from service. No adjustment shall be permitted with respect to limitations applicable after October 14, 1987.

8. - 10. ...

a. For purposes of R.S. 11:1942, 1962, and 1972, average compensation shall include any amounts properly considered as the regular rate of pay of the member, as defined in R.S. 11:231 and unreduced by amounts excluded

from income for federal income tax purposes by reason of 26 U.S.C.A. §§125, 132(f), 402(a)(8), 402(h)(1)(B), 403(b), 414(h), or 457 or any other provision of federal law of similar effect.

b. For purposes of Subsection D, average compensation shall include total compensation payable by the employer and included in the employee's income for federal income tax purposes and shall exclude amounts not includable in the member's gross income by reason of 26 U.S.C.A. §§125, 132(f), 402(a)(8), 402(h)(1)(B), 403(b), 414(h) and 457 or any other provision of federal law. A member's highest three years shall be the period of consecutive calendar years (not more than three) during which the member both was an active participant in the plan and had the greatest aggregate compensation from the employer.

11. - 11.b. Repealed.

12. ...

E. All member contributions required to be made to this system shall be considered for tax purposes as contributions made pursuant to Internal Revenue Code Section 414(h)(2).

AUTHORITY NOTE: Promulgated in accordance with R.S. 11:1931.

HISTORICAL NOTE: Promulgated by the Department of the Treasury, Board of Trustees of the Parochial Employees' Retirement System, LR 30:510 (March 2004), amended LR 30:1493 (July 2004).

Thomas B. Sims
Administrative Director
and
Dainna S. Tully
Assistant Director

0407#037

RULE

**Department of Wildlife and Fisheries
Wildlife and Fisheries Commission**

2004-2005 Resident Game Hunting Season
(LAC 76:XIX.101 and 103)

The Wildlife and Fisheries Commission does hereby promulgate rules and regulations governing the hunting of resident game birds and game quadrupeds.

Title 76

WILDLIFE AND FISHERIES

Part XIX. Hunting and WMA Regulations

Chapter 1. Resident Game Hunting Season

§101. General

A. The Resident Game Hunting Season, 2004-2005 regulations are hereby adopted by the Wildlife and Fisheries Commission. A complete copy of the regulation pamphlet may be obtained from the department.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:115.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 21:707 (July 1995), amended LR 22:585 (July 1996), LR 23:871 (July 1997), LR 24:1324 (July 1998), LR 25:1290 (July 1999), LR 26:1506 (July 2000), LR 27:1061 (July 2001), LR 28:1615 (July 2002), LR 29:1122 (July 2003), LR 30:1493 (July 2004).

§103. Resident Game Birds and Animals 2004-2005

A. Shooting hours. One-half hour before sunrise to one-half hour after sunset.

B. Consult regulation pamphlet for seasons or specific regulations on Wildlife Management Areas or specific localities.

Species	Season Dates	Daily Bag Limit	Possession Limit
Quail	Nov. 13-Feb. 28	10	20
Rabbit	Oct. 2-Feb. 28	8	16
Squirrel	Oct. 2-Feb.28	8	16
Deer	See Schedule	1 antlered and 1 antlerless (when legal on private lands)	6/season (Only two may be antlered)

C. Deer Hunting Schedule

Area	Archery	Muzzleloader (All Either Sex)	Still Hunt (No Dogs allowed)	With or Without Dogs
1	Oct. 1-Jan. 31	Nov. 13-Nov. 19 Jan. 24-Jan. 30	Nov. 20-Dec.3 Jan. 10-Jan.23	Dec. 4-Jan.9
2	Oct. 1-Jan. 31	Oct. 23-Oct. 29 Jan. 17-Jan.23	Oct. 30-Dec.3	Dec. 4-Jan. 16
3	Sept.18-Jan. 15	Oct. 9-Oct.15 Nov.29-Dec. 3	Oct.16-Nov.28 Dec. 4-Jan. 9	
4	Oct. 1-Jan. 31	Nov. 6-Nov. 12 Jan. 10-Jan. 19	Nov.13-Jan. 9	
5	Oct. 1-Jan. 31	Nov. 13-Nov. 19 Dec. 27-Jan. 2 Bucks Only	Nov.26-Dec.12	
6	Oct. 16-Feb. 15 North of Hwy. 90; Oct. 1-Jan. 31 South of Hwy. 90	Oct. 30-Nov. 5 Jan. 24-Jan. 31	Nov.6-Dec.10	Dec.11-Jan.23
7	Oct. 1-Jan. 31	Oct. 9-Oct. 15 Nov. 6-Nov. 12	Oct.16-Nov. 5 Nov.13-Nov.28	Nov.29-Jan. 2
8	Sept.18-Jan. 15	Oct. 9-Oct. 15 Nov. 29-Dec. 3	Oct.16-Nov.28	Dec. 4-Jan. 9

D. Modern Firearm Schedule (Either Sex Seasons)

Parish	Area	Modern Firearm Either-Sex Days
Acadia	Area 3	Oct. 16-17, 23-24, 30-31, Nov. 6-7, 13-14, 20-28, Dec. 4-5
Allen	Area 2	Oct. 30-31, Nov. 6-7, 13-14, 20-28, Dec. 4-5, 25-26, Jan. 1-2
	Area 3	Oct. 16-17, 23-24, 30-31, Nov. 6-7, 13-14, 20-28, Dec. 4-5
Ascension	Area 6	Nov. 20-21, 24-28, Dec. 4-5, 11-12
Assumption	Area 6	Nov. 20-21, 24-28, Dec. 4-5, 11-12
Avoyelles	Area 2	Oct. 30-31, Nov. 20-21, 26-28, Dec. 4-5, 25-26, Jan. 1-2
	Area 6	Nov. 20-21, 26-28, Dec. 4-5
Beauregard	Area 2	Oct. 30-31, Nov. 6-7, 13-14, 20-28, Dec. 4-5, 25-26, Jan. 1-2
	Area 3	Oct. 16-17, 23-24, 30-31, Nov. 6-7, 13-14, 20-28, Dec. 4-5
	Area 8	Oct. 16-17, 23-24, 30-31, Nov. 6-7, 13-14, 20-28, Dec. 4-5
Bienville	Area 2	Oct. 30-Nov. 7, 13-14, 20-28, Dec. 4-5, 25-26, Jan. 1-2
Bossier	Area 2	Oct. 30-Nov. 7, 13-14, 20-28, Dec. 4-5, 25-26, Jan. 1-2

Parish	Area	Modern Firearm Either-Sex Days
Caddo	Area 2	Oct. 30-Nov. 7, 13-14, 20-28, Dec. 4-5, 25-26, Jan. 1-2
Calcasieu	Area 3	Oct. 16-17, 23-24, 30-31, Nov. 6-7, 13-14, 20-28, Dec. 4-5
	Area 8	Oct. 16-17, 23-24, 30-31, Nov. 6-7, 13-14, 20-28, Dec. 4-5
Caldwell	Area 2	Oct. 30-31, Nov. 20-21, 26-28, Dec. 4-5, 11-12, 25-26, Jan. 1-2
Cameron	Area 3	Oct. 16-17, 23-24, 30-31, Nov. 6-7, 13-14, 20-28, Dec. 4-5
Catahoula	Area 1	Nov. 20-21, 26-28, Dec. 4-5, 11-12
	Area 2	Oct. 30-31, Nov. 20-21, 26-28, Dec. 4-5, 11-12, 25-26, Jan. 1-2
Claiborne	Area 2	Oct. 30-Nov. 7, 13-14, 20-28, Dec. 4-5
Concordia	Area 1	Nov. 20-21, 24-28, Dec. 4-5, 11-12, 18-19, 25-26, Jan. 1-2
DeSoto	Area 2	Oct. 30-Nov. 7, 13-14, 20-28, Dec. 4-5, 25-26, Jan. 1-2
East Baton Rouge	Area 1	Nov. 20-21, 24-28, Dec. 4-5, 11-12
East Carroll	Area 4 portion	Nov. 13-14, 20-21, 26-28, Dec. 4-5, 11-12, 18-19, east of mainline Mississippi River Levee and south and east of La. 877 from West Carroll Parish line to La. 580, south of La. 580 to U.S. 65, west of U.S. 65 to Madison Parish line.
	Area 4	Nov. 13-14, 26-28, remainder of the parish
East Feliciana	Area 1	Nov. 20-21, 24-28, Dec. 4-5, 11-12
Evangeline	Area 2	Oct. 30-31, Nov. 6-7, 13-14, 20-28, Dec. 4-5, 25-26, Jan. 1-2
	Area 6	Nov. 20-21, 24-28, Dec. 4-5, 11-12
Franklin	Area 1	Nov. 20-21, 24-28, Dec. 4-5
Grant	Area 1	Nov. 20-21, 24-28, Dec. 4-5
	Area 2	Oct. 30-31, Nov. 6-7, 13-14, 20-21, 26-28, Dec. 4-5, 25-26, Jan. 1-2
Iberia	Area 3	Oct. 16-17, 23-24, 30-31, Nov. 6-7, 13-14, 20-28, Dec. 4-5
	Area 6	Nov. 20-21, 24-28, Dec. 4-5, 11-12
	Area 7	Oct. 16-17, Nov. 13-14, 20-21, 26-28, Dec. 4-5
Iberville	Area 6	Nov. 20-21, 24-28, Dec. 4-5, 11-12
Jackson	Area 2	Oct. 30-31, Nov. 6-7, 13-14, 20-28, Dec. 4-5, 25-26, Jan. 1-2
Jefferson	Area 6	Nov. 20-21, 24-28, Dec. 4-5, 11-12
Jefferson Davis	Area 2	Oct. 30-31, Nov. 6-7, 13-14, 20-28, Dec. 4-5, 25-26, Jan. 1-2
	Area 3	Oct. 16-17, 23-24, 30-31, Nov. 6-7, 13-14, 20-28, Dec. 4-5
Lafayette	Area 3	Oct. 16-17, 23-24, 30-31, Nov. 6-7, 13-14, 20-21, 26-28, Dec. 4-5
	Area 6	Nov. 20-21, 24-28, Dec. 4-5, 11-12
Lafourche	Area 6	Nov. 20-21, 24-28, Dec. 4-5, 11-12
LaSalle	Area 1	Nov. 20-21, 26-28, Dec. 4-5
	Area 2	Oct. 30-31, Nov. 20-21, 26-28, Dec. 4-5, 25-26, Jan. 1-2
Lincoln	Area 2	Oct. 30-31, Nov. 6-7, 13-14, 20-28, Dec. 4-5, 25-26, Jan. 1-2
Livingston	Area 1	Nov. 20-21, 24-28, Dec. 4-5, 11-12
	Area 6	Nov. 20-21, 24-28, Dec. 4-5, 11-12
Madison	Area 1	Nov. 20-21, 24-28, Dec. 4-5, 11-12, 18-19, 25-26, Jan. 1-2
Morehouse	Area 2	Oct. 30-31, Nov. 6-7, 13-14, 20-28, Dec. 4-5, 25-26, Jan. 1-2
	Area 4	Nov. 13-14, 20-21, 26-28
Natchitoches	Area 2	Oct. 30-31, Nov. 6-7, 13-14, 20-21, 26-28, Dec. 4-5, 25-26, Jan. 1-2
Orleans		Closed to all deer hunting
Ouachita	Area 2	Oct. 30-31, Nov. 6-7, 13-14, 20-28, Dec. 4-5, 25-26, Jan. 1-2
	Area 4	Nov. 13-14, 20-21, 26-28
Plaquemines	Area 6	Nov. 20-21, 24-28, Dec. 4-5, 11-12
Pointe Coupee	Area 6	Nov. 20-21, 24-28, Dec. 4-5, 11-12

