

Rules

RULE

Department of Agriculture and Forestry State Market Commission

Meat Grading and Certification (LAC 7:V.513)

In accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the Department of Agriculture and Forestry, State Market Commission amends regulations governing fees assessed for meat grading and certification.

For the last two years the State Market Commission, Meat Grading and Certification Program budget has ended in a deficit. The department has used other funds to make up for each years deficit. The department cannot continue to find funds from other areas to make up this continuing deficit.

Louisiana is experiencing an unprecedented shortfall in state finances. The legislature has cut the department's budget; therefore, using other department funds to cover the deficit of the Meat Grading and Certification Program is not a continuing option.

The department, however, cannot discontinue the Meat Grading and Certification Program because the program provides state institutions and school food service systems with consistent grade quality and product uniformity to these users of the service.

The State Market Commission has amended the rules increasing fees to insure that the program will have adequate funding for the remaining fiscal year and beyond.

This Rule is enabled by R.S. 3:405.

Title 7

AGRICULTURE AND ANIMALS

Part V. Advertising, Marketing and Processing

Chapter 5. Market Commission—Meat Grading and Certification

§513. Contractor's Obligation

A. Contractors furnishing products under these regulations must furnish such assistance as may be necessary to expedite the grading, examination, and acceptance of products.

B. Contractors desiring grading/certification services must notify the Department of Agriculture and Forestry at least 24 hours in advance of need. Contractors who fail to give at least 24 hours notice in advance of need will be subject to a penalty of \$50, regardless of the time required for the service or the fee assessed on a poundage basis.

C. The costs of all grading, examination, acceptance, and certification of meat and meat products, poultry and poultry products, and seafood shall be paid by the contractor at the rate of \$0.04 per pound of meat or meat products, poultry and poultry products and seafood graded, examined, or certified, which amount shall be due and payable to the Department of Agriculture and Forestry upon presentation of statement(s) for services rendered.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:405 and R.S. 3:412.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Market Commission, LR 7:262 (May 1981), amended by the Department of Agriculture and Forestry, State Market Commission, LR 31:1227 (June 2005).

Bob Odom
Commissioner

0506#030

RULE

Department of Civil Service Board of Ethics

Executive Branch Lobbying (LAC 52:I.Chapters 1, 3, 12, 17, 19 and 21)

In accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the Department of Civil Service, Louisiana Board of Ethics, has adopted rules concerning the registration and reporting requirements pursuant to the executive branch lobbying laws pursuant to R.S. 49:71, et seq.

Title 52 ETHICS

Part I. Board of Ethics

Chapter 1. Definitions

§101. Definitions

Executive Branch Lobbyist Disclosure Act—refers to 49:71, et seq.

Legislative Branch Lobbyist Disclosure Act—refers to R.S. 24:50, et seq.

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

HISTORICAL NOTE: Promulgated by the Department of Civil Service, Board of Ethics, LR 23:1288 (October 1997), amended LR 24:1893 (October 1998), LR 30:2668, 2687 (December 2004), LR 31:1227 (June 2005).

Chapter 3. Duties of the Executive Secretary

§301. Duties of the Executive Secretary

A.1. - 9. ...

10. receive all reports filed pursuant to the provisions of the Legislative Branch Lobbyist Disclosure Act and the Executive Branch Lobbyist Disclosure Act.

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

HISTORICAL NOTE: Promulgated by the Department of Civil Service, Board of Ethics, LR 23:1290 (October 1997), amended LR 31:1227 (June 2005).

Chapter 12. Penalties

§1204. Late Filing; Fee Schedule

A. - B.1. ...

2. The late filing fees for any reports filed by a lobbyist registered pursuant to the Legislative Branch Lobbyist Disclosure Act shall be as provided in R.S.

24:58(D) and for any reports filed by a lobbyist registered pursuant to the Executive Branch Lobbyist Disclosure Act shall be as provided in R.S. 49:78(D).

B.3. ...

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

HISTORICAL NOTE: Promulgated by the Department of Civil Service, Board of Ethics, LR 23:1298 (October 1997), amended LR 26:628 (April 2000), LR 31:1227 (June 2005).

Chapter 17. Code of Governmental Ethics

§1701. Exception Contained in Section 1123(13);

Sporting and Cultural Events

A. An elected official may not receive a ticket or other fee or payment made in connection with a sporting or cultural event the value of which exceeds \$100. If two or more persons pay for the ticket or other fee or payment made in connection with a sporting or cultural event, the total amount of the fee or payment may not exceed \$100.

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

HISTORICAL NOTE: Promulgated by the Department of Civil Service, Board of Ethics, LR 31:1228 (June 2005).

Chapter 19. Legislative Branch Lobbyist Disclosure Act

§1901. In General

A. The Legislative Branch Lobbyist Disclosure Act provides that the Board of Ethics shall administer and enforce the provisions of the Act.

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

HISTORICAL NOTE: Promulgated by the Department of Civil Service, Board of Ethics, LR 25:624 (April 1999), amended LR 31:1228 (June 2005).

§1913. Reserved.

NOTE: Formerly Executive Lobbying Registration/Renewal, redesignated as §2131.

§1915. Reserved.

NOTE: Formerly Executive Lobbying Supplemental Registration, redesignated as §2133.

§1917. Reserved.

NOTE: Formerly Executive Lobbying Expenditure Reporting Designation, redesignated as §2135.

Chapter 21. Executive Branch Lobbyist Disclosure Act

§2101. In General

A. The Executive Branch Lobbyist Disclosure Act provides that the board shall administer and enforce the provisions of R.S. 49:71 et seq.

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

HISTORICAL NOTE: Promulgated by the Department of Civil Service, Board of Ethics, LR 31:1228 (June 2005).

§2103. Registration and Reporting Forms

A. The staff shall prepare and provide, upon request, forms for the registration and reporting of executive branch lobbyists. Forms may be provided on paper or in electronic format.

B. No registration, report or designation filed by a lobbyist or other person will be dated and filed with the board unless the registration, report or designation is on the form promulgated by the board in this Chapter.

C. If the form is electronically filed, the method of signature shall be as provided in §1803.

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

HISTORICAL NOTE: Promulgated by the Department of Civil Service, Board of Ethics, LR 31:1228 (June 2005).

§2105. Registration and Reporting; Dating, Numbering and Filing

A. The staff shall establish a procedure for the dating, indexing, and filing of all lobbyist registrations, lobbyist disclosure reports, designations, and employer/principal disclosure reports received by the board.

B. The method of determining the date of filing shall be as provided in R.S. 42:1157.1.

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

HISTORICAL NOTE: Promulgated by the Department of Civil Service, Board of Ethics, LR 31:1228 (June 2005).

§2107. Filing Fees

A. A fee, as set forth by the Legislature in R.S. 49:74(G), shall be remitted to the board with each registration or renewal required to be filed by a lobbyist.

B. All fees paid in compliance with this Chapter shall be by check or money order and made payable to the Louisiana Board of Ethics.

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

HISTORICAL NOTE: Promulgated by the Department of Civil Service, Board of Ethics, LR 31:1228 (June 2005).

§2109. Definitions

A. The following definitions supplement those contained in R.S. 49:71 et seq.

Aggregate Amount or Aggregate Expenditure—the total amount of money spent on behalf of an individual executive branch official on any one occasion or during a six-month reporting period.

Aggregate Total—the total of all expenditures for a reporting period or a calendar year.

Employer—any person which employs an individual for the purpose of lobbying.

Principal—any person who retains the services of a lobbyist to represent its interests on a contractual basis.

Schedule A—part of the promulgated expenditure report form which is used to report the name and agency of an executive branch official and the amount spent on the individual when such information is required by R.S. 49:76E.

Schedule B—part of the promulgated expenditure report form which is used to report the name of the group or groups of persons invited to a function, the date and location of the function and expenditures made in connection with the function when such information is required by R.S. 49:76F.

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

HISTORICAL NOTE: Promulgated by the Department of Civil Service, Board of Ethics, LR 31:1228 (June 2005).

§2111. Executive Branch Agencies

A. A lobbyist shall report the total amount of expenditures spent on employees in every individual department of the executive branch during the applicable reporting period on the forms promulgated by the board in this Chapter.

B. A lobbyist shall report the total amount of expenditures spent on employees in every individual agency within an executive branch department during the applicable reporting period on the forms promulgated by the board in this Chapter.

C. The board has promulgated the following roman numerical list of each department of the executive branch followed by the numerical list of agencies within each executive branch department.

I. Office of the Governor

1. Executive Office of the Governor
2. Advisory Council for Technology Access by Individuals with Disabilities
3. Board of Examiners of Certified Shorthand Reporters
4. Board of Tax Appeals
5. Board of Trustees of the State Employees Group Benefits Program
6. Cabinet Advisory Group on Economic Development
7. Children's Cabinet and Children's Cabinet Advisory Board
8. Coordinating Council on Telemedicine and Distance Education
9. Council on Peace Officers Standards and Training
10. Crime Victims Reparation Board
11. Governor's Advisory Commission on Coastal Restoration and Conservation
12. Governors Office of Indian Affairs
13. Indigent Defense Assistance Board
14. Juvenile Justice Reform Act Implementation Commission
15. Louisiana Animal Welfare Commission
16. Louisiana Architects Selection Board
17. Louisiana Auctioneers Licensing Board
18. Louisiana Cemetery Board
19. Louisiana Commission on HIV and AIDS
20. Louisiana Commission on Human Rights
21. Louisiana Commission on Law Enforcement and Administration of Criminal Justice
22. Louisiana Economic Development Council
23. Louisiana Engineers Selection Board
24. Louisiana Governor's Mansion Commission
25. Louisiana Landscape Architects Selection Board
26. Louisiana Manufactured Housing Commission
27. Louisiana Motor Vehicle Commission
28. Louisiana Real Estate Appraisers Board
29. Louisiana Real Estate Commission
30. Louisiana Sentencing Commission
31. Louisiana Stadium and Exposition District, Board of Commissioners
32. Louisiana State Board of Cosmetology
33. Louisiana State Board of Home Inspectors
34. Louisiana State Interagency Coordinating Council for Child Net: Louisiana's Early Intervention Program for Infants and Toddlers with Special Needs and their Families
35. Louisiana State Racing Commission
36. Louisiana State Radio and Television Technicians Board
37. Louisiana Technology and Innovations Council
38. Louisiana Used Motor Vehicle and Parts Commission
39. Louisiana Workforce Commission
40. Mental Health Advocacy Service and its Board of Trustees
41. Military Department, State of Louisiana
42. Occupational Forecasting Conference
43. Office of Disability Affairs
44. Office of Elderly Affairs and the Louisiana Executive Board on Aging
45. Office of Environmental Education
46. Office of Financial Institutions
47. Office of Lifelong Learning
48. Office of Louisiana Oil Spill Coordinator
49. Office of Rural Development
50. Office of Women's Policy
51. Ozarks Regional Commission
52. Patient's Compensation Fund Oversight Board
53. Pet Overpopulation Advisory Council

54. Policy Coordinating Council
55. Polygraph Board
56. Small Business Entrepreneurship Commission
57. State Board of Architectural Examiners
58. State Board of Certified Public Accountants of Louisiana
59. State Board of Examiners of Interior Designers
60. State Boxing and Wrestling Commission
61. State Licensing Board for Contractors
62. The Drug Policy Board
63. The Wetlands Conservation and Restoration Authority
64. Any board, commission, or task force created by the Governor or by the Office of the Governor

II. Department of Agriculture and Forestry

1. Executive Office of the Commissioner
2. Office of Management and Finance
3. Office of Solar and Water Conservation
4. Office of Marketing
5. Office of Agro-Consumer Services
6. Office of Agriculture and Environmental Sciences
7. Office of Animal Health Services
8. Office of Forestry
9. Advisory Commission on Pesticides
10. Boll Weevil Eradication Commission
11. Dairy Industry Promotion Board
12. Dairy Stabilization Board
13. Fertilizer Commission
14. Horticulture Commission of Louisiana
15. Livestock Brand Commission
16. Louisiana Agricultural Commodities Commission
17. Louisiana Agricultural Finance Authority
18. Louisiana Aquaculture Coordinating Council
19. Louisiana Beef Industry Council
20. Louisiana Crawfish Market Development Authority
21. Louisiana Crawfish Promotion and Research Board
22. Louisiana Egg Commission
23. Louisiana Feed Commission
24. Louisiana Forestry Commission
25. Louisiana Pork Commission Board
26. Louisiana Rice Commission Board
27. Louisiana Rice Research Board
28. Louisiana Soy Bean Commission Board
29. Louisiana State Livestock Sanitary Board
30. Louisiana Strawberry Marketing Board
31. Louisiana Sweet Potato Advertising and Development Commission
32. New Orleans Food Center Authority
33. Seed Commission
34. State Market Commission
35. State Soil and Water Conservation Committee
36. Structural Pest Control Commission
37. Weights and Measures Commission

III. Department of Culture, Recreation, and Tourism

1. Office of the Lieutenant Governor
2. Executive Office of the Secretary
3. Office of Management and Finance
4. Office of Tourism
5. Office of State Library
6. Office of the State Museum
7. Office of Cultural Development
8. Office of State Parks
9. Atchafalaya Trace Advisory Board
10. Atchafalaya Trace Commission
11. Atchafalaya Trace Heritage Area Development Zone Review Board
12. Board of Commissioners of the State Library of Louisiana
13. Board of Directors of the Louisiana State Museum
14. Council of 100
15. Kenner Naval Museum Commission
16. Louisiana Archaeological Survey and Antiquities