Parish	Area	Modern Firearm Either-Sex Days
Rapides	Area 1	Nov. 20-21, 24-28, Dec. 4-5
	Area 2	Oct. 30-31, Nov. 6-7, 13-14, 20-21, 26-28, Dec. 4-5, 25-26, Jan. 1-2
	Area 3	Oct. 16-17, 23-24, 30-31, Nov. 6-7, 13-14, 20-21, 26-28, Dec. 4-5
	Area 6	Nov. 20-21, 24-28, Dec. 4-5
Red River	Area 2	Oct. 30-Nov. 7, 13-14, 20-28, Dec. 4-5, 25-26, Jan. 1-2
Richland	Area 4	Nov. 13-14, 20-21, 26-28
Sabine	Area 2	Oct. 30-31, Nov. 6-7, 13-14, 20-21, 26-28, Dec. 4-5, 25-26, Jan. 1-2
St. Bernard	Area 6	Nov. 20-21, 24-28, Dec. 4-5, 11-12
St. Charles	Area 6	Nov. 20-21, 24-28, Dec. 4-5, 11-12
St. Helena	Area 1	Nov. 20-21, 24-28, Dec. 4-5, 11-12
St. James	Area 6	Nov. 20-21, 24-28, Dec. 4-5, 11-12
St. John	Area 6	Nov. 20-21, 24-28, Dec. 4-5, 11-12
St. Landry	Area 3	Oct. 16-17, Nov. 26-28, Dec. 4-5
	Area 6	Nov. 20-21, 26-28, Dec. 4-5
St. Martin	Area 6	Nov. 20-21, 24-28, Dec. 4-5, 11-12
St. Mary	Area 6	Nov. 20-21, 24-28, Dec. 4-5, 11-12
	Area 7	Oct. 16-17, Nov. 13-14, 20-21, 26-28, Dec. 4-5
St. Tammany	Area 1	Nov. 20-21, 24-28, Dec. 4-5, 11-12
	Area 6	Nov. 20-21, 24-28, Dec. 4-5, 11-12
Tangipahoa	Area 1	Nov. 20-21, 24-28, Dec. 4-5, 11-12
	Area 6	Nov. 20-21, 24-28, Dec. 4-5, 11-12
Tensas	Area 1	Nov. 20-21, 24-28, Dec. 4-5, 11-12, 18-19
Terrebonne	Area 6	Nov. 20-21, 24-28, Dec. 4-5, 11-12
	Area 7	Oct. 16-17, Nov. 13-14, 20-21, 26-28, Dec. 4-5
Union	Area 2	Oct. 30-31, Nov. 6-7, 13-14, 20-28, Dec. 4-5, 25-26, Jan. 1-2
Vermilion	Area 3	Oct. 16-17, 23-24, 30-31, Nov. 6-7, 13-14, 20-28, Dec. 4-5
Vernon	Area 2	Oct. 30-31, Nov. 6-7, 13-14, 20-28, Dec. 4-5, 25-26, Jan. 1-2
	Area 3	Oct. 16-17, 23-24, 30-31, Nov. 6-7, 13-14, 20-28, Dec. 4-5
Washington	Area 1	Nov. 20-21, 24-28, Dec. 4-5, 11-12
Webster	Area 2	Oct. 30-Nov. 7, 13-14, 20-28, Dec. 4-5, 25-26, Jan. 1-2
West Baton Rouge	Area 6	Nov. 20-21, 24-28, Dec. 4-5, 11-12
West Carroll	Area 5	Nov. 26
West Feliciana	Area 1	Nov. 20-21, 24-28, Dec. 4-5, 11-12
	Area 6	Nov. 20-21, 24-28, Dec. 4-5, 11-12
Winn	Area 2	Oct. 30-31, Nov. 6-7, 13-14, 20-21, 26-28, Dec. 4-5, 25-26, Jan. 1-2

E. Farm Raised White-Tailed Deer on Supplemented Shooting Preserves

Archery	Modern Firearm	Either Sex
Oct. 1-Jan. 31 (Either Sex)	Nov. 1-Jan. 31	Nov. 1-7 Dec. 1-7 Jan. 1-7

F. Exotics on Supplemented Shooting Preserves: Either Sex, no closed season.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:115.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 21:707 (July 1995), amended LR 22:585 (July 1996), LR 23:871 (July 1997), LR 24:1324 (July 1998), LR 25:1290 (July 1999), repromulgated LR 25:1526 (August 1999), LR 26:1506 (July 2000), LR 27:1061 (July 2001), LR 28:1615 (July 2002), LR

29:1122 (July 2003), repromulgated LR 29:1521 (August 2003), LR 30:1494 (July 2004).

Bill A. Busbice, Jr.
Chairman

0407#032

RULE

**Department of Wildlife and Fisheries
Wildlife and Fisheries Commission**

**General and Wildlife Management Area (WMA) Hunting
(LAC 76:XIX.111)**

The Wildlife and Fisheries Commission does hereby promulgate rules and regulations governing the hunting of resident game birds and game quadrupeds.

Title 76

WILDLIFE AND FISHERIES

Part XIX. Hunting and WMA Regulations

Chapter 1. Resident Game Hunting Season

**§111. General and Wildlife Management Area
Hunting Rules and Regulations**

A. Hunting Seasons and Wildlife Management Area Regulations

1. The rules and regulations contained within this digest have been officially approved and adopted by the Wildlife and Fisheries Commission under authority vested by Sections 115 and 116 of Title 56 of the Louisiana Revised Statutes of 1950 and are in full force and effect in conjunction with all applicable statutory laws. The Secretary of the Department of Wildlife and Fisheries has the authority to close or alter seasons in emergency situations in order to protect fish and wildlife resources.

2. Pursuant to Section 40.1 of Title 56 of the Louisiana Revised Statutes of 1950, the Wildlife and Fisheries Commission has adopted monetary values which are assigned to all illegally taken, possessed, injured or destroyed fish, wild birds, wild quadrupeds and other wildlife and aquatic life. Anyone taking, possessing, injuring or destroying fish, wild birds, wild quadrupeds and other wildlife and aquatic life shall be required to reimburse the Department of Wildlife and Fisheries a sum of money equal to the value of the wildlife illegally taken, possessed, injured or destroyed. This monetary reimbursement shall be in addition to any and all criminal penalties imposed for the illegal act.

B. Resident Game Birds and Animals

1. Shooting hours: one-half hour before sunrise to one-half hour after sunset.

C. Other Season Dates

1. Turkey. Please refer to separate pamphlet.

2. Raccoon and Opossum. No closed season. Raccoon and opossum can be taken at night by one or more licensed hunters with one or more dogs and one .22 rimfire firearm. A licensed hunter may take raccoon or opossum with .22 rimfire rifle, .36 caliber or smaller muzzleloader rifle or shotgun during daylight hours during the open rabbit season.

Hunting from boats or motor vehicles is prohibited. No bag limit for nighttime or daytime raccoon or opossum hunting during the open trapping season except on certain WMAs as listed. The remainder of the year, the raccoon and opossum bag limit for daytime or nighttime is one per person per day or night. No one who hunts raccoons or opossums as prescribed above shall pelt during the closed trapping season nor sell skins or carcasses of raccoons and opossums taken during the open trapping season unless he is the holder of a valid trapping license which shall be required in addition to his basic hunting license. Pelting or selling carcasses is illegal during closed trapping season.

3. Nutria. On WMAs and private property nutria may be taken recreationally by licensed hunters from September 1 through February 28 during legal shooting hours by any legal hunting method with a daily limit of five. When taken with a shotgun, steel shot must be used. On WMAs during waterfowl seasons, nutria may be taken only with the use of shotguns with shot no larger than F steel, and during gun deer seasons, anyone taking nutria must display 400 square inches of "Hunter Orange" and wear a "Hunter Orange" cap or hat. Recreational nutria hunters must remove each nutria carcass in whole condition from the hunting area, except that nutria may be gutted. Possession of detached nutria parts, including nutria tails, by recreational hunters is illegal. Nutria harvested recreationally may not be pelted nor may such nutria be sold, including the tail. Trespassing upon private property for the purpose of taking nutria or other furbearing animals is punishable by fines and possible jail time (R.S. 56:265). The Coastwide Nutria Control Program is a separate program and is in no way related to the nutria recreational season. For questions on the Coastwide Nutria Control Program, call the New Iberia office (337) 373-0032.

4. Blackbirds and Crows. The season for crows shall be September 1 through January 2 with no limit; however crows, blackbirds, cowbirds and grackles may be taken year round during legal shooting hours if they are depredating or about to depredate upon ornamentals or shade trees, agricultural crops, livestock, wildlife, or when concentrated in such numbers as to cause a health hazard. Louisiana has determined that the birds listed above are crop depredators and that crows have been implicated in the spread of the West Nile virus in humans.

5. Pheasant. Closed.

6. Falconry. Special permit required. Resident and migratory game species except turkeys may be taken. Seasons and bag limits are the same as for statewide and WMA regulations except squirrels may be taken by licensed falconers until the last day of February. Refer to LAC 76:V.301 for specific Falconry Rules.

7. Licensed Hunting Preserve. October 1 - April 30. Pen-raised birds only. No limit entire season. Refer to LAC 76:V.305 for specific Hunting Preserve Rules.

8. Deer Management Assistance Program (DMAP). Land enrolled in the voluntary program will be assessed a \$25 registration fee and 54acre fee. Deer management assistance tags must be in the possession of the hunter and attached and locked to antlerless deer (including those taken on either-sex days and those taken with bow or muzzleloader) through the hock in a manner that it cannot be removed before the deer is transported. Failure to do so is a violation of R.S. 56:115. Failing to follow DMAP rules and

regulations may result in suspension and cancellation of the program on those lands involved. Refer to LAC 76:V.111 for specific DMAP Rules.

9. Farm Raised White-tailed Deer and Exotics on Licensed Supplemented Shooting Preserves

a. Definitions

Exotics For purposes of this Rule means any animal of the family Bovidae (except the Tribe Bovini [cattle]) or Cervidae which is not indigenous to Louisiana and which is confined on a Supplemented Hunting Preserve. Exotics shall include, but are not limited to, fallow deer, red deer, elk, sika deer, axis deer, and black buck antelope.

Hunting In its different tenses and for purposes of this rule means to take or attempt to take, in accordance with R.S. 56:8.

Same as Outside For purposes of this Rule means hunting on a Supplemented Hunting Preserve must conform to applicable statutes and rules governing hunting and deer hunting, as provided for in Title 56 of the Louisiana Revised Statutes and as established annually by the Wildlife and Fisheries Commission (LWFC).

Supplemented Hunting Preserve For purposes of this Rule means any enclosure for which a current Farm-Raising License has been issued by the Department of Agriculture and Forestry (LDAF) with concurrence of the Department of Wildlife and Fisheries (LDWF) and is authorized in writing by the LDAF and LDWF to permit hunting.

White-tailed Deer For purposes of this Rule means any animal of the species *Odocoileus virginianus* which is confined on a Supplemented Hunting Preserve.

b. Seasons

i. Farm-Raised White-tailed Deer: Consult the regulations pamphlet.

ii. Exotics: year round.

c. Methods of Take

i. White-tailed Deer: Same as outside.

ii. Exotics: Exotics may be taken with longbow (including compound bow) and arrow; shotguns not larger than 10 gauge, loaded with buckshot or rifled slug; handguns and rifles no smaller than .22 caliber centerfire; or muzzleloading rifles or pistols, .44 caliber minimum, or shotguns 10 gauge or smaller, all of which must load exclusively from the muzzle or cap and ball cylinder, using black powder or an approved substitute only, and using ball or bullet projectile, including sabot bullets only.

d. Shooting Hours

i. White-tailed Deer: Same as outside.

ii. Exotics: one-half hour before sunrise to one-half hour after sunset.

e. Bag Limit

i. Farm-Raised White-tailed Deer: Same as outside.

ii. Exotics: No limit.

f. Hunting Licenses

i. White-tailed Deer: Same as outside.

ii. Exotics: No person shall hunt any exotic without possessing a valid basic and big game hunting license.

g. Tagging. White-tailed Deer and Exotics: Each animal shall be tagged in the left ear or left antler immediately upon being killed and before being moved from

the site of the kill with a tag provided by the LDAF. The tag shall remain with the carcass at all times.