- Commission
- 17. Louisiana Byways Commission
- 18. Louisiana Folk Life Commission
- 19. Louisiana Naval War Memorial Commission
- 20. Louisiana Purchase Bicentennial Commission
- 21. Louisiana Purchase Commemorative Act Commission
- 22. Louisiana Retirement Development Commission
- 23. Louisiana Serve Commission
- 24. Louisiana State Arts Council
- 25. Louisiana Tourism Development Commission
- 26. Louisiana Unmarked Burial Sites Board
- 27. Manchac Parkway Commission
- 28. Mississippi River Road Commission
- 29. National Register Review Committee
- 30. New Orleans City Park Improvement Association and its Board of Commissioners
- 31. Red River Development Council
- 32. State Board of Library Examiners
- 33. State Parks and Recreation Commission

IV. Department of Economic Development

- 1. Executive Office of the Secretary
- 2. Office of Management and Finance
- 3. Office of Business Development
- 4. Advisory Committee of Louisiana Applied Polymer Technology Extension Consortium
- 5. Board of Commerce and Industry
- 6. Board of Directors of Louisiana Applied Polymer Technology Consortium
- 7. Louisiana Biomedical Research and Development Park Commission
- 8. Louisiana Economic Development Corporation
- 9. Louisiana International Trade Development Board
- 10. Louisiana Music Commission

V. Department of Education

- 1. State Board of Elementary and Secondary Education
- 2. Advisory Councils to Pro-Secondary Vocational Technical Schools
- 3. Executive Office of the Superintendent
- 4. Office of Management and Finance
- 5. Louisiana Student Financial Assistance Commission, Office of Student Financial Assistance
- 6. Office of School and Community Support
- 7. Office of Student and School Performance
- 8. Office of Quality Educators
- 9. Board of Regents
- 10. Board of Supervisors for the University of Louisiana System
- 11. Any College/University under the supervision of the Board of Supervisors for the University of Louisiana System shall be considered its own agency.
- 12. Board of Supervisors of Louisiana State University and Agricultural and Mechanical College
- 13. Any College/University/Center under the supervision of the Board of Supervisors of Louisiana State University and Agricultural and Mechanical College shall be considered its own agency.
- 14. Board of Supervisors of Southern University and Agricultural and Mechanical College
- 15. Any College/University/Center under the supervision of the Board of Supervisors of Southern University and Agricultural and Mechanical College shall be considered its own agency.
- 16. Administrative Leadership Academy
- 17. Advisory Commission on Proprietary Schools
- 18. Board of Directors of Minority Health Professions Education Foundation
- 19. Council for the Development of Spanish in Louisiana

- 20. Council for the Development of French in Louisiana
- 21. Council of Louisiana Universities Marine Consortium for Research and Education
- 22. Governor's Program for Gifted Children
- 23. Louisiana Educational Assessment Testing Commission
- 24. Louisiana Educational Television Authority
- 25. Louisiana Higher Education Executive Advisory Committee
- 26. Louisiana HIPPY Advisory Board
- 27. Louisiana School for Gifted and Talented Students and its Board of Directors
- 28. Louisiana Systemic Initiatives Program Council
- 29. New Orleans Center for Creative Arts/Riverfront and Advisory Board
- 30. Office of Instructional Technology
- 31. Quality Science and Mathematics Council
- 32. Recovery School District
- 33. State Advisory Commission on Teacher Education and Certification
- 34. Task Force on Student Proficiency
- 35. Teaching Internship Program Commission

VI. Department of Environmental Quality

- 1. Executive Office of the Secretary
- 2. Office of Management and Finance
- 3. Office of Environmental Assessment
- 4. Office of Environmental Compliance
- 5. Office of Environmental Services
- 6. Board of Certification and Training for Solid Waste Management
- 7. Louisiana Small Business Compliance Advisory Panel

VII. Department of Health and Hospitals

- 1. Executive Office of the Secretary
- 2. Office of Management and Finance
- 3. Office of Public Health
- 4. Office of Mental Health
- 5. Office of Citizens with Developmental Disabilities
- 6. Office for Addictive Disorders
- 7. Any hospital/institution/ developmental center, including regional or parish offices, under the supervision of the Department of Health and Hospitals shall be considered its own agency.
- 8. Advisory Committee on Hospice Care
- 9. Advisory Committee on Respiratory Care
- 10. Allied Health Professionals Supply and Demand Commission
- 11. Ambulance Standards Committee of Emergency Medical Services Task Force
- 12. Board of Examiners for Nursing Home Administrators
- 13. Clinical Laboratory Personnel Committee
- 14. Commission on Perinatal Care and Prevention of Infant Mortality
- 15. Fluoridation Advisory Board
- 16. Governor's Council on Physical Fitness and Sports
- 17. Health Education Authority of Louisiana
- 18. Louisiana Access to Better Care Medicaid Insurance Demonstration Project Oversight Board
- 19. Louisiana Advisory Committee on Assisted Living
- 20. Louisiana Advisory Committee on Populations and Geographic Regions with Excessive Cancer Rates
- 21. Louisiana Advisory Committee on Midwifery
- 22. Louisiana Board for Hearing Aid Dealers
- 23. Louisiana Board of Examiners for Speech-Language Pathology and Audiology
- 24. Louisiana Board of Massage Therapy
- 25. Louisiana Board of Pharmacy
- 26. Louisiana Board of Wholesale Drug Distributors
- 27. Louisiana Commission on Alcohol and Drug Abuse
- 28. Louisiana Emergency Medical Services Certification Commission

29. Louisiana License Professional Counselors Board of Examiners
30. Louisiana Licensed Professional Vocational Rehabilitation Counselors Board of Examiners
31. Louisiana Medical Assistance Trust Fund Advisory Council
32. Louisiana Medical Disclosure Panel
33. Louisiana State Board of Certification for Substance Abuse Counselors
34. Louisiana State Board of Certified Social Work Examiners
35. Louisiana State Board of Chiropractic Examiners
36. Louisiana State Board of Dentistry
37. Louisiana State Board of Embalmers and Funeral Directors
38. Louisiana State Board of Examiners for Sanitarians
39. Louisiana State Board of Examiners in Dietetics and Nutrition
40. Louisiana State Board of Medical Examiners
41. Louisiana State Board of Nurse Examiners
42. Louisiana State Board of Optometry Examiners
43. Louisiana State Board of Physical Therapy Examiners
44. Louisiana State Board of Practical Nurse Examiners
45. Louisiana State Planning Council on Developmental Disabilities
46. Medical Education Commission
47. Minority Health Affairs Commission
48. Nursing Supply and Demand Commission
49. Physicians Assistance Advisory Committee
50. Radiologic Technology Board of Examiners
51. Southern Louisiana Drinking Water Study Commission
52. State Board of Electrolysis
53. State Board of Examiners for Psychologists
54. State Board of Veterinary Medical Examiners
55. State Office of Comprehensive Health Planning
56. Statewide Health Coordinating Council
57. The Medicaid Drug Program Committee
58. Water Supply and Sewerage Systems Certification Committee

VIII. Department of Insurance

1. Office of the Commissioner of Insurance
2. Office of Management and Finance
3. Division of Legal Services
4. Division of Public Affairs
5. Division of Minority Affairs
6. Office of Receivership
7. Office of Licensing and Compliance
8. Office of Property and Casualty
9. Office of Health Insurance
10. Office of Financial Solvency
11. Advisory Committee of the Louisiana Consortium Insurance and Financial Services
12. Advisory Committee on Equal Opportunity
13. Advisory Committee to the Basic Health Insurance Plan Pilot Program Development Council
14. Board of Directors of the Property Insurance Association of Louisiana
15. Examination Review Council
16. Governing Committee of the Louisiana Automobile Insurance Plan
17. Governing Committee of the Louisiana Insurance Underwriting Plan
18. Governing Committee of the Louisiana Joint Reinsurance Plan
19. Insurance Education Advisory Council
20. Louisiana Health Care Commission
21. Louisiana Insurance Rating Commission
22. The Board of Directors of the Louisiana Consortium of Insurance and Financial Services

IX. Department of Justice

1. Executive Office of the Attorney General
2. Administrative Services Division
3. Public Protection Division
4. Litigation Division
5. Civil Division
6. Criminal Division
7. Investigation Division
8. Gaming Division
9. Law Enforcement Officers and Firemen's Survivor Benefit Review Board

X. Department of Labor

1. Executive Office of the Secretary
2. Office of Management and Finance
3. Office of Occupational Information Services
4. Office of Workers' Compensation Administration
5. Office of Workforce Development
6. Office of Regulatory Services
7. Apprenticeship Council
8. Board of Barber Examiners
9. Employment Security Board of Review
10. Governor's State Manpower Services Council
11. Louisiana Private Employment Service Advisory Council
12. Louisiana Workers' Compensation Second Injury Board
13. State Board of Examiners of Journeymen Plumbers
14. Workers' Compensation Advisory Council

XI. Department of Natural Resources

1. Executive Office of the Secretary
2. Office of Management and Finance
3. Office of Mineral Resources
4. Office of Coastal Restoration and Management
5. Office of Conservation
6. The Oil Field Site Restoration Commission
7. Atchafalaya Basin Advisory Committee
8. State Mineral Board
9. Louisiana-Mississippi Tangipahoa River Waterway Compact
10. Atchafalaya Basin Program
11. Atchafalaya Basin Research and Promotion Board
12. Ground Resource Commission
13. Oyster Lease Damage Evaluation Board

XII. Department of Public Safety and Corrections

1. Executive Office of the Secretary
2. Office of Management and Finance for Correction Services
3. Office of Management and Finance for Public Safety Services
4. Office of Legal Affairs
5. Office of State Police
6. Office of Motor Vehicle
7. Office of State Fire Marshal, Code Enforcement and Building Safety
8. Office of Adult Services
9. Office of the Youth Development
10. Any prison, detention center, or corrections facility under the supervision of the Department of Public Safety and Corrections shall be considered its own agency.
11. Board of Pardons
12. Board of Parole
13. Board of Review for Extra Compensation for Municipal Police Officers
14. Board of Review to the Fire Marshal
15. Emergency Response Commission
16. Fire Prevention Board of Review
17. Firemen's Supplemental Pay Board

18. Interagency Recreation Board
19. Liquefied Petroleum Gas Commission
20. Louisiana Alarm Services Advisory Board
21. Louisiana Gaming Control Board
22. Louisiana Gaming Control Board Hearing Office
23. Louisiana Highway Safety Commission
24. Louisiana Medical Advisory Council
25. Louisiana Motor Carrier Advisory Committee
26. Louisiana State Board of Private Investigator Examiners
27. Louisiana State Board of Private Security Examiners
28. Prison Enterprises Board
29. Weights and Standards Mobile Police Force

XIII. Department of Public Service—Public Service Commission

XIV. Department of Revenue

1. Executive Office of the Secretary
2. Office of Management and Finance
3. Office of Tax Administration-Group 1
4. Office of Tax Administration-Group 2
5. Office of Tax Administration-Group 3
6. Office of Alcohol and Tobacco Control
7. Office of Legal Affairs
8. Office of Charitable Gaming
9. Louisiana Tax Commission
10. Louisiana Tax Free Shopping Commission
11. Public Administrators Appointed Pursuant to R.S. 9:1581
12. Uniform Electronic Local Returns and Remittance Advisory Committee

XV. Department of Social Services

1. Executive Office of the Secretary
2. Office of Management and Finance
3. Office of Family Support
4. Office of Community Services
5. Any regional, parish, or district office under the supervision of the Department of Social Services shall be considered its own agency.
6. Blind Vendor's Trust Fund Advisory Board
7. Interpreters Certification Board
8. Louisiana Advisory Committee on Licensing of Child Care Facilities and Child Placing Agencies
9. Louisiana Child Care Challenge Committee
10. Louisiana Children's Trust Fund Board
11. Louisiana Commission for the Deaf
12. Louisiana Committee on Private Child Care
13. Louisiana Welfare Reform Coordinating Committee
14. Traumatic Head and Spinal Cord Injury Trust Fund Advisory Board

XVI. Department of the State

1. Secretary of the State
2. First Stop Shop
3. Office of the Uniform Commercial Code
4. Historical Records Advisory Commission
5. First Stop Shop Coordinating Council
6. Advisory Board of the Old State Capitol
7. Eddie G. Robinson Museum Commission
8. State Board of Elections Supervisors
9. Regional Museum Governing Board of Louisiana State Exhibit Museum
10. Louisiana State Exhibit Museum
11. Louisiana State Cotton Museum
12. Tioga Heritage Park and Museum and Governing Board
13. Jean Lafitte Marine Fisheries Museum and Governing Board
14. Louisiana Military Museum and Governing Board
15. Louisiana Delta Music Museum and Governing Board

16. Mansfield Women's Museum and Governing Board
17. Louisiana State Oil and Gas Museum
18. Garyville Timber Mill Museum
19. Livingston Parish Museum and Cultural Center

XVII. Department of State Civil Service

1. State Civil Service Commission
2. State Civil Service
3. Advisory Board on Inservice Education and Training
4. Board of Ethics
5. State Police Service
6. Division of Administrative Law
7. State Examiner of Municipal Fire and Police Civil Service and the Office of the State Examiner of Municipal Fire and Police Civil Service

XVIII. Department of Transportation and Development

1. Executive Office of the Secretary
2. Office of Management and Finance
3. Office of Highways
4. Office of Planning and Programming
5. Office of Operations
6. Office of Public Works and Intermodal Transportation
7. Allen Parish Reservoir District
8. Louisiana High Speed Rail Transportation Advisory Council
9. Louisiana Investment in Infrastructure for Economic Prosperity Commission
10. Louisiana Professional Engineering and Land Surveying Board
11. Louisiana Transportation Authority
12. Mississippi River Bridge Authority
13. Mississippi River Parkway Commission of Louisiana
14. Mississippi-Louisiana Rapid Transit Commission
15. Offshore Terminal Authority
16. Poverty Point Reservoir District
17. Sabine River Authority
18. Washington Parish Reservoir District
19. West Ouachita Reservoir Commission

XIX. Department of the Treasury

1. Executive Office of the State Treasurer
2. Office of Management and Finance
3. Office of the State Bond Commission
4. Office of the State Depository Control and Investment
5. Assessors' Retirement Fund and their Board
6. Clerks of Court Retirement System and their Board
7. District Attorney's Retirement System and their Board
8. Firefighters' Retirement System and their Board
9. Interim Emergency Board
10. Louisiana Deferred Compensation Commission
11. Louisiana Housing Finance Agency
12. Louisiana Infrastructure Bank
13. Louisiana Infrastructure Bank Board of Directors
14. Louisiana School Employees' Retirement System and their Board
15. Louisiana State Employees' Retirement System and their Board
16. Medical Disability Board
17. Municipal Employees' Retirement System and their Board
18. Municipal Police Employees' Retirement System and their Board.
19. Parochial Employees' Retirement System and their Board
20. State Bond Commission
21. State Police Retirement Fund and their Board

22. Teachers Retirement System of Louisiana and their Board
23. The Registrars of Voters Employees' Retirement System and their Board
24. The Sheriff's Pension and Relief Fund and their Board

XX. Department of Veterans Affairs

1. Executive Office of the Secretary
2. Office of Management and Finance
3. Veterans Affairs Commission
4. Any Veteran Home under the jurisdiction of the Department shall be considered its own agency.

XXI. Department of Wildlife and Fisheries

1. Executive Office of the Secretary
2. Office of Management and Finance
3. Office of Fisheries
4. Office of Wildlife
5. Louisiana Artificial Reef Development Council
6. Louisiana Fur and Alligator Advisory Council
7. Wildlife and Fisheries Commission
8. Iatt Lake State Game and Fish Preserve
9. Saline Lake Game and Fish Preserve
10. Louisiana Seafood Promotion and Marketing Board
11. Gulf States Marine Fisheries Commission
12. Nantachie Lake State Game and Fish Preserve
13. Northwest Louisiana Game and Fish Preserve
14. Crab Task Force
15. Mullet Task Force
16. Oyster Task Force

XXII. Division of Administration

1. Executive Office of the Commissioner
2. Office of Community Development
3. Comprehensive Public Training Program
4. Office of Computing Services
5. Office of Contractual Review
6. Office of Electronic Services
7. Office of Facility Planning and Control
8. Office of Finance and Support Services
9. Office of Group Benefits
10. Office of Human Resources
11. Office of Information Services
12. Office of Information Technology
13. Office of the Inspector General
14. Louisiana Property Assistance Agency
15. Office of Planning and Budget
16. Office of Risk Management
17. Office of State Buildings
18. State Land Office
19. Office of State Mail Operations
20. Office of State Printing and Forms Management
21. Office of State Purchasing and Travel
22. Office of the State Register
23. Office of the State Uniform Payroll
24. Office of Statewide Reporting and Accounting Policy
25. TANF Executive Office of Oversight & Evaluation
26. Office of Telecommunications Management

XXIII. Agencies not placed within a specific executive branch department

1. Advisory Board of the Old State Capital Museum
2. Associated Branch Pilots for the Port of Lake Charles Fee Commission
3. Associated Branch Pilots for the Port of New Orleans Fee Commission
4. Advisory Committee on Regulation of Water Well Drillers
5. Advisory Council for Early Identification of Hearing Impaired Infants
6. Agricultural Education Advisory Committee

7. Berwick Port Pilotage Fee Commission
8. Board of Commissioners of the South Terrebonne Parish Tidewater Management and Consolidated District
9. Board of Commission of Tri-Parish Drainage and Water Conservation District
10. Board of Commissioner for the Amite River Basin Drainage
11. Board of Commissioner of the Louisiana Airport Authority
12. Board of Commissioners for the Millennium Port Authority
13. Board of Commissioners for the Port of New Orleans
14. Board of Commissioners of the Poverty Point Reservoir District
15. Board of Commissioners of the Ascension-St. James Airport and Transportation Authority
16. Board of Commissioners of the Atchafalaya Basin Levee District
17. Board of Commissioners of the Bayou D'Arbonne Lake Watershed District
18. Board of Commissioners of the Bayou Lafourche Freshwater District
19. Board of Commissioners of the Bossier Levee District
20. Board of Commissioners of the Caddo Levee District
21. Board of Commissioners of the Capital Area Groundwater Conservation District
22. Board of Commissioners of the East Jefferson Levee District
23. Board of Commissioners of the Ernest N. Morial-New Orleans Exhibition Hall Authority
24. Board of Commissioners of the Fifth Louisiana Levee District
25. Board of Commissioners of the Grand Isle Levee District
26. Board of Commissioners of the John K. Kelly Grand Bayou Reservoir District
27. Board of Commissioners of the Lafourche Basin Levee District
28. Board of Commissioners of the Lake Borgne Basin Levee District
29. Board of Commissioners of the Lake Charles Harbor and Terminal District
30. Board of Commissioners of the Morgan City Harbor and Terminal District
31. Board of Commissioners of the Natchitoches Levee and Drainage District
32. Board of Commissioners of the Nineteenth Louisiana Levee District
33. Board of Commissioners of the North Bossier Levee District
34. Board of Commissioners of the North Lafourche Conservation, Levee and Drainage District
35. Board of Commissioners of the North Terrebonne Parish Drainage and Conservation District
36. Board of Commissioners of the Orleans Levee District
37. Board of Commissioners of the Pontchartrain Levee District
38. Board of Commissioners of the Red River Levee and Drainage District
39. Board of Commissioners of the Red River, Atchafalaya and Bayou Boeuf Levee District
40. Board of Commissioners of the South Lafourche Levee District
41. Board of Commissioners of the St. Bernard Port Harbor and Terminal District
42. Board of Commissioners of the West Jefferson Levee District
43. Board of Control for Southern Regional Education
44. Board of Directors to the eight regional service centers of the Department of Education
45. Board of Directors for the Louisiana Tourism Promotion District

46. Board of Directors of the Louisiana State Lottery Corporation
47. Board of Examiners of Bar Pilots for the Port of New Orleans
48. Board of Morgan City, Berwick Port Pilot Commissioners and Examiners
49. Board of New Orleans and Baton Rouge Steamship Pilot Commissioner for the Mississippi River
50. Board of River Port Pilot Commissioners and Examiners for the Port of New Orleans
51. Board of River Port Pilot Commissioners and Examiners for the Port of Lake Charles
52. Board of Trustees of the Harbor Police Employees' Retirement System
53. Board of Trustees of the Louisiana Imports and Exports Trust Authority
54. Board of Trustees of the Louisiana Public Facilities Authority
55. Bossier Parish Pari-Mutuel Live Racing Facility Economic Redevelopment & Gaming Control Assistance District Board of Directors
56. Cane Waterway Commission
57. Cash Management Review Board
58. Child Death Review Panel
59. Choose Life Advisory Council
60. Commercial Building Energy Conservation Code Advisory Committee
61. Compensation Review Commission
62. Correctional Facilities Corporation
63. Correctional Institutions
64. Crescent City Connection Oversight Authority
65. Crescent River Port Pilots Association Fee Commission
66. Education Commission of the States
67. Election Board of the Louisiana Hall of Fame of the Arts
68. Emergency Medical Services for Children Advisory Council
69. Environmental Services Commission of St. Tammany Parish
70. Flood Control Project Evaluation Committee
71. Governing Board of the Caddo Pine Island Oil and Historical Museum
72. Governing Board of the Edward Douglass White Historic Site Museum
73. Governing Board of the Capital Area Human Services District
74. Grand Isle Port Commission
75. Greater Baton Rouge Port Commission
76. Greater Lafourche Port Commission
77. Henderson Poor Fund
78. Homeowner's Insurance and Property Insurance Task Force
79. Integrated Criminal Justice Information System Policy Board
80. Interstate Compact for the Supervision of Paroles and Probationers
81. Interstate Compact on Juveniles
82. Jefferson Parish Human Services Authority
83. Judicial Compensation Commission
84. Judiciary Commission of Louisiana
85. Louisiana Cancer and Lung Trust Fund Board
86. Louisiana Commission on Addictive Disorders
87. Louisiana Data Base Commission
88. Louisiana Environmental Education Commission
89. Louisiana Executive Board on Aging
90. Louisiana Film and Video Commission
91. Louisiana Geographic Information Systems Council
92. Louisiana Historical Jazz Society
93. Louisiana Historical Records Advisory Board
94. Louisiana Home Instruction Program for Youngsters
95. Louisiana Judicial College
96. Louisiana Litter Reduction and Public Action Commission
97. Louisiana Music Commission
98. Louisiana Naval War Memorial Commission
99. Louisiana Pan African Commission
100. Louisiana Recreational Fishing Development Board
101. Louisiana Resource Recovery and Development Authority
102. Louisiana School Asbestos Abatement Commission
103. Louisiana Seafood Promotion and Marketing Board
104. Louisiana Soybean and Grain Research and Promotion Board
105. Louisiana State Board of Practical Nurse Examiners
106. Louisiana State Office of Rural Health
107. Louisiana State Polygraph Board
108. Louisiana Tuition Trust Authority
109. Natchitoches Parish Port Commission
110. New Orleans and Baton Rouge Steamship Pilotage Fee Commission
111. Office Facilities Corporation
112. Red River Compact Commission
113. Red River Parish Port Commission
114. Red River Waterway Commission
115. Regional and state advisory councils for community and family support services
116. Residential Building Contractors Subcommittee
117. Rev. Avery C. Alexander Memorial Commission
118. River Region Cancer Screening and Early Detection District Commission
119. Sabine River Compact Administration
120. School and District Accountability Advisory Council
121. Secondary School Redesign Study Commission
122. South Central Regional Transportation Authority
123. South Louisiana Port Commission
124. South Tangipahoa Parish Port Commission
125. Southern Growth Policies Board
126. Southern Rapid Rail Transit Compact
127. Sparta Groundwater Conservation District Board of Commissioners
128. St. Landry Par. Pari-Mutuel Live Racing Facility Economic Redevelopment and Gaming Control Assistance Board of Directors
129. State Artist Laureate
130. State Plumbing Board
131. State Technology Advisory Committee
132. Telephone Access Program Board
133. Board of Supervisors of Community and Technical Colleges
134. Any technical college or community college under the supervision of the Board of Supervisors of Community and Technical Colleges shall be considered its own agency.

D. In the event the agency of an executive branch official is not listed in the above list, the lobbyist shall exercise due diligence to identify the department and agency of the executive branch official and properly report the expenditure.

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

HISTORICAL NOTE: Promulgated by the Department of Civil Service, Board of Ethics, LR 31:1228 (June 2005).

§2113. Registration

A. Any individual who is employed as a lobbyist or who receives compensation to act in a representative capacity for the purpose of lobbying shall register, on forms provided by the board, as an executive branch lobbyist with the board within five days of making expenditures of \$500 or more on executive branch officials in a calendar year for the purpose of lobbying.

B. Any individual who does not make expenditures of \$500 or more on executive branch officials but who registers as an executive branch lobbyist with the board shall file expenditure reports as required by the Lobbyist Disclosure

Act and shall be liable for any late fee assessed for the late filing of a report.

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

HISTORICAL NOTE: Promulgated by the Department of Civil Service, Board of Ethics, LR 31:1234 (June 2005).

§2114. Registration; Disclosure

A. A lobbyist is required to list on his registration form the name and address of each person by whom he is employed and, if different, whose interests he represents, including the business in which that person is engaged, if expenditures are made by either the lobbyist, his employer or the principal with respect to lobbying on behalf of that person.

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

HISTORICAL NOTE: Promulgated by the Department of Civil Service, Board of Ethics, LR 31:1235 (June 2005).

§2115. Reporting; In General

A. An expenditure should be reported by the lobbyist who would be required to account for the expenditure as an ordinary and necessary expense directly related to the active conduct of the lobbyist's, his employer's or the principal's trade or business.

B. Any expenditure made by a lobbyist on an executive branch official shall be reported regardless of a pre-existing personal or familial relationship.

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

HISTORICAL NOTE: Promulgated by the Department of Civil Service, Board of Ethics, LR 31:1235 (June 2005).