10. Bobcat. The hunting of bobcats will be legal only during the open deer season in all deer hunting areas. The legal shooting hours and the legal methods for the taking of bobcats shall be the same as defined for the taking of deer. License requirements shall also be the same for deer. The season limit shall be one.

D. Hunting-General Provisions

1. A basic resident or non-resident hunting license is required of all persons to hunt, take, possess or cause to be transported by any other person any wild bird or quadruped. See information below for exceptions.

2. All persons born on or after September 1, 1969 must show proof of satisfactorily completing a Hunter Safety course approved by LDWF to purchase a Basic Hunting License, except any active or veteran member of the United States armed services or any POST-certified law enforcement officer. Application for the exemption shall be filed in person at the Department of Wildlife and Fisheries main office building in the city of Baton Rouge. A person younger than 16 years of age may hunt without such certificate if he is accompanied by, and is under the direct supervision of a person 18 years of age or older, except during a statewide youth deer hunt, the youth must have satisfactorily completed a Hunter Safety course approved by LDWF to participate.

3. A big game license is required in addition to the basic hunting license to hunt, take, possess or cause to be transported any deer or turkey. A separate wild turkey stamp is required in addition to the basic hunting license and the big game license to hunt, take, possess or cause to be transported any turkey.

4. Taking game quadrupeds or birds from aircraft or participating in the taking of deer with the aid of aircraft or from automobiles or other moving land vehicles is prohibited.

5. Methods of Taking Resident Game Birds and Quadrupeds

a. It is illegal to intentionally feed, deposit, place, distribute, expose, scatter, or cause to be fed, deposited, placed, distributed, exposed, or scattered raw sweet potatoes to wild game quadrupeds.

b. Use of a longbow (including compound bow) and arrow or a shotgun not larger than a 10 gauge fired from the shoulder without a rest shall be legal for taking all resident game birds and quadrupeds. Also, the use of a handgun, rifle and falconry (special permit required) shall be legal for taking all game species except turkey. It shall be illegal to hunt or take squirrels or rabbits at any time with a breech-loaded rifle or handgun larger than a .22 caliber rimfire or a muzzleloader rifle larger than .36 caliber. During closed deer gun season, it shall be illegal to possess shotgun shells loaded with slugs or shot larger than BB lead or F steel shot while small game hunting.

c. Still hunting is defined as stalking or stationary stand hunting without the use of dog(s). Pursuing, driving or hunting deer with dogs is prohibited when or where a still hunting season or area is designated, and will be strictly enforced. Shotguns larger than 10 gauge or capable of holding more than three shells shall be prohibited. Plugs used in shotguns must be incapable of being removed

without disassembly. Refer to game schedules contained within these regulations for specific restrictions on the use of firearms and other devices.

6. Nuisance animals. Landowners or their designees may remove beaver and nutria causing damage to their property without a special permit. Water set traps and firearms may be used to remove beaver; nutria may be removed by any means except that nutria cannot be taken by the use of headlight and gun between the hours of sunset and sunrise. With a special permit issued by the department, beavers may be taken between one-half hour after official sunset to one-half hour before official sunrise for a period of three consecutive calendar evenings from the effective date of the permit. For specific details contact a regional office near you. Any nuisance beaver or nutria trapped or shot outside open trapping season cannot be pelted or sold. A trapping license is required to sell or pelt nuisance beavers or nutria taken during open trapping season. Squirrels found destroying commercial crops of pecans may be taken year-round by permit issued by the department. This permit shall be valid for 30 days from the date of issuance. Contact the local regional office for details.

7. Threatened and endangered species Louisiana black bear, Louisiana pearl shell (mussel), sea turtles, gopher tortoise, ringed sawback turtle, brown pelican, bald eagle, peregrine falcon, whooping crane, Eskimo curlew, piping plover, interior least tern, ivory-billed woodpecker, red-cockaded woodpecker, Bachman's warbler, West Indian manatee, Florida panther, pallid sturgeon, Gulf sturgeon, Attwater's greater prairie chicken, whales and red wolf. Taking or harassment of any of these species is a violation of state and federal laws.

8. Unregulated quadrupeds. Holders of a legal hunting license may take coyotes, unmarked hogs where legal, and armadillos year round during legal daylight shooting hours. The running of coyotes with dogs is prohibited in all turkey hunting areas during the open turkey season. Coyote hunting is restricted to "chase only" during still hunting segments of the firearm and archery only season for deer. Foxes are protected quadrupeds and may be taken only with traps by licensed trappers during the trapping season. Remainder of the year "chase only" allowed by licensed hunters.

9. Hunting and/or discharging firearms on public roads. Hunting, standing, loitering or shooting game quadrupeds or game birds with a gun during open season while on a public highway or public road right-of-way is prohibited. Hunting or the discharge of firearms on roads or highways located on public levees or within 100 feet from the centerline of such levee roads or highways is prohibited. Spot lighting or shining from public roads is prohibited by state law. Hunting from all public roads and rights-of-way is prohibited and these provisions will be strictly enforced.

10. Tags. Any part of the deer or wild turkey divided shall have affixed thereto the name, date, address and big game license number of the person killing the deer or wild turkey and the sex of that animal. This information shall be legibly written in pen or pencil, on any piece of paper or cardboard or any material, which is attached or secured to or enclosing the part or parts. On lands enrolled in DMAP, deer management assistance tags must be attached and locked through the hock of antlerless deer, (including those taken with bow, muzzleloader and those antlerless deer taken on

either-sex days) in a manner that it cannot be removed, before the deer is moved from the site of the kill.

11. Sex identification. Positive evidence of sex identification, including the head, shall remain on any deer taken or killed within the state of Louisiana, or on all turkeys taken or killed during any special gobbler season when killing of turkey hens is prohibited, so long as such deer or turkey is kept in camp or field, or is in route to the domicile of its possessor, or until such deer or turkey has been stored at the domicile of its possessor or divided at a cold storage facility and has become identifiable as food rather than as wild game.

E. General Deer Hunting Regulations

1. One antlered and one antlerless (when legal on private lands) deer per day except on Wildlife Management Areas, Federal Refuges and National Forest Lands where the daily limit shall be one deer per day. Six per season (all segments included) by all methods of take.

2. A legal buck is a deer with visible antler of hardened bony material, broken naturally through the skin. Killing bucks without at least one visible antler as described above and killing does is prohibited except where specifically allowed and except in West Baton Rouge and Pointe Coupee Parishes, that portion of Iberville Parish west of the Mississippi River including the Sherburne Wildlife Management Complex and those private lands which are totally surrounded by the Sherburne Complex where a legal buck shall be defined as a deer with at least 6 points or a deer with both spikes three inches long or less. To be counted as a point, a projection must be at least one inch long and its length must exceed the length of its base. The beam tip is counted as a point but not measured as a point.

3. Deer hunting restricted to legal bucks only, except where otherwise allowed.

4. Either-sex deer is defined as male or female deer. Taking or possessing spotted fawns is prohibited.

5. It is illegal to hunt or shoot deer with firearms smaller than .22 caliber centerfire or a shotgun loaded with anything other than buckshot or rifled slug. Handguns may be used for hunting.

6. Taking game quadrupeds or birds from aircraft, participating in the taking of deer with the aid of aircraft or from automobiles or other moving land vehicles is prohibited.

7. Still hunting is defined as stalking or stationary stand hunting without the use of dog(s). Pursuing, driving or hunting deer with dogs or moving vehicles, including ATVs, when or where a still hunting season or area is designated, is prohibited and will be strictly enforced. The training of deer dogs is prohibited in all still hunting areas during the gun still hunting and archery only season. Deer hunting with dogs is allowed in all other areas having open deer seasons that are not specifically designated as still hunting only. Except in wildlife management areas, a leashed dog may be used to trail and retrieve wounded or unrecovered deer during legal hunting hours. Any dog used to trail or retrieve wounded or unrecovered deer shall have on a collar with owner's name, address, and phone number. In addition, a dog may be used to trail and retrieve unrecovered deer after legal hunting hours; however, no person accompanying a dog after legal hunting hours may carry a firearm of any sort.

8. Areas not specifically designated as open are closed.

9. Muzzleloader Segment: (Special license and muzzleloader firearms specifications apply only to the special state, WMA, National Forest and Preserves, and Federal Refuge seasons.) Still hunt only. Specific WMAs will also be open, check WMA schedule for specific details. Muzzleloader license required for resident hunters between the ages of 16 and 59 inclusive and non-residents 16 years of age and older. Either-sex deer may be taken in all deer hunting areas except Area 5 and as specified on Public Areas. It is unlawful to carry a gun, other than a muzzleloader, including those powered by air or other means, while hunting during the special muzzleloader segment. Except, it is lawful to carry a .22 caliber rimfire pistol loaded with #12 shot (ratshot only).

a. Legal Muzzleloader Firearms for Special Season: Rifles or pistols, .44 caliber minimum, or shotguns 10 gauge or smaller, all of which must load exclusively from the muzzle or cap and ball cylinder, use black powder or approved substitute only, take ball or bullet projectile only, including sabot bullets and may be fitted with magnified scopes. This includes muzzleloaders known as "inline" muzzleloaders.

10. Archery Segment: Consult regulations pamphlet. WMA seasons are the same as outside except as noted below. Archery license required for resident bow hunters between the ages of 16 and 59 inclusive and non-residents 16 years of age and older. Residents 60 years of age and older may use a crossbow without a special permit or license. Either-sex deer may be taken in all areas open for deer hunting except when a bucks only season is in progress for gun hunting, archer's must conform to the bucks only regulations. Either-sex deer may be taken on WMAs at anytime during archery season except when bucks only seasons are in progress on the respective WMA. Also, archery season restricted on Atchafalaya Delta, Salvador, Lake Boeuf, and Pointe-aux-Chenes WMAs (see schedule).

a. Bow and arrow regulations: Hunting arrows for deer must have well-sharpened metal broadhead blades not less than 7/8 inch in width. Bow and arrow fishermen must have a sport fishing license and not carry any arrows with broadhead points unless a big game season is in progress.

i. It is unlawful:

(a). to carry a gun, including those powered by air or other means, while hunting with bow and arrow during the special bow and arrow deer season except it is lawful to carry a .22 caliber rimfire pistol loaded with #12 shot (ratshot) only.

(b). to have in possession or use any poisoned or drugged arrow, arrows with explosive tips, or any bow drawn, held or released by mechanical means except that hand held releases are lawful.

(c). to hunt deer with a bow having a pull less than 30 pounds.

(d). to hunt with a bow or crossbow fitted with an infrared or laser sight.

11. Hunter orange. Any person hunting deer shall display on his head, chest and/or back a total of not less than 400 square inches of "hunter orange" during the open deer gun season including muzzleloader season. Persons hunting

on privately owned, legally posted land may wear a hunter orange cap or hat in lieu of the 400 square inches. These provisions shall not apply to persons hunting deer from elevated stands on property that is privately owned and legally posted or to archery deer hunters hunting on legally posted lands where firearm hunting is not allowed by agreement of the landowner or lessee. However, anyone hunting deer on such lands where hunting with firearms is allowed shall be required to display the 400 square inches or a hunter orange cap or hat while walking to and from elevated stands. While a person is hunting from an elevated stand, the 400 square inches or cap or hat may be concealed. Warning: deer hunters are cautioned to watch for persons hunting other game or engaged in activities not requiring "hunter orange."

12. Special Handicapped Either-sex Deer Season on Private Land. See regulations pamphlet for dates. Restricted to individuals with Physically Challenged Hunter Permit.

13. Special Youth Deer Hunt on Private Lands (Either-Sex). See regulations pamphlet for dates. Youth must be under the age of 16, must have proof of successfully completing a department approved hunter safety course, and must be accompanied by an adult licensed to hunt big game. In West Baton Rouge and Pointe Coupee Parishes and that portion of Iberville Parish west of the Mississippi River antler restrictions for bucks shall be waived.

F. Description of Areas

1. Area 1

a. All of the following parishes are open: Concordia, East Baton Rouge, East Feliciana, Franklin, Madison, St. Helena, Tensas, Washington.

b. Portions of the following parishes are also open:

i. Catahoula **C**All except that portion lying west of Boeuf River from Caldwell parish line to Ouachita River, north and east of Ouachita River to La. 559 at Duty Ferry, west of La. 559 to La. 124 North and west of La. 124 westward to LaSalle parish line.

ii. Grant **C**East of U.S. 165 and south of La. 8.

iii. LaSalle **C**Portion south of La. 8 from Little River eastward to La. 127 in Jena, east of La. 127 from Jena northward to U.S. 165, east of U.S. 165 from La. 127 northward to La. 124. South of La. 124 eastward to Catahoula Parish line.

iv. Livingston **C**North of I-12.

v. Rapides **C**East of U.S. 165 and north of Red River.

vi. St. Tammany **C**All except that portion south of I-12, west of Hwy. 1077 to La. 22, south of La. 22 to Tchefuncte River, west of Tchefuncte River southward to Lake Pontchartrain.

vii. Tangipahoa **C**North of I-12.

viii. West Feliciana **C**All except that portion known as Raccourci and Turnbull Island.

c. Still hunting only in all or portions of the following parishes:

i. Catahoula **C**South of Deer Creek to Boeuf River, east of Boeuf and Ouachita Rivers to La. 8 at Harrisonburg, west of La. 8 to La. 913, west of La. 913 and La. 15 to Deer Creek.

ii. East Feliciana and East Baton Rouge **C**East of Thompson Creek from the Mississippi state line to La. 10. North of La. 10 from Thompson Creek to La. 67 at Clinton,

west of La. 67 from Clinton to Mississippi state line. South of Mississippi state line from La. 67 to Thompson Creek. Also that portion of East Baton Rouge Parish east of La. 67 from La. 64 north to Parish Line, south of Parish Line from La. 64 eastward to Amite River. West of Amite River southward to La. 64, north of La. 64 to La. 37 at Magnolia, east of La. 37 northward to La. 64 at Indian Mound, north of La. 64 from Indian Mound to La. 67. Also, that portion of East Feliciana Parish east of La. 67 from parish line north to La. 959, south of La. 959 east to La. 63, west of La. 63 to Amite River, west of Amite River, southward to parish line, north of parish line westward to La. 67.

iii. Franklin **C**All

iv. St. Helena **C**North of La. 16 from Tickfaw River at Montpelier westward to La. 449, east and south of La. 449 from La. 16 at Pine Grove northward to La. 1045, south of La. 1045 from its junction with La. 449 eastward to the Tickfaw River, west of the Tickfaw River from La. 1045 southward to La. 16 at Montpelier.

v. Tangipahoa **C**That portion of Tangipahoa Parish north of La. 10 from the Tchefuncte River to La. 1061 at Wilmer, east of La. 1061 to La. 440 at Bolivar, south of La. 440 to the Tchefuncte River, west of the Tchefuncte River from La. 440 southward to La. 10.

vi. Washington and St. Tammany **C**East of La. 21 from the Mississippi state line southward to the Bogue Chitto River, north of the Bogue Chitto River from La. 21 eastward to the Pearl River Navigation Canal, east of the Pearl River Navigation Canal southward to the West Pearl River, north of the West Pearl River from the Pearl River Navigation Canal to Holmes Bayou, west of Holmes Bayou from the West Pearl River northward to the Pearl River, west of the Pearl River from Holmes Bayou northward to the Mississippi state line, south of the Mississippi state line from the Pearl River westward to La. 21. Also, that portion of Washington Parish west of La. 25 from the Mississippi state line southward to the Bogue Chitto River, then west of the Bogue Chitto River to its junction with the St. Tammany Parish line, north of the St. Tammany parish line to the Tangipahoa parish line, east of the Tangipahoa parish line to the Mississippi state line, south of the Mississippi state line to its junction with La. 25.

vii. West Feliciana **C**West of Thompson Creek to Illinois Central Railroad, north of Illinois Central Railroad to Parish Road #7, east of Parish Road #7 to the junction of U.S. 61 and La. 966, east of La. 966 from U.S. 61 to Chaney Creek, south of Chaney Creek to Thompson Creek.

2. Area 2

a. All of the following parishes are open:

i. Bienville, Bossier, Caddo, Caldwell, Claiborne, DeSoto, Jackson, Lincoln, Natchitoches, Red River, Sabine, Union, Webster, Winn;

ii. except: Kisatchie National Forest which has special regulations. Caney, Corney, Middlefork tracts of Kisatchie have the same regulations as Area 2, except still hunting only for deer and except National Forest Land within the Evangeline Unit, Calcasieu Ranger District described in Area 2 description shall be still hunting only.

b. Portions of the following parishes are also open:

i. Allen **C**North of U.S. 190 and east of La. 113.

ii. Avoyelles **C**That portion west of I-49.

iii. Beauregard - East of La. 113.

iv. Catahoula **C** That portion lying west of Boeuf River from Caldwell parish line to Ouachita River, north and east of Ouachita River to La. 559 at Duty Ferry. West of La. 559 to La. 124. North and west of La. 124 westward to LaSalle parish line.

v. Evangeline **C** All except the following portions: east of I-49 to junction of La. 29, east of La. 29 south of I-49 to Ville Platte, and north of U.S. 167 east of Ville Platte.

vi. Grant **C** All except that portion south of La. 8 and east of U.S. 165.

vii. Jefferson Davis **C** North of U.S. 190.

viii. LaSalle **C** All except south of La. 8 from Little River eastward to La. 127 in Jena, east of La. 127 from Jena northward to U.S. 165, east of U.S. 165 from La. 127 northward to La. 124. South of La. 124 eastward to Catahoula Parish line.

ix. Morehouse **C** West of U.S. 165 (from Arkansas state line) to Bonita, north and west of La. 140 to junction of La. 830-4 (Cooper Lake Road), west of La. 830-4 to Bastrop, west of La. 139 to junction of La. 593, west and south of La. 593 to Collinston, west of La. 138 to junction of La. 134 and north of La. 134 to Ouachita line at Wham Brake.

x. Ouachita **C** All except south of U.S. 80 and east of Ouachita River, east of La. 139 from Sicard to junction of La. 134, south of La. 134 to Morehouse line at Wham Brake.

xi. Rapides **C** All except north of Red River and east of U.S. 165. South of La. 465 to junction of La. 121, west of La. 121 and La. 112 to Union Hill, and north of La. 113 from Union Hill to Vernon Parish line, and that portion south of Alexandria between Red River and U.S. 167 to junction of U.S. 167 with I-49 at Turkey Creek exit, east of I-49 southward to parish line.

xii. Vernon **C** East and south of La. 113, north and east of La. 465 west of La. 117 from Kurthwood to Leesville, and north of La. 8 from Leesville to Texas state line.

c. Still hunting only in all or portions of the following parishes:

i. Claiborne and Webster **C** Caney, Corney and Middlefork tracts of Kisatchie National Forest. (See Kisatchie National Forest Regulations).

ii. Ouachita **C** East of Ouachita River.

iii. Rapides **C** West of U.S. 167 from Alexandria southward to I-49 at Turkey Creek Exit, west of I-49 southward to Parish Line, north of Parish Line westward to U.S. 165, east of U.S. 165 northward to U.S. 167 at Alexandria. North of La. 465 from Vernon Parish line to La. 121, west of La. 121 to I-49, west of I-49 to La. 8, south and east of La. 8 to La. 118 (Mora Road), south and west of La. 118 to Natchitoches Parish line.

iv. Vernon **C** East of Mora-Hutton Road from Natchitoches Parish line to Hillman Loop Road, south and east of Hillman Loop Road to Comrade Road, south of Comrade Road to La. 465, east and north of La. 465 to Rapides Parish line.

3. Area 3

a. All of Acadia, Cameron and Vermilion Parishes are open.

b. Portions of the following parishes are also open:

i. Allen **C** South of U.S. 190 and west of La. 113.

ii. Beauregard **C** West of La. 113. ALSO east of La. 27 from the parish line north to DeRidder and north of U.S. 190 westward from DeRidder to Texas line.

iii. Calcasieu **C** South of U.S. 90 from Sulphur to Texas State line. Also east of La. 27 from Sulphur northward to the parish line.

iv. Iberia **C** West of U.S. 90 and north of La. 14.

v. Jefferson Davis **C** All except north of U.S. 190.

vi. Lafayette **C** West of I-49 and U.S. 90.

vii. Rapides **C** South of La. 465 to junction of La. 121, west of La. 121 and La. 112 to Union Hill and north of La. 113 from Union Hill to Vernon Parish line.

viii. St. Landry **C** West of U.S. 167.

ix. Vernon **C** West and north of La. 113, south of La. 465, east of La. 117 from Kurthwood to Leesville, and south of La. 8 from Leesville to Texas state line.

4. Area 4

a. All of East Carroll and Richland Parishes are open.

b. Portions of the following parishes are open:

i. Morehouse **C** East of U.S. 165 (from Arkansas state line) to Bonita, south and east of La. 140 to junction of La. 830-4 (Cooper Lake Road), east of La. 830-4 to Bastrop, east of La. 139 at Bastrop to junction of La. 593, east and north of La. 593 to Collinston, east of La. 138 to junction of La. 134 and south of La. 134 to Ouachita line at Wham Brake.

ii. Ouachita **C** South of U.S. 80 and east of Ouachita River, east of La. 139 from Sicard to junction of La. 134, south of La. 134 to Morehouse line at Wham Bake.

5. Area 5

a. All of West Carroll Parish is open.