§2117. Reporting; Additional Disclosure Requirements under R.S. 49:76(E)

A. If the expenditures for an individual executive branch official exceeds \$50 on any one occasion or exceeds an aggregate of \$250 during a six-month reporting period, then R.S. 49:76E requires that the name and agency of the executive branch official and the total amount of expenditures spent on that individual in a reporting period be disclosed on Schedule A of the expenditure report.

B. Any expenditure made in connection with a sporting or cultural event as permitted by R.S. 42:1123(13) shall be included in calculating the amount spent on an elected executive branch official and in determining whether additional reporting as required by R.S. 49:76E is necessary.

C. Any expenditure subject to additional reporting under R.S. 49:76F shall not be included in calculating the amount spent on an individual executive branch official for purposes of determining whether additional reporting is required by R.S. 49:76E.

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

HISTORICAL NOTE: Promulgated by the Department of Civil Service, Board of Ethics, LR 31:1235 (June 2005).

§2119. Reporting; Additional Disclosure Requirements under R.S. 49:76(F)

A. If more than 25 executive branch officials are invited to a reception, social gathering or other function during a reporting period, then R.S. 49:76(F) requires that the following information be disclosed on Schedule B of the expenditure report:

1. the name of the group or groups of persons invited;
2. the date of the function;

3. the location of the function;
4. all expenditures made in connection with the function.

B. An executive branch official is considered to be invited only if he receives an invitation specifically addressed to him.

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

HISTORICAL NOTE: Promulgated by the Department of Civil Service, Board of Ethics, LR 31:1235 (June 2005).

§2121. Election by Employer or Principal to Report for Lobbyists

A. An employer or principal may elect, pursuant to R.S. 49:76G(2)(a), to file a single expenditure report.

B. If an employer or principal elects to file such reports, an Employer/Principal Designation form, as promulgated in this Chapter, must be completed and submitted to the board by January 31. The designation shall be effective for one year and requires the employer or principal to report all expenditures made by all lobbyists representing its interests during that calendar year.

C. In the event an employer or principal files an expenditure report which does not include a statement of expenditures for one of its lobbyists, the report shall not be timely filed until a complete report disclosing the expenditures of all of its lobbyists is filed.

D. Late fees shall continue to accumulate until a complete report is filed.

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

HISTORICAL NOTE: Promulgated by the Department of Civil Service, Board of Ethics, LR 31:1235 (June 2005).

§2123. Expenditures made directly by the Principal or Employer

A. An expenditure made directly by an employer or principal in a lobbyist's presence shall be attributed to and reported by the lobbyist. If more than one lobbyist is present, then the employer or principal shall designate which lobbyist shall report the total amount of the expenditure.

B. An employer or principal who makes such an expenditure is required to provide the following information to the lobbyist no later than two business days after the close of each reporting period:

1. the total amount of the expenditure;
2. the amount of the expenditure that has been attributed to the lobbyist and which must be reported by the lobbyist;
3. the nature of the expenditure;
4. the names of the executive branch officials involved; and
5. the agencies of the executive branch officials involved.

C. Failure by the employer or principal to provide the necessary information to its lobbyist regarding such expenditure will cause the employer or principal to be required to register and report as a lobbyist and may subject the employer or principal to penalties.

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

HISTORICAL NOTE: Promulgated by the Department of Civil Service, Board of Ethics, LR 31:1235 (June 2005).

§2131. Executive Lobbying Registration/Renewal

**EXECUTIVE LOBBYING REGISTRATION/
RENEWAL FOR
THE YEAR OF _____**
(Fill in year.)

Executive Lobbyist Registration No.

FOR OFFICE USE ONLY
Postmark Date: _____

Instructions

- Print in ink or type.
- Complete form and return with **\$110** registration fee to the Board of Ethics, 2415 Quail Dr., 3rd Floor, Baton Rouge LA 70808, or fax to (225) 763-8787. For information or assistance, call (225) 763-8777 or (800) 842-6630.
- Initial registrations must be submitted within 5 days of (1) employment as a lobbyist or (2) first action requiring registration. Registrations expire as of December 31 unless a renewal is submitted between December 1 and January 31.

1. NAME _____
Last First MI

2. BUSINESS PHONE _____
Area Code and Phone Number

3. FAX NUMBER _____

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

MAILING ADDRESS _____
Street and No. City State Zip

5. EMPLOYER _____

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

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

1. Name _____

Address _____

Business or purpose _____

Does this person pay you? _____

If No, who pays you? _____

**EXECUTIVE LOBBYING
REGISTRATION FORM**

Executive Lobbyist Registration No. _____

2. Name _____

Address _____

Business or purpose _____

Does this person pay you? _____

If No, who pays you? _____

3. Name _____

Address _____

Business or purpose _____

Does this person pay you? _____

If No, who pays you? _____

4. Name _____

Address _____

Business or purpose _____

Does this person pay you? _____

If No, who pays you? _____

CERTIFICATION OF ACCURACY

I hereby certify that the information contained herein is true and correct to the best of my knowledge, information, and belief; and that no information required by LSA-R.S. 49:71 et seq. has been deliberately omitted.

Signature of Lobbyist

ATTACH
2" x 2"
PHOTOGRAPH
HERE

Page _____ of _____

**EXECUTIVE LOBBYING
REGISTRATION/RENEWAL
ATTACHMENT FORM**

Executive Lobbyist Registration No. _____

Instructions:

- Please make as many copies of this form as necessary in order to complete Question 7 of the Executive Lobbying Registration/Renewal Form.
- Fill in your Executive Lobbyist Registration No. in the space provided in the upper right hand corner of the page.
- Please identify each page with a page number and indicate the total number of pages being submitted.

1. Name _____

Address _____

Business or purpose _____

Does this person pay you? _____

If No, who pays you? _____

2. Name _____

Address _____

Business or purpose _____

Does this person pay you? _____

If No, who pays you? _____

3. Name _____

Address _____

Business or purpose _____

Does this person pay you? _____

If No, who pays you? _____

4. Name _____

Address _____

Business or purpose _____

Does this person pay you? _____

If No, who pays you? _____

Page _____ of _____

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

HISTORICAL NOTE: Promulgated by the Department of Civil Service, Board of Ethics, LR 30:2689 (December 2004), repromulgated LR 31:1236 (June 2005).

§2133. Executive Lobbying Supplemental Registration

EXECUTIVE LOBBYING
SUPPLEMENTAL REGISTRATION FORM

Executive Lobbyist Registration No. _____

Instructions

- Print in ink or type.
- Complete form and return to Board of Ethics, 2415 Quail Dr., 3rd Floor, Baton Rouge LA 70808, or fax to (225) 763-8787. For information or assistance, call (225) 763-8777 or (800) 842-6630. No fee is required.
- This form must be submitted within 5 days of any changes in your registration form or to add employers or those you represent. It must be submitted within 10 days of any termination of employment or representations.

FOR OFFICE USE ONLY
Postmark Date: _____

1. NAME _____
Last First MI

NAME CHANGE _____
Last First MI

2. BUSINESS PHONE _____
(Area Code) Phone Number

3. FAX PHONE _____

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

MAILING ADDRESS _____
Street and No. City State Zip

5. EMPLOYER _____

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

7. Have you ceased or terminated **all** lobbying activities requiring registration? Yes _____ No _____

8. LIST BELOW (a) Names of persons, groups, or organizations which you are adding or eliminating; (b) the address of each such person, group, or organization listed; (c) the type of business each is engaged in or the purpose or function of the organization or group; (d) whether or not the client or someone else pays you to lobby; and (e) the date of termination if applicable.

1) Name _____

Address _____

Business or purpose _____

G New Representation
Does this person pay you? _____

If No, who pays you? _____

G Terminated Representation as of _____

**EXECUTIVE LOBBYING
SUPPLEMENTAL REGISTRATION FORM**

Executive Lobbyist Registration No. _____

2) Name _____

Address _____

Business or purpose _____

GNew Representation
Does this person pay you? _____

If No, who pays you? _____

GTerminated Representation as of _____

3) Name _____

Address _____

Business or purpose _____

GNew Representation
Does this person pay you? _____

If No, who pays you? _____

GTerminated Representation as of _____

CERTIFICATION OF ACCURACY

I hereby certify that the information contained herein is true and correct to the best of my knowledge, information, and belief; and that no information required by LSA-R.S. 49:71 et seq. has been deliberately omitted.

Signature of Lobbyist

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

HISTORICAL NOTE: Promulgated by the Department of Civil Service, Board of Ethics, LR 30:2692 (December 2004), repromulgated LR 31:1239 (June 2005).

- 4) Name: _____ EXEC.ID.# _____
 Last First MI
- 5) Name: _____ EXEC.ID.# _____
 Last First MI
- 6) Name: _____ EXEC.ID.# _____
 Last First MI
- 7) Name: _____ EXEC.ID.# _____
 Last First MI
- 8) Name: _____ EXEC.ID.# _____
 Last First MI
- 9) Name: _____ EXEC.ID.# _____
 Last First MI
- 10) Name: _____ EXEC.ID.# _____
 Last First MI

Pursuant to LSA-R.S. 49:76G(2)(a), _____ (name of employer or principal) is exercising the option of filing expenditure reports for all executive lobbying expenditures made on my/its behalf by persons representing my/its interests during the year of _____. I hereby certify that the information contained herein is true and correct to the best of my knowledge, information and belief; and that no information required by LSA-R.S. 49:71 et seq. has been deliberately omitted.

Signature of Employer/Principal or Representative

Print on Type Full Name

§2137. Executive Lobbying Expenditure Report

**EXECUTIVE LOBBYING EXPENDITURE REPORT
FORM 507**

G COVERING JANUARY 1- JUNE 30, ____ - DUE AUGUST 15

G COVERING JANUARY 1 - DECEMBER 31, ____ - DUE FEBRUARY 15

Mail to: The Board of Ethics, 3415 Quail Drive, Third Floor, Baton Rouge, LA 70808

OR

Fax to: (225) 763-8787 or (225) 763-8780

Executive Lobbyist Registration No.

FOR OFFICE USE ONLY

Postmark
Date _____

1. NAME _____
Last
First
MI

NAME CHANGE _____
Last
First
MI

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

MAILING ADDRESS _____
Street and No.
City
State
Zip

3. BUSINESS PHONE _____
Area Code and Phone Number

4. Total of all executive lobbying expenditures made January 1 through June 30: \$ _____
 (Include expenditures from Schedules A and B)

5. Total of all executive lobbying expenditures made July 1 through December 30: \$ _____
 (When Applicable) (Include expenditures from Schedules A and B)

6. Total of all executive lobbying expenditures made during calendar year: \$ _____
 (Line 4 added to Line 5 should equal Line 6)

7. Did you make an expenditure exceeding \$50 on one occasion for an executive branch official:

From January 1 through June 30? **G**Yes **G**No
 From July 1 through December 31? **G**Yes **G**No **G**NA

If the answer to either question in Number 7 above is YES, complete Schedule A and attach.

8. Did you make expenditures exceeding the sum of \$250 for an executive branch official:

From January 1 through June 30? **G**Yes **G**No
 From July 1 through December 31? **G**Yes **G**No **G**NA

If the answer to either question in Number 8 above is YES, complete Schedule A and attach.

9. Did you expend funds for any reception, social gathering, or other function to which more than twenty-five executive branch officials were invited during this reporting period?

Yes **G** No **G**

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

EXECUTIVE LOBBYING EXPENDITURE REPORT

Executive Lobbyist Registration No.

10. PROVIDE BELOW (a) the name of the executive branch department as listed in the executive branch schedule; (b) the aggregate total of all expenditures attributable to the department made during the January 1 - June 30 reporting period; (c) the aggregate total of all expenditures attributable to the department made during the July 1 - December 31 reporting period when applicable; (d) the aggregate total of all expenditures made in a calendar year attributable to the department.

- 1) a. Name of Department: _____
- b. Total of all expenditures made January 1 through June 30: \$ _____
- c. Total of all expenditures made July 1 through December 31: \$ _____
(When applicable)
- d. Total of all expenditures made during the calendar year: \$ _____

- 2) a. Name of Department: _____
- b. Total of all expenditures made January 1 through June 30: \$ _____
- c. Total of all expenditures made July 1 through December 31: \$ _____
(When applicable)
- d. Total of all expenditures made during the calendar year: \$ _____

- 3) a. Name of Department: _____
- b. Total of all expenditures made January 1 through June 30: \$ _____
- c. Total of all expenditures made July 1 through December 31: \$ _____
(When applicable)
- d. Total of all expenditures made during the calendar year: \$ _____

11. PROVIDE BELOW (a) the name of the executive branch department and the individual agency as listed in the executive branch schedule; (b) the aggregate total of all expenditures attributable to the agency made during the January 1 - June 30 reporting period; (c) the aggregate total of all expenditures attributable to the agency made during the July 1 - December 31 reporting period when applicable; (d) the aggregate total of all expenditures made in a calendar year attributable to the agency.

- 1) a. Name of Department and Individual Agency: _____
- b. Total of all expenditures made January 1 through June 30: \$ _____
- c. Total of all expenditures made July 1 through December 31: \$ _____
(When applicable)
- d. Total of all expenditures made during the calendar year: \$ _____

- 2) a. Name of Department and Individual Agency: _____
- b. Total of all expenditures made January 1 through June 30: \$ _____
- c. Total of all expenditures made July 1 through December 31: \$ _____
(When applicable)
- d. Total of all expenditures made during the calendar year: \$ _____
- 3) a. Name of Department and Individual Agency: _____
- b. Total of all expenditures made January 1 through June 30: \$ _____
- c. Total of all expenditures made July 1 through December 31: \$ _____
(When applicable)
- d. Total of all expenditures made during the calendar year: \$ _____

CERTIFICATION OF ACCURACY

I hereby certify that the information contained herein is true and correct to the best of my knowledge, information, and belief; that all reportable expenditures have been included herein; and that no information required by LSA-R.S. 49:71 et seq. has been deliberately omitted.

Signature of Lobbyist

**EXECUTIVE LOBBYING EXPENDITURE REPORT
ATTACHMENT**

Executive Lobbyist Registration No.

Instructions:

- Please make as many copies as necessary to complete Item #11 of your executive lobbying expenditure report.
- Fill in your executive lobbyist registration number in the space provided in the upper right hand corner of the page.
- Identify each page with a page number and indicate the total number of pages being submitted.

- 1) a. Name of Department and Individual Agency: _____
- b. Total of all expenditures made January 1 through June 30: \$ _____
- c. Total of all expenditures made July 1 through December 31: \$ _____
(When applicable)
- d. Total of all expenditures made during the calendar year: \$ _____
- 2) a. Name of Department and Individual Agency: _____
- b. Total of all expenditures made January 1 through June 30: \$ _____
- c. Total of all expenditures made July 1 through December 31: \$ _____
(When applicable)
- d. Total of all expenditures made during the calendar year: \$ _____
- 3) a. Name of Department and Individual Agency: _____
- b. Total of all expenditures made January 1 through June 30: \$ _____
- c. Total of all expenditures made July 1 through December 31: \$ _____
(When applicable)
- d. Total of all expenditures made during the calendar year: \$ _____
- 4) a. Name of Department and Individual Agency: _____
- b. Total of all expenditures made January 1 through June 30: \$ _____
- c. Total of all expenditures made July 1 through December 31: \$ _____
(When applicable)
- d. Total of all expenditures made during the calendar year: \$ _____

Page _____ of _____

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

HISTORICAL NOTE: Promulgated by the Department of Civil Service, Board of Ethics, LR 31:1243 (June 2005).

- 4) Name: _____ EXEC.ID.# _____
 Last First MI
- 5) Name: _____ EXEC.ID.# _____
 Last First MI
- 6) Name: _____ EXEC.ID.# _____
 Last First MI
- 7) Name: _____ EXEC.ID.# _____
 Last First MI
- 8) Name: _____ EXEC.ID.# _____
 Last First MI
- 9) Name: _____ EXEC.ID.# _____
 Last First MI
- 10) Name: _____ EXEC.ID.# _____
 Last First MI

7. PROVIDE BELOW (a) the aggregate total of all expenditures during the January 1 - June 30 reporting period; (b) the aggregate total of all expenditures during the July 1 - December 31 reporting period when applicable; (c) the aggregate total of all expenditures made by the principal/employer in a calendar year.

- a. Total of all executive lobbying expenditures made January 1 through June 30: \$ _____
 (Include expenditures from Schedules A and B)
- b. Total of all executive lobbying expenditures made July 1 through December 31: \$ _____
 (When applicable) (Include expenditures from Schedules A and B)
- c. Total of all executive lobbying expenditures made during the calendar year: \$ _____
 (Line "a" added to Line "b" should equal Line "c")

8. COMPLETE AN ATTACHMENT FORM for each of your registered executive lobbyists.

CERTIFICATION OF ACCURACY

I hereby certify that the information contained herein is true and correct to the best of my knowledge, information and belief; and that no information required by LSA-R.S. 49:71 et seq. has been deliberately omitted.

 Signature of Employer/Principal or Representative

 Print or Type Full Name

**EXECUTIVE LOBBYING
EMPLOYER/PRINCIPAL'S EXPENDITURE REPORT
ATTACHMENT**

This attachment is to be used to complete Item #8 of Form 508, the report form for principals and employers who have elected to report on behalf of their executive lobbyists. Make as many copies of this form as needed for the completion of the expenditure report. Identify each page with a number and indicate the total number of page being submitted.

1) LOBBYIST: _____ EXEC ID # _____

A. Total of all executive lobbying expenditures made January 1 through June 30: \$ _____
(Include expenditures from Schedules A and B)

Total of all executive lobbying expenditures made July 1 through December 30: \$ _____
(When Applicable) (Include expenditures from Schedules A and B)

Total of all executive lobbying expenditures made during calendar year: \$ _____
(Adding above expenditure lines should equal this total)

B. Did this lobbyist make an expenditure exceeding \$50 on one occasion for an executive branch official:

From January 1 through June 30?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	
From July 1 through December 31?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> N/A

If the answer to either question in "B" above is YES, complete Schedule A and attach.

C. Did you make expenditures exceeding the sum of \$250 for an executive branch official:

From January 1 through June 30?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	
From July 1 through December 31?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> N/A

If the answer to either question in "C" above is YES, complete Schedule A and attach.

D. Did you expend funds for any reception, social gathering, or other function to which more than twenty-five executive branch officials were invited during this reporting period?

Yes No

If the answer to "D" above is YES, complete Schedule B and attach.

E. PROVIDE BELOW (a) the name of the executive branch department as listed in the executive branch schedule; (b) the aggregate total of all expenditures attributable to the department made by this lobbyist during the January 1 - June 30 reporting period; (c) the aggregate total of all expenditures attributable to the department made by this lobbyist during the July 1 - December 31 reporting period when applicable; (d) the aggregate total of all expenditures made by this lobbyist in a calendar year attributable to the department.

1) a. Name of Department: _____

b. Total of all expenditures made January 1 through June 30: \$ _____

c. Total of all expenditures made July 1 through December 31: \$ _____
(When applicable)

d. Total of all expenditures made during the calendar year: \$ _____

2) a. Name of Department: _____

b. Total of all expenditures made January 1 through June 30: \$ _____

c. Total of all expenditures made July 1 through December 31: \$ _____
(When applicable)

d. Total of all expenditures made during the calendar year: \$ _____

3) a. Name of Department: _____

b. Total of all expenditures made January 1 through June 30: \$ _____

c. Total of all expenditures made July 1 through December 31: \$ _____
(When applicable)

d. Total of all expenditures made during the calendar year: \$ _____

4) a. Name of Department: _____

b. Total of all expenditures made January 1 through June 30: \$ _____

c. Total of all expenditures made July 1 through December 31: \$ _____
(When applicable)

d. Total of all expenditures made during the calendar year: \$ _____

F. PROVIDE BELOW (a) the name of the executive branch department and individual agency as listed in the executive branch schedule; (b) the aggregate total of all expenditures attributable to the agency made by this lobbyist during the January 1 - June 30 reporting period; (c) the aggregate total of all expenditures attributable to the agency made by this lobbyist during the July 1 - December 31 reporting period when applicable; (d) the aggregate total of all expenditures made by this lobbyist in a calendar year attributable to the agency.

1) a. Name of Department and Individual Agency: _____
b. Total of all expenditures made January 1 through June 30: \$ _____
c. Total of all expenditures made July 1 through December 31: \$ _____
(When applicable)
d. Total of all expenditures made during the calendar year: \$ _____

2) a. Name of Department and Individual Agency: _____
b. Total of all expenditures made January 1 through June 30: \$ _____
c. Total of all expenditures made July 1 through December 31: \$ _____
(When applicable)
d. Total of all expenditures made during the calendar year: \$ _____

3) a. Name of Department and Individual Agency: _____
b. Total of all expenditures made January 1 through June 30: \$ _____
c. Total of all expenditures made July 1 through December 31: \$ _____
(When applicable)
d. Total of all expenditures made during the calendar year: \$ _____

4) a. Name of Department and Individual Agency: _____
b. Total of all expenditures made January 1 through June 30: \$ _____
c. Total of all expenditures made July 1 through December 31: \$ _____
(When applicable)
d. Total of all expenditures made during the calendar year: \$ _____

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

HISTORICAL NOTE: Promulgated by the Department of Civil Service, Board of Ethics, LR 31:1249 (June 2005).

R. Gray Sexton
Ethics Administrator

0506#048

RULE

Board of Elementary and Secondary Education

Bulletin 111—The Louisiana School, District, and State Accountability System (LAC 28:LXXXIII.4303 and 4313)

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—The Louisiana School, District, and State Accountability System* (LAC 28:LXXXIII). Act 478 of the 1997 Regular Legislative Session called for the development of an accountability system for the purpose of implementing fundamental changes in classroom teaching by helping schools and communities focus on improved student achievement. The state's accountability system is an evolving system with different components.

These changes take advantage of new flexibility in guidance for No Child Left Behind and address situations that were not considered when the accountability policy was initially written.

Title 28 EDUCATION

Part LXXXIII. Bulletin 111—Louisiana School, District, and State Accountability

Chapter 43. District Accountability

§4303. Indicator 1—Summer School

A. The Louisiana Department of Education shall use two statistics when calculating an index score for summer school.

1. Part A—The percentage passing summer LEAP 21 tests.

a. The Louisiana Department of Education shall calculate the percentage passing summer LEAP 21 tests by using the number of students who scored unsatisfactory failed high-stakes testing in the previous spring as the denominator. The scores results of first-time students shall be included (i.e., not students who are repeating the grade because of a score of unsatisfactory failure in the previous year). This statistic shall include grades 4 and 8 and shall be weighted by the number of students failing each test high-stakes testing in the previous spring. English language arts (ELA) and mathematics shall be counted separately. The numerator and denominator shall be the sum of counts in grade 4 ELA and mathematics plus grade 8 ELA and mathematics. Students' summer school results shall be attributed to the district in which they took the summer test.

b. Formula for converting Part A to an index:
2.5* (percent passing + 5). Implications of index for Part A:

i. 35 percent passing of summer tests shall yield an index of 100;

ii. 55 percent passing of summer tests shall yield an index of 150.

2. Part B—The change in scale scores on LEAP 21 from spring to summer for scores that are unsatisfactory of students who failed high-stakes testing in the spring.

a. The Louisiana Department of Education shall use the mean change in scale scores on LEAP 21 from the spring to the summer administration, for all scores that were unsatisfactory contributing to the students' failures in the spring administration. The scores of first-time students shall be included (i.e., not students who are repeating the grade because of a score of unsatisfactory in the previous year). If a student is tested in the spring but not in the summer, the change for that student's score shall be "0." If a student is tested in the summer but not in the spring, the spring score shall be assumed to be the 10th percentile of students tested in the spring. Four averages shall be computed for each district, ELA and mathematics for both 4th and 8th grades. The district score shall be the weighted average of the four results. Students' summer school results shall be attributed to the district in which they took the summer test.

b. Formula for converting Part B to an index:5* (average scale score gain). Implications of index Part B:

i. a scale score gain of 20 points shall yield an index of 100;

ii. a scale score gain of 30 points shall yield an index of 150.

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 31:1256 (July 2005).

§4313. Corrective Actions

A. - B.2. ...

3. Beginning in 2004, districts that fail to achieve adequate yearly progress will complete a self-assessment only after being identified for district improvement as described below in Subsection C.

C. Districts that receive a DRI Index label of "unresponsive" for a second consecutive year and/or are identified for improvement by the subgroup component shall write district improvement plans based on the prior years' self-assessments and submit those plans to the LDE.

1. A district is identified for improvement when it fails in all grade-clusters, in the same subject, to achieve subgroup AYP for two consecutive years.

a. For 2004 only, districts that failed subgroup AYP in 2003 and who fail all three grade-clusters in the same subject as they failed in 2003, will be identified for district improvement.

C.2. - E. ...

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2757 (December 2003), amended LR 30:1449 (July 2004), LR 31:424 (February 2005), LR 31:635 (March 2005), LR 31:1256 (July 2005).

Weegie Peabody
Executive Director

0506#007

RULE

Board of Elementary and Secondary Education

Bulletin 741—Louisiana Handbook for School Administrators (LAC 28: CXV.Chapters 1-37)

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, the Board of Elementary and Secondary Education adopted Bulletin 741—Louisiana Handbook for School Administrators. Bulletin 741 will be printed in codified format as Part CXV of the Louisiana Administrative Code. This document replaces any previously advertised versions. Bulletin 741—Louisiana Handbook for School Administrator contains all BESE policies and state laws required for the normal operation of districts and schools that are not included in other bulletins. The purpose of this project was to:

- clarify wording of policies;
- ensure that all Rules approved by BESE are included;
- eliminate contradictory policies;
- update Bulletin 741 with current legislation;
- make the bulletin more user-friendly;
- codify the bulletin as is required by the Administrative Procedure Act.

Title 28

EDUCATION

Part CXV. Bulletin 741—Louisiana Handbook for School Administrators

Chapter 1. Foreword

§101. Purpose

A. Policies passed by the Board of Elementary and Secondary Education (BESE) govern the operation of public elementary, middle, and secondary schools. *Bulletin 741—Louisiana Handbook for School Administrators*, contains these policies.

B. The contents of this bulletin have been revised and reorganized for more efficient use as a reference document for district and school administrators. The bulletin has been extensively reviewed by members of BESE, the Department of Education (DOE), and a statewide review committee.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6; R.S. 17:7.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1257 (June 2005).