6. Area 6

a. All of Orleans Parish is closed to all forms of deer hunting.

b. All of the following parishes are open: Ascension, Assumption, Iberville, Jefferson, Lafourche, Plaquemines, Pointe Coupee, St. Bernard, St. Charles, St. James, St. John, St. Martin, West Baton Rouge.

c. Portions of the following parishes are also open:

i. Avoyelles **C** All except that portion west of I-49.

ii. Evangeline **C** That portion east of I-49 to junction of La. 29, east of La. 29 south of I-49 to Ville Platte and north of U.S. 167 east of Ville Platte.

iii. Iberia **C** East of U.S. 90.

iv. Lafayette **C** East of I-49 and U.S. 90.

v. Livingston **C** South of I-12.

vi. Rapides **C** South of Alexandria between Red River and U.S. 167 to the junction of U.S. 167 with I-49 at Turkey Creek Exit, east of I-49 southward to parish line.

vii. St. Landry **C** East of U.S. 167.

viii. St. Mary **C** North of U.S. 90 from Iberia Parish line eastward to Wax Lake Outlet, east of Wax Lake Outlet southward to Intercoastal Waterway, north of Intercoastal Waterway eastward to Terrebonne Parish line.

ix. St. Tammany **C** That portion south of I-12, west of Hwy. 1077 to La. 22, south of La. 22 to Tchefuncte River, west of Tchefuncte River southward to Lake Pontchartrain.

x. Tangipahoa **C** South of I-12.

xi. Terrebonne North of Intercoastal Waterway from St. Mary Parish line eastward to Houma, east of Houma Navigation Canal southward to the Gulf of Mexico.

xii. West Feliciana West of Mississippi River, known as Raccourci and Turnbull Islands.

d. Still hunting only in all or portions of the following parishes:

i. Avoyelles North of La. 1 from Simmesport westward to La. 115 at Marksville, east of La. 115 from Marksville northward to the Red River near Moncla, south and west of the Red River to La. 1 at Simmesport.

ii. Plaquemines East of the Mississippi River.

iii. Rapides South of Alexandria between Red River and U.S. 167 to the junction of U.S. 167 with I-49 at Turkey Creek Exit, east of I-49 southward to parish line.

iv. St. Bernard All of the parish shall be still hunting only except that portion of St. Bernard known as the spoil area between the MRGO on the east and Access Canal on the west, south of Bayou Bienvenue and north of Bayou la Loutre.

v. St. John South of Pass Manchac from Lake Pontchartrain to U.S. 51, east of U.S. 51 from Pass Manchac to La. 638 (Frenier Beach Road). North of La. 638 from U.S. 51 to Lake Pontchartrain. West of Lake Pontchartrain from La. 638 to Pass Manchac.

vi. St. Landry Those lands surrounding Thistlethwaite WMA bounded north and east by La. 359, west by La. 10, and south by La. 103.

7. Area 7

a. Portions of the following parishes are open:

i. Iberia - South of La. 14 and west of U.S. Hwy. 90.

ii. St. Mary - South of U.S. 90 from Iberia Parish line eastward to Wax Lake Outlet, west of Wax Lake Outlet southward to Intercoastal Waterway, south of Intercoastal Waterway from Wax Lake Outlet eastward to Terrebonne Parish line.

iii. Terrebonne South of Intercoastal Waterway from St. Mary Parish line eastward to Houma, west of Houma Navigation Canal southward to the Gulf of Mexico.

8. Area 8

a. Portions of the following parishes are open:

i. Beauregard That portion west of La. 27 from parish line northward to DeRidder, south of U.S. 190 from DeRidder to Texas state line;

ii. Calcasieu That portion west of La. 27 from the parish line southward to Sulphur and north of U.S. 90 from Sulphur to the Texas state line.

G. Wildlife Management Area Regulations

1. General

a. The following rules and regulations concerning the management, protection and harvest of wildlife have been officially approved and adopted by the Wildlife and Fisheries Commission in accordance with the authority provided in Louisiana Revised Statutes of 1950, Section 109 of Title 56. Failure to comply with these regulations will subject individual to citation and/or expulsion from the management area.

b. Citizens are cautioned that by entering a WMA managed by the LDWF they may be subjecting themselves and/or their vehicles to game and/or license checks, inspections and searches.

c. Wildlife management area seasons may be altered or closed anytime by the department secretary in emergency situations (floods, fire or other critical circumstances).

d. Hunters may enter the WMA no earlier than 3 a.m. unless otherwise specified. On days when Daily permits are required, permit stations will open 2 hours before legal shooting hours. Hunters must check out and exit the WMA no later than two hours after sunset, or as otherwise specified.

e. Lands within WMA boundaries will have the same seasons and regulations pertaining to baiting and use of dogs as the WMA within which the lands are enclosed; however, with respect to private lands enclosed within a WMA, the owner or lessee may elect to hunt according to the regular season dates applicable to the geographic area in which the lands are located, provided that the lands are first enrolled in DMAP. Interested parties should contact the nearest LDWF regional office for additional information.

f. Dumping garbage or trash on WMAs is prohibited. Garbage and trash may be properly disposed of in designated locations if provided.

g. Disorderly conduct or hunting under influence of alcoholic beverages, chemicals and other similar substances is prohibited.

h. Damage to or removal of trees, shrubs, hard mast (acorn, pecans, etc.), wild plants and non-game wildlife (including reptiles and amphibians) is prohibited without prior approval from the Baton Rouge Office. Gathering and/or removal of soft fruits, mushrooms and berries shall be limited to five gallons per person per day.

i. Burning of marshes is prohibited. Hunting actively burning marsh prohibited.

j. Nature trails. Trails shall be limited to pedestrians only. No vehicles, ATVs, horses, mules, bicycles, etc. allowed. Removal of vegetation (standing or down) or other natural material prohibited.

k. Deer seasons are for legal buck deer unless otherwise specified.

l. Small game, when listed under the WMA regulations may include both resident game animals and game birds as well as migratory species of birds.

m. Oysters may not be harvested from any WMA, except that oysters may be harvested from private oyster leases and State Seed Grounds located within a WMA, when authorized by the Wildlife and Fisheries Commission and upon approval by the Department of Health and Hospitals.

n. Free ranging livestock prohibited.

2. Permits

a. A WMA Hunting Permit is required to hunt on WMAs.

b. Daily. Daily permits when required shall be obtained at permit stations on or near each WMA after first presenting a valid hunting license to a department employee. Hunters must retain permit in possession while hunting. Hunters may enter the area no earlier than two hours before legal shooting time unless otherwise specified. Hunters must checkout daily and exit the area not later than two hours after sunset unless otherwise specified.

c. Self-Clearing Permits. A Self-Clearing Permit is required for all activities (hunting, fishing, hiking, birdwatching, sightseeing, etc.) on WMAs unless otherwise

specified. The Self-Clearing Permit will consist of three portions: check in, check out and a Vehicle Tag. On WMAs where Self-Clearing Permits are required, all persons must obtain a WMA Self-Clearing Permit from an Information Station. The check in portion must be completed and put in a permit box before each day's activity on the day of the activity (except if hunting from a camp users need only to check in once during any 72 hour period). Users may check-in one day in advance of use. The check out portion must be carried by each person while on the WMA and must be completed and put in a permit box immediately upon exiting the WMA or within 72 hours after checking in if hunting from a camp. each person must leave the Vehicle Tag portion of his permit on the dashboard of the vehicle used to enter into the WMA in such a way that it can be easily read from outside of the vehicle. This must be done only when the vehicle is parked and left unattended on the WMA. If an ATV, boat or other type vehicle was used to enter the WMA, then the vehicle tag must be attached to that vehicle in such a manner that it can be readily seen and read. No permit is required of fishers and boaters who do not travel on a WMA road and/or launch on the WMA as long as they do not get out of the boat and onto the WMA. When Mandatory Deer Checks are specified on WMAs, hunters must check deer at a check station. Call the appropriate Region office for the location of the deer check station on these WMAs. (Self-Clearing Permits are not required for persons only traveling through the WMA provided that the most direct route is taken and no activities or stops take place.)

d. Wild Louisiana Stamp. Persons using WMAs or other department administered lands for purposes other than hunting and fishing, such as camping, shooting on rifle ranges, berry picking, hiking, photography, bird-watching and the like, must possess one of the following: a valid Wild Louisiana stamp, a valid Louisiana fishing license, or a valid Louisiana hunting license. Persons younger than 16 or older than 60 years of age are exempt from this requirement.

3. Special Seasons

a. Youth Deer Hunt. Only youths younger than 16 years of age may hunt. All other seasons are closed except Handicapped Seasons. Youths must possess a hunter safety certification or proof of successful completion of a hunter safety course. Each youth must be accompanied by one adult 18 years of age or older. If the accompanying adult is in possession of a hunter safety certification, a valid Louisiana hunting license or proof of successful completion of a hunter safety course, this requirement is waived for the youth. Adults may not possess a firearm. Youths may possess only one firearm while hunting. Legal firearms are the same as described for deer hunting. The supervising adult shall maintain visual and voice contact with the youth at all times. An adult may supervise only one youth during this special hunt. Contact the appropriate region office for special check station locations when daily permits are required and maps of specific hunting areas. Either-sex deer may be taken on WMAs with youth hunts. Consult the regulations pamphlet for WMAs offering youth hunts. NOTE: Some hunts may be by pre-application lottery.

b. Youth Mourning Dove Hunt. A youth mourning dove hunt will be conducted on specific WMAs and will follow the same regulations provided for youth deer hunts on the second weekend of the mourning dove season (Saturday

and Sunday only). Consult the regulations pamphlet for WMAs offering youth mourning dove hunts.

c. Handicapped Season. An either-sex deer season will be held for hunters possessing a Physically Challenged Hunter Permit on WMAs during the dates specified under the individual WMA. Participants must possess a Physically Challenged Hunter Permit. Contact region office for permit application and map of specific hunting area. Consult the regulations pamphlet for WMAs offering Handicapped Seasons. Pointe-aux-Chenes will have an experimental Lottery Handicapped waterfowl hunt. Contact New Iberia Office, Fur and Refuge Division for details.

d. Deer Lottery Hunts. Hunts restricted to those persons selected as a result of the pre-application lottery. Consult the regulations pamphlet for deadlines. A non-refundable application fee must be sent with application. Contact region offices for applications. Consult regulations pamphlet for WMAs offering lottery deer hunts.

e. Turkey Lottery Hunts. Hunts restricted to those persons selected by lottery. Consult the regulations pamphlet for deadlines. All turkeys must be reported at Self Clearing station. Contact Region Offices for more details. Consult separate turkey hunting regulations pamphlet for more details.

f. Waterfowl Lottery Hunts. Hunts restricted to those persons selected by lottery. Consult the regulations pamphlet for deadline. Consult regulations pamphlet for individual WMA schedules or contact any Wildlife Division Office for more details.

g. Mourning Dove Lottery Hunts. Consult regulations pamphlet for individual WMA schedules or contact any Wildlife Division Office for more details.

h. Trapping. Permits to take furbearers from WMAs may be obtained at appropriate offices when required. Consult Annual Trapping Regulations for specific dates. All traps must be run daily. Traps with teeth are illegal. On WMAs where permits are required, each trapper must submit an annual trapping report to the Region Office where his permit was obtained. Non-compliance will result in forfeiture of trapping privileges on the WMAs. Permits may be obtained only between hours of 8 a.m. to 4:30 p.m. on normal working days at region offices. Hunter orange required when a deer gun season is in progress. A permit is required to carry a firearm outside of the normal hunting season and is available at the Region Office.

i. Raccoon hunting. A licensed hunter may take raccoon or opossum, one per person per day, during daylight hours only, during the open rabbit season on WMAs. Nighttime Experimental **C**all nighttime raccoon hunting where allowed is with dogs only. There is no bag limit. Raccoon hunters with dogs must submit an annual report of their kill to the region office for WMAs where permits are required. Non-compliance will result in forfeiture of raccoon or all hunting privileges on WMAs. Permits, when required, may be obtained at region offices only between hours of 8 a.m. to 4:30 p.m. on normal working days.

j. Sport fishing. Sport fishing, crawfishing and frogging are allowed on WMAs when in compliance with current laws and regulations except as otherwise specified under individual WMA listings.

k. Additional Department Lands. The department manages additional lands that are included in the WMA

system and available for public recreation. Small tracts are located in Vernon, Evangeline, St. Helena and other parishes. These small tracts have been acquired from the Farmers Home Administration or other sources for conservation purposes. Contact the appropriate Wildlife and Fisheries Region Office for specific information and any additional season dates.

4. Firearms

a. Firearms having live ammunition in the chamber, magazine, cylinder or clip when attached to firearms are not allowed in or on vehicles, boats under power, motorcycles, ATVs, ATCs or in camping areas on WMAs. Firearms may not be carried on any area before or after permitted hours except in authorized camping areas and except as may be permitted for authorized trappers).

b. Firearms and bows and arrows are not allowed on WMAs during closed seasons except on designated shooting ranges or as permitted for trapping. Bows and broadhead arrows are not allowed on WMAs except during deer archery season, turkey season or as permitted for bowfishing.

c. Encased or broken down firearms and any game harvested may be transported through the areas by the most direct route provided that no other route exists except as specified under Wildlife Management Area listing.

d. Loaded firearms are not allowed near WMA check stations.

e. Centerfire rifles and handguns larger than .22 caliber rimfire, shotgun slugs or shot larger than BB lead or F steel shot cannot be carried onto any WMA except during modern firearm deer season.

f. Target shooting and other forms of practice shooting are prohibited on WMAs except as otherwise specified.

g. Discharging of firearms on or hunting from designated roads, ATV trails or their rights-of-way is prohibited during the modern firearm and muzzleloader deer season.

5. Methods of Taking Game

a. Moving deer or hogs on a WMA with organized drivers and standers, drivers or making use of noises or noise-making devices is prohibited.

b. On Wildlife Management Areas, Federal Refuges and National Forest Lands the daily limit shall be one deer per day. Six per season (all segments included) by all methods of take.

c. Baiting or hunting over bait is prohibited on all WMAs (hogs included). Unmarked hogs may be taken on some WMAs by properly licensed hunters from the beginning of archery season on the area until February 28 and only with guns/ammunition or bow and arrow legal for specified seasons in progress. Consult the specific WMA for additional information. Proper licenses and permits are required for hunting. Hogs may not be taken with the aid of dogs.

d. Hunters who kill deer on WMAs that require daily permits must have deer checked at the check station on same day of kill. Deer may not be skinned or have any external body parts removed including but not limited to feet, legs, tail, head or ears before being checked out.

e. Deer hunting on WMAs is restricted to still hunting only. No WMA will be open for deer during early still hunt season unless specified in the regulation pamphlet.

f. Construction of and/or hunting from permanent tree stands or permanent blinds on WMAs is prohibited. Any permanent stand or permanent blind will be removed and destroyed.

g. On Wildlife Management Areas and Refuges, all deer stands must be removed from the area no later than two hours after the end of legal shooting hours each day. Hunting from utility poles, high tension power lines, oil and gas exploration facilities or platforms is prohibited.

h. A permanent blind is any blind using non-natural materials or having a frame which is not dismantled within two hours after the end of legal shooting time each day. Blinds with frames of wood, plastic, metal poles, wire, mesh, webbing or other materials may be used but must be removed from the WMA within two hours after the end of legal shooting time each day. Blinds made solely of natural vegetation and not held together by nails or other metallic fasteners may be left in place but cannot be used to reserve hunting locations. All decoys must be removed from the WMA daily.

i. It is illegal to save or reserve hunting locations using permanent stands or blinds. Stands or blinds attached to trees with screws, nails, spikes, etc. are illegal.

j. Tree climbing spurs, spikes or screw-in steps are prohibited.

k. Unattended decoys will be confiscated and forfeited to the Department of Wildlife and Fisheries and disposed of by the department. This action is necessary to prevent preemption of hunting space.

l. Spot lighting (shining) from vehicles is prohibited on all WMAs.

m. Horses and mules may be ridden on Wildlife Management Areas except where prohibited and except during gun seasons for deer and turkey. Riding is restricted to designated roads and trails. Hunting and trapping from horses and mules is prohibited except for quail hunting or as otherwise specified.

n. All hunters except waterfowl hunters and mourning dove hunters (including archers and small game hunters) on WMAs must display 400 square inches of "hunter orange" and wear a "hunter orange" cap during open gun season for deer. Hunters participating in special dog seasons for rabbit and squirrel are required to wear a minimum of a "hunter orange" cap. All other hunters and archers (while on the ground) also must wear a minimum of a "hunter orange" cap during special dog seasons for rabbit and squirrel. Also all persons afield during hunting seasons are encouraged to display "hunter orange."

o. Archery Season for Deer. The archery season on WMAs is the same as outside and is open for either-sex deer except as otherwise specified on individual WMAs. Archery season restricted on Atchafalaya Delta and closed on certain WMAs when special seasons for youth or handicapped hunts are in progress. Consult regulations pamphlet for specific seasons.

p. Either-sex deer may be taken on WMAs at any time during archery season except when bucks only seasons are in progress on the respective WMAs. Archers must abide

by bucks only regulations and other restrictions when such seasons are in progress.

q. Muzzleloader season for deer. Either-sex unless otherwise specified. See WMA deer schedule.

6. Camping

a. Camping on WMAs, including trailers, houseboats, recreational vehicles and tents, is allowed only in designated areas and for a period not to exceed 16 consecutive days, regardless if the camp is attended or unattended. Houseboats shall not impede navigation. At the end of the 16-day period, camps must be removed from the area for at least 48 hours. Camping area use limited exclusively to outdoor recreational activities.

b. Houseboats are prohibited from overnight mooring within WMAs except on stream banks adjacent to department-owned designated camping areas. Overnight mooring of vessels that provide lodging for hire are prohibited on WMAs. On Atchafalaya Delta WMA and Pass-a-Loutre, houseboats may be moored in specially designated areas throughout the hunting season. At all other times of the year, mooring is limited to a period not to exceed 16 consecutive days. Permits are required for the mooring of houseboats on Pass-a-Loutre and Atchafalaya Delta WMAs. Permits must be obtained from the New Iberia office.

c. Discharge of human waste onto lands or waters of any WMA is strictly prohibited by state and federal law. In the event public restroom facilities are not available at a WMA, the following is required. Anyone camping on a WMA in a camper, trailer, or other unit (other than a houseboat or tent) shall have and shall utilize an operational disposal system attached to the unit. Tent campers shall have and shall utilize portable waste disposal units and shall remove all human waste from the WMA upon leaving. Houseboats moored on a WMA shall have a permit or letter of certification from the Health Unit (Department of Health and Hospitals) of the parish within which the WMA occurs verifying that it has an approved sewerage disposal system on board. Further, that system shall be utilized by occupants of the houseboats when on the WMA.

d. No refuse or garbage may be dumped from these boats.

e. Firearms may not be kept loaded or discharged in a camping area.

f. Campsites must be cleaned by occupants prior to leaving and all refuse placed in designated locations when provided or carried off by campers.

g. Non-compliance with camping regulations will subject occupant to immediate expulsion and/or citation, including restitution for damages.

h. Swimming is prohibited within 100 yards of boat launching ramps.

7. Restricted Areas

a. For your safety, all oil and gas production facilities (wells, pumping stations and storage facilities) are off limits.

b. No unauthorized entry or unauthorized hunting in restricted areas or refuges.

8. Dogs. All use of dogs on WMAs, except for bird hunting and duck hunting, is experimental as required by law. Having or using dogs on any WMA is prohibited except for nighttime experimental raccoon hunting, squirrel

hunting, rabbit hunting, bird hunting, duck hunting and bird dog training when allowed; see individual WMA season listings for WMAs that allow dogs. Dogs running at large are prohibited on WMAs. The owner or handler of said dogs shall be liable. Only recognizable breeds of bird dogs and retrievers are allowed for quail and migratory bird hunting. Only beagle hounds which do not exceed 15 inches at the front shoulders and which have recognizable characteristics of the breed may be used on WMAs having experimental rabbit seasons.

9. Vehicles

a. An all-terrain vehicle is an off-road vehicle (not legal for highway use) with factory specifications not to exceed the following: weight-750 pounds, length-85", and width-48". ATV tires are restricted to those no larger than 25 x 12 with a maximum 1" lug height and a maximum allowable tire pressure of 7 psi. as indicated on the tire by the manufacturer.

b. Vehicles having wheels with a wheel-tire combination having a radius of 17 inches or more from the center of the hub (measured horizontal to ground) are prohibited.

c. The testing, racing, speeding or unusual maneuvering of any type of vehicle is prohibited within wildlife management areas due to property damages resulting in high maintenance costs, disturbance of wildlife and destruction of forest reproduction.

d. Tractor or implement tires with farm tread designs R1, R2 and R4 known commonly as spade or lug grip types are prohibited on all vehicles.

e. Airboats, aircraft, personal water craft "mud crawling vessels" (commonly referred to as crawfish combines which use paddle wheels for locomotion) and hover craft are prohibited on all WMAs and Refuges. Personal water craft are defined as a vessel which uses an inboard motor powering a water jet pump as its primary source of propulsion and is designed to be operated by a person sitting, standing or kneeling on the vessel rather than in the conventional manner of sitting or standing inside the vessel. Personal water craft allowed on designated areas of Alexander State Forest WMA.

f. No internal combustion engines allowed in certain Greentree reservoirs.

g. Driving or parking vehicles on food or cover plots and strips is prohibited.

h. Blocking the entrance to roads and trails is prohibited.

i. Motorized vehicles, including ATVs, and motorcycles, are restricted entirely to designated roads and ATV trails as indicated on WMA maps. WMA maps available at all region offices. This restriction does not apply to bicycles.

j. Use of special ATV trails for handicapped persons is restricted to special ATV handicapped permittees. Handicapped ATV permittees are restricted to handicapped ATV trails or other ATV trails only as indicated on WMA maps. Persons 60 years of age and older, with proof of age, are also allowed to use special handicapped trails and need not obtain a permit. However, these persons must abide by all rules in place for these trails. Handicapped persons should make application for a Physically Challenged Hunter Program Permit with the department.

k. Entrances to ATV trails will be marked with peach colored paint. Entrances to handicapped-only ATV trails will be marked with blue colored paint. Routes of all trails are as indicated on WMA maps. Deviation from the trails indicated on the map constitutes a violation of WMA rules and regulations.

l. Roads and trails may be closed due to poor condition, construction or wet weather.

m. ATVs, and motorcycles cannot be left overnight on WMAs except on designated camping areas. ATVs are prohibited from two hours after sunset to 3:00 a.m. ATVs are prohibited from March 1 through August 31 except certain trails may be open during this time period to provide access for fishing or other purposes. These trails will be marked by signs at the entrance of the trail and designated on WMA maps. Raccoon hunters may use ATVs during nighttime raccoon take seasons only.

n. Caution: Many department-maintained roadways on WMAs are unimproved and substandard. A maximum 20 mph speed limit is recommended for all land vehicles using these roads.

10. Commercial Activities

a. Hunting Guides/Outfitters: No person or group may act as a hunting guide, outfitter or in any other capacity for which they are paid or promised to be paid directly or indirectly by any other individual or individuals for services rendered to any other person or persons hunting on any Wildlife Management Area, regardless of whether such payment is for guiding, outfitting, lodging or club memberships.

b. Commercial activities prohibited without prior approval from Baton Rouge office or unless otherwise specified.

c. Commercial fishing. Permits are required of all commercial fishermen using Grassy Lake, Pomme de Terre and Spring Bayou WMAs. Drag seines (except minnow and bait seines) are prohibited except experimental bait seines allowed on Dewey Wills WMA north of La. 28 in Diversion Canal. Commercial fishing is prohibited during regular waterfowl seasons on Grand Bay, Silver Lake and Lower Sunk Lake on Three Rivers WMA. Commercial fishing is prohibited on Salvador/Timken, Ouachita and Pointe-aux-Chenes WMAs except commercial fishing on Pointe-aux-Chenes is allowed in Cut Off Canal and Wonder Lake. No commercial fishing activity shall impede navigation and no unattended vessels or barges will be allowed. Non-compliance with permit regulations will result in revocation of commercial fishing privileges for the period the license is issued and one year thereafter. Commercial fishing is allowed on Pass-a-Loutre and Atchafalaya Delta WMAs. See Pass-a-Loutre for additional commercial fishing regulations on mullet.