§103. Revisions

A. *Bulletin 741—Louisiana Handbook for School Administrators* will be updated monthly as new rules are adopted by BESE.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6; R.S. 17:7.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1257 (June 2005).

Chapter 3. Operation and Administration

§301. General Authority

A. The public school system established under the Louisiana Constitution shall operate in accordance with the standards set by BESE. Measurable standards of operation have been established for the approval of schools, stating the responsibility of the local educational governing authority.

B. Educational programs shall be in accordance with the Constitution of the United States, the Constitution of

Louisiana, the Louisiana Revised Statutes, applicable state and federal regulations, and policies of BESE.

C. Each local education agency (LEA) shall ensure that all eligible persons, regardless of race, creed, sex or disability, have access to educational programs supported by public funds.

D. Any allowable deviations in the implementation of a policy or standard shall be authorized by BESE.

E. Each LEA shall have a signed statement of assurance that the preschool, elementary, and secondary programs operated by the system are currently in compliance with the applicable state and federal regulations when such statements are required for the purpose of funding.

AUTHORITY NOTE: Promulgated in accordance with La. Const. Art. VIII §1 and §3; R.S. 17:6; R.S. 17:7; R.S. 17:111; R.S. 17: 151; R.S 17:172; R.S. 17:1941, et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1257 (June 2005).

§303. General Powers of Local Educational Governing Authorities

A. Each city and parish school board shall determine the number and location of schools to be opened, and the number and selection of teachers and other certified personnel from recommendations made by the local superintendent.

B. Each city and parish school board is authorized to adopt rules and regulations for its own governance that are consistent with law and with the regulations of BESE.

1. Each member of a city and parish school board shall receive a minimum of six hours of training and instruction in the school laws of this state, in the laws governing the school boards, and in educational trends and research.

2. The training shall be provided by an institution of higher education, the DOE, or the local school board central office staff.

C. Each city and parish school board shall apply for, receive and expend all funds destined for the support of the schools according to the provisions of R.S. 17:81.

D. Each city and parish school board shall have full and final authority and responsibility for the assignment, transfer and continuance of all students among and within the public schools within its jurisdiction, and shall prescribe rules and regulations pertaining to those functions.

E. Any city or parish school board member shall have the right to examine any or all records of the school system except employee records relative to evaluations, observations, formal complaints, and grievances.

F. A public trust having a city or parish school board as its beneficiary may be created to be funded by surplus revenues of the beneficiary school board and with the use of income produced by the trust restricted to meeting the capital outlay needs of the school system.

G. Individual school board members shall not use the authority of their office to coerce or compel any personnel decisions or any school employee decisions concerning benefits, work assignment, or membership in any organization.

H. No city or parish school board shall accept any funds or grants for any new curricular or pilot programs unless the board has received the prior approval of BESE.

I. Each city and parish school board shall develop and adopt rules and policies regarding the dismissal and

discipline of school employees including but not limited to the following issues:

1. dismissing teachers at any time a reduction in force is instituted by the school board;
2. dismissing school employees who have not attained tenure;
3. the investigation of employees accused of impermissible corporal punishment or moral offenses involving students;
4. the investigation of any employee in any case in which there is a public announcement by the board that the employee may be disciplined, whether or not there is an accompanying reduction in employee pay; and
5. grievance procedures for teachers and school employees.

J. No city or parish school board shall adopt any policy which forbids or discourages any teacher or other school board employee from reporting directly to any appropriate law enforcement authority any apparent criminal activity by any person involving, or appearing to involve, controlled dangerous substances, or any other apparent illegal activity.

1. No parish or city school board shall adopt any policy that would have the effect of preventing or hindering the response of law enforcement officials on school board property, to reports of illegal activity.

K. Each city and parish school board may enter into voluntary compacts with other LEAs for the purpose of providing multiparish education programs of all kinds in accordance with R.S. 17:100.2.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:53; R.S. 17:81; 17:81.2 17:81.4-8; R.S. 17:100.2; R.S. 17:104; R.S. 17:151.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1257 (June 2005).

§305. Administration

A. The organization and administration of education in each LEA and school shall be that which best meets the needs of the students, the community, and the society, and shall fulfill the purpose for which the school system and school were organized.

B. Coordination of school instructional programs shall be planned and arranged to ensure effective program operation. All activities shall conform to policies adopted by the local education governing authority, or of the school system, or of other applicable educational governing authorities.

C. Each LEA and school shall develop effective administrative procedures with respect to opening and closing the school year, office management, and daily administration and LEA activities.

D. The superintendent of each LEA shall faithfully carry out the requirements of the state school laws and the rules and regulations made for the schools by BESE.

E. The principal shall be responsible for coordinating and directing all activities of the school.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:81; R.S. 17:91; R.S. 17:105; R.S. 17:414.1.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1258 (June 2005).

§307. Philosophy and Purposes

A. It shall be the responsibility of each LEA and school to formulate a written statement of its philosophy and purposes and/or mission statement. This statement shall give

direction to the education program. The philosophy and purposes shall be on a system-wide basis and shall be adapted to meet the needs of each school within the system.

1. Copies of the statement of philosophy and purposes shall be on file at the offices of the superintendent and the principal.

AUTHORITY NOTE: Promulgated in accordance with La. Const. Art. VIII Preamble and R.S. 17:6; R.S. 17:7.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1258 (June 2005).

§309. Learning Environment

A. The learning environment shall be conducive to the educational and overall well being of students.

AUTHORITY NOTE: Promulgated in accordance with Louisiana Constitution Art. VIII Preamble.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1258 (June 2005).

§311. System Accreditation

A. Each school system shall participate in a program of system accreditation and receive a classification granted by the DOE based upon a fifth-year, on-site verification of the Annual System and School Reports.

B. All school systems shall receive an accreditation classification.

C. Schools systems shall be classified according to the following categories based upon the fifth-year, on-site visitation:

1. Accredited

a. Accredited. The programs offered by the school system are in compliance with the policies and standards of BESE.

b. Accredited Provisionally. One or more programs offered by the school system has deficiencies in standards other than those stated in the probational category, and the system is being advised and requested to make corrections. Improvement is expected prior to the next school year.

c. Accredited Probationally. One or more programs offered by the school system has major deficiencies in one or more of the following areas:

i. at least one member of the professional staff does not hold a valid Louisiana teaching certificate;

ii. the school system does not offer a curriculum to meet graduation requirements or a balanced elementary curriculum as prescribed in this bulletin;

iii. the school system has a student who is currently enrolled in a special education program and whose last individual evaluation occurred three or more years ago;

iv. the school has an identified exceptional student who does not have a current Individualized Education Program (IEP);

v. the school system does not adhere to and implement the various sections of the Revised Statutes of Louisiana as they affect the health and safety of the students and staff. (These include fire prevention and drills, provisions for a healthful environment, and safety regulations for transportation.);

vi. the physical facilities do not conform to the current federal, state, and local building fire, safety, and health codes; and

vii. if deficiencies are cited, after being accredited provisionally for one year, the system shall be accredited probationally.

2. Unaccredited

a. If deficiencies are cited, after being accredited probationally for one year, the system shall be unaccredited.

B. A school system's accreditation status may be altered (either upgraded or downgraded) based upon either the on-site verification of the implementation of the action plan and/or the on-site verification of the Annual School and System Reports.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:391.9.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1258 (June 2005).

§313. Special Education Compliance Monitoring

A. Each school system shall participate in a system of special education compliance monitoring. The school system shall receive a formal compliance document that describes any corrective actions that must be taken and timelines for correction.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1259 (June 2005).

§315. School Approval

A. In order to benefit from state and federal funds, each elementary and secondary, career/technical, and special school under the jurisdiction of BESE shall participate in a program of school approval and receive an approved classification category from the DOE based upon information submitted to the DOE by the school.

B. Schools shall be classified according to the following categories.

1. Approved—school meets the standards of BESE.

2. Approved Provisionally—school has some deficiencies in standards other than those stated in the probational category and is being advised and requested to make corrections; or the school and/or the LEA on behalf of the school:

a. fail to complete the actions required of schools in School Improvement 1 as defined in Bulletin 111 after being identified for School Improvement 1; or

b. fail to respond to the findings of a data audit of School Performance Score indicators conducted by the DOE or a third party contracted by the DOE; or

c. the school is in School Improvement 3.

3. Approved Probationally—school has one or more of the following deviations from standards:

a. the principal is not certified;

b. at least one member of the professional staff does not hold a valid Louisiana teaching certificate;

c. the school does not offer a curriculum to meet graduation requirements or a balanced elementary curriculum as prescribed in this bulletin;

d. the school has a student who is currently enrolled in a special education program and whose last individual evaluation occurred three or more years ago;

e. the school has an identified exceptional student who does not have a current IEP;

f. the school does not adhere to and implement the various sections of the Revised Statutes of Louisiana as they affect the health and safety of the students and staff. (These include fire prevention and drills, provisions for a healthful environment, and safety regulations for transportation.);

g. the physical facilities do not conform to the current federal, state, and local building fire, safety, and health codes;

h. the school has been on provisional approval for at least two years; or

i. the school and/or the LEA on behalf of the school:

i. fail to complete the actions required of schools in School Improvement 2 or 3 as defined in Bulletin 111: Louisiana School, District, and State Accountability after being identified for School Improvement 2 or 3; or

ii. fail to implement the school's/district's proposed plan to correct the findings of a data audit of School Performance Score indicators conducted by the DOE or a third party contracted by the DOE; or

j. the school is in School Improvement 4, 5, or 6.

4. Unapproved—any school shall be unapproved if the school has not corrected the stated deficiencies within the time fixed by the DOE; or the school and/or the LEA on behalf of the school:

a. fail to complete the actions required of schools in School Improvement 4, 5, or 6 as defined in Bulletin 111: Louisiana School, District, and State Accountability after being identified as being in School Improvement 4, 5, or 6; or

b. submit a Reconstitution Plan that BESE does not approve as defined in Bulletin 111.

C. The DOE shall set the guidelines and fix the period of time for corrections.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:10.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1259 (June 2005).

§317. School and District Accountability

A. Every school shall participate in a school accountability program based on student achievement as approved by BESE. Refer to *Bulletin 111—Louisiana School, District, and State Accountability*.

B. Every school district shall participate in a district accountability program based on school performance as approved by BESE. Refer to *Bulletin 111—Louisiana School, District, and State Accountability*.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1259 (June 2005).

§319. Classification of Established Schools

A. The local superintendent shall require from the principal of each school, on or before the date established by the DOE, the completed Annual School Report based upon minimum requirements for school approval.

B. The local superintendent shall submit to the State Superintendent of Education, on or before the date established by the DOE, an Annual School Report for each school in the system showing the extent to which each school is meeting the minimum requirements for classification.

C. A composite report of the findings and ratings of the schools by the DOE shall be presented to the State Superintendent of Education for final action. A final report shall be submitted to BESE.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6; R.S. 17:92.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1259 (June 2005).

§321. Review and Evaluation

A. School self-evaluation shall be used to affect improvement in the purposes of the school, and in the understanding of pupils, instructional methods, and educational outcomes.

1. Provisions for evaluating the school, the students, the teachers, the methods and materials, the curricular content, and the organization shall be made.

2. The principal shall have the responsibility of providing the leadership for school self-evaluations.

B. Instructional programs of the school system shall be continually reviewed and analyzed for the purpose of making improvements.

1. Each school shall, with the assistance of the LEA, show evidence of continuous review, study, research, and analysis aimed at school improvement.

2. A file on all self-evaluation procedures and results shall be accessible in the principal's office.

3. Test results and other data on student potential and achievement shall be used in efforts to improve instruction.

C. Follow-up studies shall be conducted by the school for in-school students, out-of-school graduates, and/or school dropouts when mandated by federal directives.

D. The school system shall assist schools in conducting follow-up studies for in-school students, out-of-school graduates, and/or school dropouts when mandated by federal directives.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6; R.S. 17:7; R.S. 17:22.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1260 (June 2005).

§323. Louisiana Educational Assessment Program

A. Each LEA shall participate in the Louisiana Educational Assessment Program.

B. Performance standards for LEAP for the 21st Century (LEAP 21) and Graduation Exit Examination for the 21st Century (GEE 21) are equal to the rigor of the National Assessment of Educational Progress (NAEP) performance standards.

C. Achievement Level Labels

Label and Short Description	Policy Definition
Advanced	A student at this level has demonstrated superior performance beyond the mastery level.
Mastery (Exceeding the Standard)	A student at this level has demonstrated competency over challenging subject matter and is well prepared for the next level of schooling.
Basic (Meeting the Standard)	A student at this level has demonstrated only the fundamental knowledge and skills for the next level of schooling.
Approaching Basic (Approaching the Standard)	A student at this level has only partially demonstrated the fundamental knowledge and skills needed for the next level of schooling.
Unsatisfactory	A student at this level has not demonstrated the fundamental knowledge and skills needed for the next level of schooling.

D. District-wide test results, but not scores or rankings of individual students, shall be reported to the local educational governing authority at least once a year at a regularly scheduled local educational governing authority meeting.

E. LEAP Alternate Assessment participation criteria shall be used by IEP teams to document that a student meets the criteria to participate in LEAP Alternate Assessment.