11. Wildlife Management Areas Basic Season Structure. For season dates, bag limits, shooting hours, special seasons and other information consult the annual regulations pamphlet for specific details.

12. Resident Small Game (squirrel, rabbit, quail, mourning dove, woodcock, snipe, rail and gallinule). Consult regulations pamphlet. Unless otherwise specified under a specific WMA hunting schedule, the use of dogs for rabbit and squirrel hunting is prohibited.

13. Waterfowl (ducks, geese and coots). Consult regulations pamphlet. Hunting after 2 p.m. prohibited on all WMAs except for Atchafalaya Delta, Biloxi, Lake Boeuf, Pass-a-Loutre, Pointe-aux-Chenes, Salvador/Timken and Wisner WMAs. Consult specific WMA regulations for shooting hours on these WMAs.

14. Archery. Consult regulations pamphlet.

15. Hogs. Consult regulations pamphlet.

16. Outlaw Quadrupeds and Birds. Consult regulations pamphlet. During hunting seasons specified on WMAs, incidental take of outlaw quadrupeds and birds is allowed by properly licensed hunters and only with guns or bows and arrows legal for season in progress on WMA. However, crows, blackbirds, grackles and cowbirds may not be taken before September 1 or after January 2.

17. Wildlife Management Areas Hunting Schedule and Regulations:

a. Acadiana Conservation Corridor

b. Alexander State Forest. Vehicles restricted to paved and graveled roads. No parking on or fishing or swimming from bridges. No open fires except in recreation areas.

c. Atchafalaya Delta. Water control structures are not to be tampered with or altered by anyone other than employees of the Department of Wildlife and Fisheries at any time. ATVs, ATCs and motorcycles prohibited except as permitted for authorized WMA trappers.

d. Attakapas

e. Bayou Macon. All night activities prohibited except as otherwise provided. Mules are allowed for nighttime raccoon hunting.

f. Bayou Pierre

g. Bens Creek

h. Big Colewa Bayou. All nighttime activities prohibited.

i. Big Lake

j. Biloxi

k. Bodcau

l. Boeuf

m. Boise-Vernon

n. Buckhorn

o. Camp Beauregard. Daily military clearance required for all recreational users. Registration for use of Self Clearing Permit required once per year. All game harvested must be reported. Retriever training allowed on selected portions of the WMA. Contact the Region office for specific details.

p. Dewey W. Wills. Crawfish: 100 pounds per person per day.

q. Elbow Slough. Steel shot only for all hunting.

r. Elm Hall. No ATVs allowed.

s. Floy Ward McElroy

t. Fort Polk. Daily military clearance required to hunt or trap. Registration for use of Self-Clearing Permit required once per year. Special regulations apply to ATV users.

u. Grassy Lake. Commercial Fishing: Permitted except on Smith Bay, Red River Bay and Grassy Lake proper on Saturday and Sunday and during waterfowl season. Permits available from area supervisor at Spring Bayou headquarters or Opelousas Region Office. No hunting in restricted area.

v. Jackson-Bienville. Beginning September 1, 2004, ATVs are allowed ONLY on non-public maintained gravel roads and marked ATV trails.

w. Joyce. Swamp Walk: Adhere to all WMA rules and regulations. No firearms or hunting allowed within 100 yards of walkways. Check hunting schedule and use walkway at your own risk.

x. Lake Boeuf. Hunting allowed until 12:00 noon on all game.

y. Lake Ramsay. Foot traffic only - all vehicles restricted to Parish Roads.

z. Little River

aa. Loggy Bayou

bb. Manchac. Crabs: No crab traps allowed. Attended lift nets are allowed.

cc. Maurepas Swamp

dd. Ouachita. Waterfowl Refuge: North of La. Hwy. 15 closed to all hunting, fishing and trapping during duck season including early teal season. Crawfish: 100 pounds per person per day limit. Night crawfishing prohibited. No traps or nets left overnight. Commercial Fishing: Closed. All nighttime activities prohibited except as otherwise provided.

ee. Pass-a-Loutre. Commercial Fishing: Same as outside. Commercial mullet fishing open only in: South Pass, Pass-a-Loutre, North Pass, Southeast Pass, Northeast Pass, Dennis Pass, Johnson Pass, Loomis Pass, Cadro Pass, Wright Pass, Viveats Pass, Cognevich Pass, Blind Bay, Redfish Bay, Garden Island Bay, Northshore Bay, East Bay (west of barrier islands) and oil and gas canals as described on the department Pass-a-Loutre WMA map. ATVs, ATCs and motorcycles prohibited on this area. Oyster harvesting is prohibited.

ff. Pearl River. All roads closed 8 p.m. to 4:30 a.m. to all vehicles. Old Hwy. 11 will be closed when river gauge at Pearl River, Louisiana, reaches 16.5 feet. All hunting will be closed when the river stage at Pearl River reaches 16.5 feet except waterfowl hunting south of Hwy. 90. No hunting in the vicinity of Nature Trail. Observe "No Hunting" signs. Rifle range open noon until 4 p.m. Friday, and 8 a.m. to 4:30 p.m. Saturday and Sunday with a fee.

gg. Peason Ridge. Daily military clearance required to hunt or trap. Registration for use of Self-Clearing Permit required once per year. Special federal regulations apply to ATV users.

hh. Pointe-aux-Chenes. Hunting until 12 noon on ALL GAME, except for mourning dove hunting and youth lottery deer hunt as specified in regulation pamphlet. Point Farm: Gate will be open only on the first 3 Saturdays of the second split of mourning dove season and all weekends during month of February. No motorized vessels allowed in the drainage ditches. Recreational Fishing: Shrimp may be taken by the use of cast nets only. During the inside open shrimp season, 25 pounds per boat per day (heads on) shall be allowed. Size count to conform with open season requirements. During the inside closed season, 10 pounds per boat per day (heads on) may be taken for bait. Oyster harvesting is prohibited. Fish may be taken only by rod and reel or hand lines for recreational purposes only. Crabs may be taken only through the use of hand lines or nets; however, none are to remain set overnight. Twelve dozen crabs are allowed per boat or vehicle per day. Crawfish may be harvested in unrestricted portions of the wildlife

management area and shall be limited to 100 pounds per boat or group. Fishing gear used to catch crawfish shall not remain set overnight. The harvest of all fish, shrimp, crabs and crawfish are for recreational purposes only and any commercial use is prohibited. Mudboats or vessels with engines larger than 25 hp prohibited in the Montegut and Grand Bayou marsh management units. Public is permitted to travel anytime through the WMA for access purposes only, in the waterways known as Grand Bayou, Humble Canal, Little Bayou Blue and Grand Bayou Blue. All other motorized vehicles, horses and mules are prohibited unless authorized by the department.

ii. Pomme de Terre. Commercial Fishing: permitted Monday through Friday, except closed during duck season. Commercial Fishing permits available from area supervisor, Opelousas Region Office or Spring Bayou headquarters. Sport Fishing: Same as outside except allowed only after 2 p.m. only during waterfowl season. Crawfish: April 1 - July 31, recreational only, 100 lbs. per boat or group daily.

jj. Red River. Crawfishing prohibited on Yakey Farms Wetland Restoration Areas.

kk. Russell Sage. Transporting trash or garbage on WMA roads is prohibited. All nighttime activities prohibited except as otherwise provided. NOTE: All season dates on Chauvin Tract (U.S. 165 North) same as outside, except still hunt only and except deer hunting restricted to archery only. Waterfowl hunting after 2 p.m. prohibited. All vehicles including ATVs prohibited.

ll. Sabine

mm. Sabine Island. Sabine Island boundaries are Sabine River on the west, Cut-Off Bayou on the north, and Old River and Big Bayou on the south and east.

nn. Salvador/Timken. Hunting until 12 noon only for all game. All nighttime activities prohibited, including frogging. Recreational Fishing: Shrimp may be taken by the use of cast nets only. During the inside open shrimp season, 25 pounds per boat per day (heads on) shall be permitted. Size count to conform with open season requirements. During the inside closed season, 10 pounds per boat per day (heads on) may be taken for bait. Fish may be taken only by rod and reel or hand lines for recreational purposes only. Crabs may be taken only through the use of hand lines or nets; however, none of the lines are to remain set overnight. Twelve dozen crabs maximum are allowed per boat or vehicle per day. Crawfish may be harvested in unrestricted portions of the wildlife management area and shall be limited to 100 pounds per boat or group. Fishing gear used to catch crawfish shall not remain set overnight. The harvest of all fish, shrimp, crabs and crawfish are for recreational purposes only and any commercial use is prohibited. Boats powered by internal combustion engines having horsepower ratings above 25 hp are permitted only in oil company access canals, Louisiana Cypress Canal, the Netherlands Pond including the West Canal, Lakes - "Baie Des Chactas" and Baie du Cabanage" and the Rathborne Access ditch. Use of mudboats powered by internal combustion engines with four cylinders or less is permitted in interior ditches from September 6-February 1. Pulling boats over levees, dams or water control structures or any other activities which cause detriment to the integrity of levees, dams and water control structures is prohibited. ATVs, ATCs and motorcycles prohibited on this area.

oo. Sandy Hollow. Bird Dog Training: Consult regulation pamphlet. Wild birds only (use of pen-raised birds prohibited). Bird Dog Field Trials: Permit required from Baton Rouge Region Office. Horseback Riding: Organized trail rides prohibited. Riding allowed only on designated roads and trails. Horses and mules are specifically prohibited during turkey and gun season for deer except as allowed for bird dog field trials. No horses and mules on green planted areas. No motorized vehicles allowed off designated roads.

pp. Sherburne. Crawfishing: Recreational crawfishing only on the South Farm Complexes. Crawfish harvest limited to 100 pounds per vehicle or boat per day. No traps or nets left overnight. No motorized watercraft allowed on farm complex. Commercial crawfishing allowed on the remainder of the area. Permit is required. Retriever training allowed on selected portions of the WMA. Contact the Region office for specific details. Vehicular traffic prohibited on east Atchafalaya River levee within Sherburne WMA boundaries. Rifle and Pistol Range open daily. Skeet ranges open by appointment only, contact Hunter Education Office. No trespassing in restricted area behind ranges. Note: Atchafalaya National Wildlife Refuge, and U.S. Army Corps of Engineers land holdings adjacent to the Sherburne Wildlife Management Area will have the same rules and regulations as Sherburne WMA. No hunting or trapping in restricted area.

qq. Sicily Island Hills

rr. Soda Lake. No motorized vehicles allowed. All trapping and hunting prohibited except archery hunting for deer.

ss. Spring Bayou. Commercial Fishing: permitted Monday through Friday except slat traps and hoop nets permitted any day. Permits available from area supervisor or Opelousas Region Office. Closed until after 2 p.m. during waterfowl season. Sport Fishing: Same as outside except allowed only after 2 p.m. during waterfowl season. Crawfish: recreational only. No hunting allowed in headquarters area. Only overnight campers allowed in the improved Boggy Bayou Camping area. Rules and regulations posted at camp site. A fee is assessed for use of this camp site. Water skiing allowed only in Old River and Grand Lac.

tt. Tangipahoa Parish School Board. No horseback riding during gun season for deer or turkey. ATVs are not allowed.

uu. Thistlethwaite. No hunting or trapping in restricted area (See WMA Map). All motorized vehicles restricted to improved roads only. All users must enter and leave through main gate only. No entry into restricted areas.

vv. Three Rivers

ww. Tunica Hills. All vehicles restricted to Parish roads. ATVs restricted to designated trails. Driving on food plots prohibited. Access to restricted areas is unauthorized. Refer to WMA map. Camping prohibited on area. North of Hwy. 66 (Angola Tract) closed to the general public March 1-September 30 except spring turkey hunting access allowed for those individuals drawn for special lottery hunt.

xx. Union. All nighttime activities prohibited except as otherwise provided.

yy. West Bay

zz. Wisner

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:115 and R.S. 56:116.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 25:1279 (July 1999), amended LR 26:1494 (July 2000), LR 27:1049 (July 2001), LR 28:1603 (July 2002), LR 29:1124 (July 2003), repromulgated LR 29:1522 (August 2003), amended LR 30:1495 (July 2004).

Bill A. Busbice, Jr.
Chairman

0407#033

RULE

Department of Wildlife and Fisheries Wildlife and Fisheries Commission

Sharks and Sawfishes Harvest Regulations (LAC 76:VII.357)

The Wildlife and Fisheries Commission does hereby amend a Rule, LAC 76:VII.357, modifying the existing Rule. Authority for adoption of this Rule is included in R.S. 56:6(10), 56:320.2(C), 56:325.2 (A), 56:326.1, 56:326.3, and 56:326(E)(2).

Title 76

WILDLIFE AND FISHERIES

Part VII. Fish and Other Aquatic Life

Chapter 3. Saltwater Sport and Commercial Fishery §357. Sharks and Sawfishes Harvest Regulations

A. The following rules and regulations are established for the taking and possession of sharks (including sawfishes) (Class Elasmobranchiomorphi: Orders Hexanchiformes, Lamniformes, Squaliformes, and Rajiformes) from within or without Louisiana waters. The provisions of this Section shall not apply to shrimp or menhaden harvest, and nothing contained herein is intended or shall be construed to repeal, amend, or otherwise modify the provisions of law applicable to shrimp or menhaden fishing, except for provisions:

1. outlawing finning of shark;
2. requiring a Commercial State Shark Permit for sale, barter, trade, or exchange;
3. - 5. ...

B. For management purposes, sharks are divided into the following categories:

1. small coastal sharks: bonnethead shark, Atlantic sharpnose shark, blacknose shark, finetooth shark;
2. large coastal sharks: great hammerhead, scalloped hammerhead, smooth hammerhead, nurse shark, blacktip shark, bull shark, lemon shark, sandbar shark, silky shark, spinner shark, tiger shark;
3. pelagic sharks: porbeagle shark, shortfin mako, blue shark, oceanic whitetip shark, thresher shark;
4. prohibited species: basking shark, white shark, bigeye sand tiger, sand tiger, whale shark, smalltooth sawfish, largetooth sawfish, Atlantic angel shark, Caribbean sharpnose shark, smalltail shark, bignose shark, Caribbean reef shark, dusky shark, Galapagos shark, narrowtooth shark, night shark, bigeye sixgill shark, bigeye thresher shark, longfin mako, sevengill shark, sixgill shark.

C. In addition to all other licenses and permits required by law, a valid original Commercial State Shark Permit shall be annually required for persons commercially taking shark from Louisiana waters and for persons selling, exchanging,

or bartering sharks as required by law; the valid original permit shall be in immediate possession of the permittee while engaged in fishing for, possessing, selling, bartering, trading, or exchanging shark.

D. No person shall purchase, sell, exchange, barter or attempt to purchase, sell, exchange, or barter any sharks in excess of any possession limit for which a state or federal commercial permit was issued.

E.1. All persons who do not possess a Commercial State Shark Permit issued by the Department of Wildlife and Fisheries, and, if applicable, a Federal Commercial Directed or Incidental Limited Shark Permit issued by the National Marine Fisheries Service, are limited to a recreational possession limit. All persons who do not possess a Louisiana Commercial State Shark Permit and, if applicable, a Federal Commercial Directed or Incidental Limited Shark Permit issued by the National Marine Fisheries Service under the Federal Fishery Management Plan for Atlantic Sharks, shall not sell, barter, trade, exchange or attempt to sell, barter, trade or exchange any sharks, or possess any sharks in excess of a recreational possession limit. Sharks taken incidental to menhaden fishing, that are retained on the vessel as part of the harvest, may be retained and sold only as a mixed part of the total harvest, and shall not be retained, held, or sold, purchased, bartered, traded, or exchanged separately. Sharks retained as a result of menhaden fishing shall not exceed legal bycatch allowances for menhaden fishing as provided for in R.S. 56:324.

2. Legally licensed Louisiana wholesale/retail seafood dealers, retail seafood dealers, restaurants, and retail grocers are not required to hold a Commercial State Shark Permit in order to purchase, possess, exchange, barter and sell any quantities of sharks, so long as they maintain records as required by R.S. 56:306.5 and R.S. 56:306.6.

F. Sharks taken under a recreational bag limit shall not be sold, purchased, exchanged, traded, bartered, or attempted to be sold, purchased, exchanged, traded, or bartered. A person subject to a bag limit shall not possess at any time, regardless of the number of trips or the duration of a trip, any shark in excess of the recreational bag limits or less than minimum size limits as follows.

1. All sharks taken under a recreational bag limit within or without Louisiana waters must be at least 54 inches fork length, except that the minimum size limit does not apply for Atlantic sharpnose or bonnethead sharks.

2. Owners/operators of vessels other than those taking sharks in compliance with a state or federal commercial permit are restricted to no more than one shark from either the large coastal, small coastal or pelagic group per vessel per trip within or without Louisiana waters, subject to the size limits described in LAC 76:VII.357.F.1, and, in addition, no person shall possess more than one Atlantic sharpnose shark and one bonnethead shark per person per trip within or without Louisiana waters, regardless of the length of a trip.

3. All owners/operators of vessels recreationally fishing for and/or retaining regulated Atlantic Highly Migratory Species (Atlantic tunas, sharks, swordfish and billfish) in or from the EEZ must obtain and possess a Federal Atlantic Highly Migratory Species Angling permit.

G. Those persons possessing a Federal Commercial Directed or Incidental Limited Access Shark Permit issued

by the National Marine Fisheries Service under the Federal Fishery Management Plan for Atlantic Sharks are limited to daily take, trip and possession limits as specified in that federal permit. Regardless of where fishing, a person aboard a vessel for which a Federal Shark Permit has been issued shall not retain, possess, barter, trade, or exchange shark of any species group for which the commercial quota has been reached and the season closed in federal waters.

H.1. A vessel that has been issued or possesses a Federal Commercial Directed or Incidental Limited Access Shark Permit issued by the National Marine Fisheries Service under the Federal Fishery Management Plan for Atlantic Sharks shall not possess on any trip, or land from any trip, or sell, barter, trade, or exchange large coastal species in excess of the designated trip limits, as established under the Atlantic Highly Migratory Species Plan and published in the Federal Register, regardless of where taken. No person shall purchase, barter, trade, or exchange shark in excess of the designated trip limits or from any person who does not possess a Commercial State Shark Permit or Federal Commercial Directed or Incidental Limited Access Permit, if applicable.

2. Persons possessing a Commercial State Shark Permit shall not possess on any trip, or land from any trip, or sell, barter, trade, or exchange large coastal species in excess of 4,000 pounds, dressed weight, taken from Louisiana state waters.

3. Wholesale/retail seafood dealers who receive, purchase, trade for, or barter for Atlantic sharks, taken from the EEZ, from a fishing vessel must possess a valid Federal Dealer Permit.

I. A person aboard a vessel for which a Federal Commercial Directed or Incidental Limited Access Shark Permit has been issued, or persons aboard a vessel fishing for or possessing shark in the EEZ shall comply with all applicable federal regulations.

J. Fins

1. ...

2. All sharks possessed by a recreational fisherman shall be maintained with head and fins intact and shall not be skinned until set or put on shore.

3. Shark fins that are possessed aboard or offloaded from a fishing vessel must not exceed 5 percent of the weight of the shark carcasses. All fins must be weighed in conjunction with the weighing of the carcasses at the vessel's first point of landing and such weights of the fins landed must be recorded on dealer records in compliance with R.S. 56:306.5 and R.S. 56:306.6. Fins from shark harvested by a vessel that are in excess of 5 percent of the weight of the carcasses landed shall not be sold, purchased, traded, or bartered or attempted to be sold, purchased, traded, or bartered.

4. Shark fins shall not be possessed aboard a fishing vessel after the vessel's first point of landing.

5. All mako sharks possessed aboard a commercial fishing vessel shall have fins intact.

K. - L. ...

M. Seasonal Closures

1. All Louisiana state waters out to the seaward boundary of the Louisiana Territorial Sea shall be closed to the recreational and commercial harvest of all sharks between April 1 and June 30 of each year. A holder of a

Federal Commercial Directed or Incidental Limited Access Shark Permit may legally harvest sharks from federal waters beyond the Louisiana Territorial Sea and bring those sharks into Louisiana waters for sale within the provisions of that Federal Shark Permit. Effective with this closure, no person shall commercially harvest, purchase, barter, trade, sell or attempt to purchase, barter, trade or sell sharks from the closed area. Effective with the closure, no person shall retain or possess any sharks in the closed area. Sharks taken incidental to shrimp or menhaden fishing in the closed area, that are retained on the vessel as part of the harvest, may be retained only as a mixed part of the total harvest, and shall not be retained, held, purchased, bartered, traded, exchanged, sold or attempted to be purchased, bartered, traded, exchanged or sold.

M.2. - O. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:6(10), R.S. 56:326(E)(2), R.S. 56:326.1, R.S. 56:326.3, R.S. 56:320.2(C), and R.S. 325.2(A).

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 25:543 (March 1999), amended LR 27:2267 (December 2001), LR 30:1507 (July 2004).

Dwight Landreneau
Secretary

0407#034

RULE

Department of Wildlife and Fisheries Wildlife and Fisheries Commission

Spotted Seatrout Management Measures (LAC 76:VII.341)

The Wildlife and Fisheries Commission does hereby amend a Rule, LAC 76:VII.341, modifying the existing

Rule. Authority for adoption of this Rule is included in R.S. 56:6(25)(a) and 56:325.1(A)2 and (B).

Title 76

WILDLIFE AND FISHERIES

Part VII. Fish and Other Aquatic Life

Chapter 3. Saltwater Sport and Commercial Fishery

§341. Spotted Seatrout Management Measures

A. - D. ...

E. Recreational Regulations. Within those areas of the state, including coastal territorial waters, south of Interstate 10 from its junction at the Texas-Louisiana boundary eastward to its junction with Louisiana Highway 171, south to Highway 14, and then south to Holmwood, and then south on Highway 27 through Gibbstown south to Louisiana Highway 82 at Creole and south on Highway 82 to Oak Grove, and then due south to the western shore of the Mermentau River, following this shoreline south to the junction with the Gulf of Mexico, and then due south to the limit of the state territorial sea, of the daily take and possession limit of 25 fish currently set out at R.S. 56:325.1A.(2)(b), no person shall possess, regardless of where taken, more than 2 spotted seatrout exceeding 25 inches total length. Those spotted seatrout exceeding 25 inches in length shall be considered as part of the daily recreational bag limit and possession limit.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:6(25)(a); R.S. 56:306.5, R.S. 56:306.6, R.S. 56:325.3; R.S. 56:326.3; 56:325.1(A) 2 and (B).

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 18:199 (February 1992), amended LR 22:238 (March 1996), LR 24:360 (February 1998), LR 26:2333 (October 2000), LR 30:1509 (July 2004).

Bill A. Busbice, Jr.
Chairman

0407#023