F. Schools shall ensure that student participation is documented on the LEAP Alternate Assessment Participation Criteria form as approved by BESE.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1260 (June 2005).

§325. Kindergarten and Prekindergarten

A. All LEAs shall provide kindergarten programs for all eligible students of appropriate age. The placement of students shall be clearly communicated to parents by the school.

B. Each LEA shall provide for and offer in every school having a first grade, or in a kindergarten center, a full-day kindergarten program in accordance with standards set in this bulletin.

1. School systems may establish a registration deadline for student entry into the kindergarten program. This date shall not apply to those students previously enrolled in a kindergarten program.

C. Each LEA shall require that every child entering kindergarten for the first time be given a nationally recognized readiness screening. The results of this screening shall be used in placement and for planning instruction. The pupil progression plan for each LEA shall include criterion for placement.

1. The parent or guardian of each child shall be advised of the nature of the child's level of readiness.

2. Each LEA shall report to the DOE screening results by school on an annual basis by December first of each year.

D. Each LEA may develop and offer prekindergarten instruction.

1. The goal of prekindergarten instruction shall be to improve academic readiness, individual development skills and social skills.

2. Prior to implementing prekindergarten instruction, an LEA shall set forth a statement of the needs the program is intended to address, the anticipated results, the basis upon which the results are expected, an outline of the implementation steps, a detailed plan for staff usage, a detailed budget, and a plan for the evaluation of the program results.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:24.8; R.S. 17:151.3; R.S. 17:391.11.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1260 (June 2005).

§327. Pupil Progression

A. Each LEA shall develop a Pupil Progression Plan consisting of all policies and procedures for the placement of students grades K-12.

NOTE: Refer to *Bulletin 1566—Guidelines for Pupil Progression*, and the addendum to *Bulletin 1566—Regulations for the Implementation of Remedial Education Programs Related to the LEAP/CRT Program, Regular School Year*.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1260 (June 2005).

§329. Remedial Education Programs

A. A program of remedial education shall be put into place by LEAs following regulations adopted by the DOE and approved by BESE. All eligible students shall be provided with appropriate remedial instruction.

B. Each LEA shall describe in writing its proposed remedial education program in its Pupil Progression Plan according to regulations adopted by BESE.

C. Each LEA shall participate in the DOE's remedial education program evaluation.

NOTE: Refer to *Bulletin 1566—Guidelines for Pupil Progression*, and the addendum to *Bulletin 1566—Regulations for the Implementation of Remedial Education Programs Related to the LEAP/CRT Program, Regular School Year*.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:394 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1261 (June 2005).

§331. Special Education Programs

A. Each LEA shall provide special education programs for all exceptional students.

B. The exceptional students shall be maintained in the least restrictive environment appropriate to the students' needs.

C. Each LEA shall ensure that the placement of exceptional students in special education services and settings is determined by the student's IEP placement committee and occurs only with the written consent of the parent(s) or legal guardian for the initial IEP.

NOTE: Refer to *Bulletin 1706—Regulations for Implementation of the Exceptional Children's Act*.

D. Children who have been receiving special education in another state or in another school system within Louisiana, and children who possess a severe, low-incidence impairment documented by a qualified professional may be initially enrolled in a special education program concurrent with the conduct of the remainder of the evaluation according to the requirements of Bulletin 1508—Pupil Appraisal Handbook.

E. The enrollment shall occur in accordance with §416 and §416 of Bulletin 1706—Regulations for Implementation of the Exceptional Children's 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 31:1261 (June 2005).

§333. Instructional Time

A. Each LEA shall adopt a calendar for a minimum school year of 182 days, of which at least 177 days shall be scheduled to provide the required instructional time. Two days shall be for staff development; the remaining days may be used for emergencies and/or other instructional activities. Each LEA may authorize some or all of its schools to modify the total number of instructional minutes per day and instructional days per year, provided that 63,720 minutes of instructional time per year are met.

B. Each LEA may include in its calendar a provision for dismissal of senior students prior to the end of the school year. This provision is not to exceed 10 days of instructional time or the equivalent number of minutes.

C. Each LEA has the option to make the determination regarding the length of the school day for high school seniors.

D. General election day shall be designated by each LEA as a holiday every four years for the presidential election.

E. Each instance of an LEA not meeting the minimum number of 177 days of required instructional time or the equivalent (63,720 minutes per year) shall be examined by the DOE and reported by the DOE or LEA to BESE.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:154.1.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1261 (June 2005).

§335. Program Evaluation for State Board Approval Programs

A. Anyone who accepts and executes responsibility for planning, implementing, and reporting evaluations of educational programs and projects approved by BESE shall have a valid Louisiana program evaluator's certificate.

B. The evaluations of educational programs and projects approved by BESE shall demonstrate the application of the Standards for Educational Evaluations.

NOTE: Refer to Joint Committee on Standards for Educational Evaluation as approved by BESE on January 20, 1981.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6; R.S. 17:7; R.S. 17:391.6; R.S. 17:391.10.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1261 (June 2005).

§337. Written Policies and Procedures

A. Each LEA shall have written policies governing all school activities as they relate to students, the instructional program, staff, buildings, services, and the curriculum.

B. Each LEA shall have policies and procedures stated in written form for instructional programs, graduation ceremonies, student activity programs, and student services.

C. Each LEA shall have policies and procedures that address, but are not limited to, the following:

1. the establishment of the number of school days, length of the school day, and other necessary guidelines for the operation of the schools;
2. provision of special educational and related services to exceptional students in accordance with the IEP for no fewer than 177 days or the equivalent during the normal 182-day school cycle;
3. the operation of special departments and special programs in each school;
4. the admittance of students to and the dismissal of students from special educational programs;
5. the exclusion of students with communicable diseases and their readmittance them following their recovery (Refer to §1131.);
6. the control of communicable problems such as lice and scabies (Refer to §1131.);
7. the care of sick or injured students, including notification of parents, in cases of emergencies that occur while students are under the jurisdiction of the school;
8. the administration of medication in schools (Refer to §1129.);
9. The operation of summer schools and extended school year programs for eligible exceptional students (Refer to Chapter 25.);
10. the disciplining of students with disabilities (Refer to §1313.);

11. the use of standard universal precaution by personnel when individuals have direct contact with blood or other body fluids and the provision of sanctions, including discipline if warranted, for failure to use standard universal precautions;

12. the use of school buildings outside of regular school hours;

13. student access to the Internet. (Refer to §1709.);

14. the prohibition against use of tobacco in schools, on school grounds, and on school busses. (Refer to §1143.).

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6; R.S. 17:81; R.S.17:240.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1261 (June 2005).

§339. Emergency Planning and Procedures

A. Each LEA shall have written policies and procedures that address the immediate response to emergency situations that may develop in the schools.

B. The school shall maintain and use contingency plans for immediate responses to emergency situations.

C. The school shall establish and use procedures for reporting accidents to parents and/or the central office.

D. In the absence of a principal, another individual(s) at the school shall be delegated the necessary authority to use emergency procedures.

E. Procedures for the cancellation of school shall be established; communicated to students, teachers, and parents; and followed when necessary.

F. The school shall establish procedures for special calls to police, fire departments, and hospitals, and practice drills shall be used to ensure the effectiveness of the procedure.

G. The school shall establish procedures for the evacuation of the building in the event of fire, severe weather conditions, or bomb threats. Practice drills shall be used to ensure the effectiveness of the procedure.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:416.16.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1262 (June 2005).

§341. Homeless Children and Youth

A. Each LEA shall establish a written policy to provide for the placement in school and for the education of any child temporarily residing within the jurisdiction of the board who has no permanent address, who has been abandoned by his parents, or who is in foster care pursuant to placement through the Department of Social Services. However, this does not require the enrollment of any child not permitted by another school system to attend school, either permanently or temporarily, as a result of disciplinary action(s).

B. The term *homeless child and youth* means the following:

1. children and youth who lack a fixed, regular, and adequate nighttime residence, and includes children and youth who are sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason; are living in motels, hotels, trailer parks, or camping grounds due to lack of alternative adequate accommodations; are living in emergency or transitional shelters; are abandoned in hospitals; or are awaiting foster care placement;

2. children and youth who have a primary nighttime residence that is a private or public place not designed for or

ordinarily used as a regular sleeping accommodation for human beings;

3. children and youth who are living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings;

4. migratory children who qualify as homeless because they are living in circumstances described above.

C. According to a child or youth's best interest, each district must either continue the child/youth's education in the school of origin, or enroll the child in school in any public school that nonhomeless students who live in the attendance area where the child/youth is actually living are eligible to attend.

1. *School of origin* is defined as the school the child or youth attended when permanently housed, or the school in which the child or youth was last enrolled.

2. In determining best interest, the district must, to the extent feasible, keep children/youth in the school of origin unless it is against the wishes of the parent/guardian.

3. A homeless child or youth's right to attend his/her school of origin extends for the duration of homelessness.

4. If a child or youth becomes permanently housed during the academic year, he or she is entitled to stay in the school of origin for the remainder of the academic year.

5. Children and youth who become homeless in between academic years are entitled to attend their school of origin for the following academic year.

6. If the district sends the child/youth to a school other than the school of origin or the school requested by the parent or guardian, the district must provide written explanation to the parent or guardian, including the right to appeal under the enrollment disputes provision.

D. In the case of an unaccompanied youth (i.e., a youth not in the physical custody of a parent or guardian), the district's homeless liaison must assist in placement/enrollment decisions, consider the youth's wishes, and provide notice to the youth of the right to appeal under the enrollment disputes provisions. The choice regarding placement must be made regardless of whether the child or youth resides with the homeless parent or has been temporarily placed elsewhere.

E. The school selected shall immediately enroll the child/youth in school, even if the child or youth lacks records normally required for enrollment, such as previous academic records, medical records, proof of residency or other documentation.

1. The terms *enroll* and *enrollment* are defined to include attending classes and participating fully in school activities. The enrolling school must immediately contact the last school attended to obtain relevant academic and other records.

2. If a child or youth lacks immunizations or immunization or medical records, the enrolling school must refer the parent/guardian to the liaison, who shall help obtain necessary immunizations or immunization or medical records.

3. Districts may require parents or guardians to submit contact information.

F. If a dispute arises over school selection or enrollment, the child/youth must be immediately admitted to the school in which he/she is seeking enrollment, pending resolution of the dispute (five days).

1. The parent or guardian must be provided with a written explanation of the school's decision on the dispute, including the right to appeal.

2. The parent/guardian/youth must be referred to the homeless liaison, who will carry out the state's grievance procedure as expeditiously as possible after receiving notice of the dispute.

3. In the case of an unaccompanied youth, the homeless liaison shall ensure that the youth is immediately enrolled in school pending resolution of the dispute.

G. Each LEA shall keep and have immediately available any records ordinarily kept by the school, including immunization records, academic records, birth certificates, guardianship records, and evaluations for special services or programs, of each homeless child or youth.

H. Each LEA shall provide services comparable to services offered to other students in the school selected, including transportation services, educational services for which the child or youth meets the eligibility criteria (Title I, special education, limited English proficiency), programs in career and technical education, programs for the gifted and talented, and school nutrition programs.

1. School districts are required to adopt policies and practices to ensure that transportation is provided, at the request of the parent or guardian (or in the case of an unaccompanied youth, the liaison), to and from the school of origin.

2. If the homeless child or youth continues to live in the area served by the LEA in which the school of origin is located, that LEA must provide or arrange for the child's or youth's transportation to or from the school of origin.

3. If the homeless child or youth continues his or her education in the school of origin but begins living in an area served by another LEA, the LEA of origin and the LEA in which the homeless child or youth is living must agree upon a method to apportion the responsibility and costs for providing the child with the transportation to and from the school of origin. If the LEAs cannot agree upon such a method, the responsibility and costs must be shared equally.

I. Each LEA shall designate an appropriate staff person, who may also be a coordinator for other federal programs, to serve as a homeless advocate to coordinate services and ensure that there are no barriers to the enrollment, transportation, attendance, and success in school for homeless children and youth. Additionally, the homeless advocate will promptly solve disputes regarding educational placement.

J. Each LEA shall ensure the prompt resolution (within five school days) of disputes regarding the educational placement of homeless children and youth following the procedures in the Louisiana State Plan for Educating Homeless Children and Youth.

K. Each LEA that receives a homeless direct grant award from the SEA Office of Education for Homeless Children and Youth (EHCY) must coordinate the services provided and designate a homelessness liaison to carry out certain mandates.

L. Each LEA shall review and revise any policies that may act as barriers to the enrollment of homeless children and youth. Further, LEAs must adopt policies and practices to ensure that homeless children and youth are not isolated or stigmatized.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:238; 20 USCS 6311, 6312, 6313, and 6315.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1262 (June 2005).

§343. Unsafe Schools

A. Students who are the victims of violent crime shall be afforded the opportunity to transfer to a different school.

1. A student at a public elementary school, middle school or high school who becomes a victim of a crime of violence, as defined by R.S. 14:2, while on school property, on a school bus or at a school-sponsored event, shall be given the option to transfer to a public school within the school district in which the student's current school is located, which offers instruction at the student's grade level and which is not persistently dangerous, if there is such a school within that school district.

2. A student who is enrolled in an alternative school or a special school and who becomes a victim of a crime of violence, as defined by R.S. 14:2, while on school property, on a school bus or at a school-sponsored event, shall be given the option to transfer to another such public school within the school district in which the student's current school is located, which offers instruction at the student's grade-level for which the student meets the admission requirements, and which is not persistently dangerous, if there is such a school within that school district.

3. A student who has been assigned to a particular school, such as an alternative school or a special school, by court order shall not have the option to transfer.

4. A student who has been the victim of a crime of violence and who must be given the option to transfer should generally be given the option to transfer within 10 calendar days from the date on which the crime of violence occurred.

B. Students attending a school that has been identified as a persistently dangerous school shall be afforded the opportunity to transfer to different school.

1. Students attending an elementary, middle, or high school that has been identified as persistently dangerous shall be given the option to transfer to a public school within the school district in which the student's current school is located, which offers instruction at the students' grade level and which is not persistently dangerous, if there is such a school within that school district.

2. A student who is enrolled in an alternative school or a special school which has been identified as persistently dangerous shall be given the option to transfer to another such public school within the school district in which the student's school is located, which offers instruction at the student's grade-level, for which the student meets the admission requirements and which is not persistently dangerous, if there is such a school within that school district.

3. A student who has been assigned to a particular school, such as an alternative school or a special school, by court order shall not have the option to transfer.

4. The LEA in which the persistently dangerous school is located shall, in a timely manner, notify parents of each student attending the school that the school has been identified as persistently dangerous, offer the students the opportunity to transfer and complete the transfer. Although timely implementation of these steps depends on the specific circumstances within the school district, students should generally be offered the option to transfer within 20 school

days from the time the school district is notified that the school has been identified as persistently dangerous. Although the transfer may be temporary or permanent, the transfer must remain in effect for at least as long as the school is identified as persistently dangerous.

5. Schools must meet two of the following criteria for two consecutive school years to be identified as persistently dangerous. For purposes of these criteria, *enrolled student body* means the number of students enrolled in a school as of the October 1 student enrollment count, and *firearm* means a firearm as defined by the federal Gun-Free Schools Act.

a. One percent or more of the enrolled student body is expelled for possession of a firearm on school property, on a school bus, or for actual possession of a firearm at a school-sponsored event.

b. Four percent or more of the enrolled student body has been expelled for a crime of violence as defined by R.S. 14:2 occurring on school property, on a school bus or at a school-sponsored event.

c. Six percent or more of the enrolled student body has been expelled pursuant to R.S. 17:416 for the following types of misconduct in the aggregate occurring on school property, on a school bus or at a school-sponsored event:

- i. immoral or vicious practices;
- ii. conduct or habits injurious to associates;
- iii. possession of or use of any controlled dangerous substance, in any form, governed by the Uniform Controlled Dangerous Substances Law;
- iv. possession of or use of any alcoholic beverage;
- v. cutting, defacing or injuring any part of a school building, any property belonging to the buildings or any school buses owned by, contracted to or jointly owned by any city or parish school board;
- vi. possession of knives or other implements which can be used as weapons, the careless use of which might inflict harm or injury;
- vii. throwing missiles liable to injure others; or
- viii. instigating or participating in fights.

6. An LEA with one or more schools meeting two of these three criteria during one school year shall identify the problem, submit a corrective action plan to the DOE for approval and implement the corrective action. A school system should generally develop a corrective action plan within 20 school days from the time it is notified of the need for the corrective action plan.

7. An LEA with one or more schools identified as persistently dangerous must submit a new corrective action plan to the DOE for approval and must implement the new corrective action. An LEA should generally develop a corrective action plan within 20 calendar days from the date the school district is notified of the need for the corrective action plan.

8. The DOE shall annually reassess persistently dangerous schools. If a school no longer meets the criteria for a persistently dangerous school, taking into account the most recent completed school year and the school year immediately preceding the most recent completed school year, the school will not be deemed persistently dangerous.

C. Nothing herein shall prohibit LEAs from entering into agreements with one another allowing students who become the victims of crimes of violence while on school property,

on a school bus, or at a school-sponsored event or who are attending persistently dangerous schools in one school district the option to transfer to a school, which is not persistently dangerous, in another school district. A student who has been assigned to a particular school, such as an alternative school or a special school, by court order shall not have the option to transfer.

AUTHORITY NOTE: Promulgated in accordance with 20 USCS 7912.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1263 (June 2005).

§345. Requesting Waivers of BESE Policy

A. The superintendent of the LEA requesting deviation of any standard in this Bulletin shall submit documentation to the DOE, Division of Student Standards and Assessments, justifying the request.

B. Technical assistance for meeting the policy as stated in this Bulletin shall be provided to the LEA by the DOE.

C. When a deviation cannot be corrected by technical assistance, the DOE may consider a waiver of policy using the following guidelines.

1. Waivers for Class Size

a. Waivers granted by the DOE in the following categories will be considered only when the citation would place the school in an approved probational category.

b. The DOE may waive class size requirements up to two students over the maximum allowable upon receipt of the following:

- i. a letter from the local superintendent detailing each class that exceeds the class size;
- ii. documentation from the principal and the superintendent showing how efforts have been made to comply with standards;
- iii. a copy of the school's master schedule, with class sizes included; and
- iv. class sizes above the limit of two will go directly to the appropriate board committee with an executive recommendation from the DOE.

2. School Counselor/Librarian Ratios Waivers

a. Waivers granted by the DOE in the following categories will be considered only when the citation would place the school in an approved probational category.

b. The DOE may waive the required school counselor and librarian ratios upon receipt of the following:

- i. a letter of justification from the local superintendent;
- ii. a list of all administrative personnel in the school (part-time and full-time); and
- iii. a detailed plan stating how the services will be provided to students.

3. Course Requirement Waivers

a. The DOE may waive up to one Carnegie unit required for graduation in the following circumstances:

- i. waivers for students who transfer to Louisiana from another state during their senior year, are on course to graduate in their previous state of residence, and are unable to schedule and complete the needed course; and
- ii. waivers due to administrative errors.

b. In each situation, the district must provide

- i. a letter of justification from the local superintendent; and

ii. a copy of the student's transcript.

D. The DOE will report to the appropriate BESE committee bi-annually in June and December on the waivers that have been granted.

E. Requests that do not meet BESE-approved guidelines for an administrative action shall be submitted by the State Superintendent of Education to the appropriate BESE committee with an executive recommendation for action.

F. The agenda of the appropriate BESE committee shall have a standing item for submission of reports from the State Superintendent of Education required in Paragraph E above.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:10.2(B)(5); R.S. 17:24.10(C)(1)(c); R.S. 17:151(B)(2); R.S. 17:192(B)(2); R.S.17:274(D); R.S. 17:416.2(B).

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1264 (June 2005).

§347. School Size

A. No school with an average attendance below 10 pupils shall be opened or maintained in any locality, except upon recommendation of the local educational governing authority, giving its reason for such recommendation, and upon approval by BESE.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:152.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1265 (June 2005).

Chapter 5. Personnel

§501. Criminal Background Checks

A. Each public LEA shall request in writing that the Louisiana Bureau of Criminal Identification and Information supply information to ascertain whether an applicant for employment as a teacher, substitute teacher, bus driver, substitute bus driver, janitor, or any other school employee who might reasonably be expected to be placed in a position of supervisory or disciplinary authority over school children, has been convicted of, or pled *nolo contendere* to, any one or more of the crimes enumerated in R.S. 15:5871.1.

1. The request must be on a form prepared by the bureau and signed by a responsible officer or official of the LEA making the request.

2. It must include a statement signed by the person about whom the request is made which gives his or her permission for such information to be released and must include the person's fingerprints in a form acceptable to the bureau.

3. A person who has submitted his or her fingerprints to the bureau may be temporarily hired pending the report from the bureau as to any convictions of, or pleas of *nolo contendere* to, by the person to a crime listed in R.S. 15:5871.

B. No person who has been convicted of or has pled *nolo contendere* to a crime listed in R.S. 15:5871.1 shall be hired by a public elementary or secondary school as a teacher, substitute teacher, bus driver, substitute bus driver, janitor, or as any school employee who might reasonably be expected to be placed in a position of supervisory or disciplinary authority over school children unless approved in writing by a district judge of the parish and the parish district attorney.

1. This statement of approval shall be kept on file at all times by the school and shall be produced upon request to any law enforcement officer.

2. Not later than 30 days after its being placed on file by the school, the school principal shall submit a copy of the

statement of approval to the State Superintendent of Education.

C. The LEA shall dismiss any permanent teacher or any other school employee having supervisory or disciplinary authority over school children, if such teacher or other employee is convicted of, or pled *nolo contendere* to, any crime listed in R.S. 15:L587.1(c) except R.S. 14:74.

D. An LEA may reemploy a teacher or other school employee who has been convicted of, or pled *nolo contendere* to, a crime listed in R.S. 15:L587.1(c), except R.S. 14:74, only upon written approval of the district judge of the parish and the district attorney or upon written documentation from the court in which the conviction occurred stating that the conviction has been reversed, set aside, or vacated.

1. Any such statement of approval of the judge and the district attorney and any such written documentation from the court shall be kept on file at all times by the school and shall be produced upon request to any law enforcement officer.

2. Not later than 30 days after its being placed on file by the school, the school principal shall submit a copy of any such statement of approval or written documentation from the court to the state superintendent of education.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:15; R.S. 17:587.1.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1265 (June 2005).

§503. Staff Organization

A. The professional staff of the local LEA's central office shall be organized with assigned roles, responsibilities and authority to provide a structure for implementing local school policies.

B. Each LEA shall be required to employ certified personnel as required by state/federal law:

1. superintendent;
2. special education supervisor;
3. Title IX coordinator;
4. child welfare and attendance supervisor;
5. school nurse;
6. school food services supervisor.

C. The LEA shall assign principals to schools as appropriate.

D. For LEAs in any parish having a population of at least 475,000 persons, a full-time social worker shall be employed in each school which has been identified as a failing school.

E. There shall be alcohol, drug, and substance abuse counselors who regularly visit every secondary school and elementary school at a maximum ratio of four schools to one counselor, for the purpose of counseling students who have been identified as having an alcohol, drug, or substance abuse problem.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:15, R.S. 17:28, R.S. 17:29, R.S. 17:54, R.S. 17:81, R.S. 17:228, R.S. 17:403, R.S. 17:1947(F); Title 34, Sect. 1068; Fed. Reg. 7CFR 210.3(a).

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1265 (June 2005).

§505. Certification of Personnel

A. To be eligible legally for teaching, administrative, supervisory, or other professional services in the public schools of Louisiana, personnel shall hold a valid Louisiana certificate appropriate to the services rendered or shall

receive annual approval in accordance with provisions allowed by BESE.

NOTE: Refer to *Bulletin 741—Louisiana Standards for State Certification of School Personnel*.

B. In the event that an LEA in Louisiana, through its locally authorized governing board, chooses to select a superintendent who does not hold a valid State-issued teaching certificate, such LEA may appoint the candidate, provided that:

1. the appointment is to a district with a K-12 population in excess of 45,000 students;
2. the district appoints a chief academic officer whose primary and substantial job description shall govern the academics of the district including curriculum and instruction;
3. the chief academic officer possesses a valid state-issued teaching certificate;
4. the chief academic officer also meets all criteria required of a superintendent set forth in existing BESE policy;
5. the chief academic officer is appointed no later than 120 days after the appointment of the superintendent candidate;

C. Effective with the 2006-2007 School Year

1. Teachers in core academic subject areas (English, reading/language arts, mathematics, science, foreign languages, arts, and social studies) must meet the highly qualified requirements in order to teach in any core academic subject.

2. 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.

D. Prior to the 2006-2007 school year,

1. 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.

2. Certified elementary teachers may teach Reading I and Reading II at the high school level.

E. Each LEA shall ensure that supervision is provided for school psychologists, school social workers, speech therapists, and any other personnel not certified or licensed to practice their respective discipline without supervision and who are provisionally employed contingent upon such specific documented supervision in accordance with policy in Bulletin 746.

F. Any employee of any LEA whose duty is to transport students in any city or parish activity in a school bus shall meet State Department of Education requirements.

NOTE: Refer to *Bulletin 1191—School Transportation Handbook*.

G. Each LEA shall establish standards for certification of special education paraprofessionals and shall issue permits based on these standards.

H. School food service managers and food production managers shall be certified through the Division of Nutrition Assistance of the DOE.

I. Teachers certified at the secondary level shall be allowed to teach at the sixth grade level in their respective areas of certification. This provision shall in no way be applied to the policies relative to teachers who teach two hours per day out of their field of certification by virtue of completion of 12 hours in a field.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:7; R.S. 17:7.1; R.S. 17:24.10; R.S. 17:81; R.S. 17:491; 17:497.2; R.S. 17:1974.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1265 (June 2005).

§507. Principal/Assistant Principal Induction Program

A. All newly appointed principals and assistant principals with standard or provisional certification shall participate in the Principal/Assistant Principal Induction Program. The program shall include the following.

1. Individuals appointed to a principalship or an assistant principalship after October 1 shall be enrolled in the Principal Induction Program at the beginning of the following year.

2. Principal/Assistant Principal Induction Program requirements shall also apply to individuals serving in the following leadership capacities:

a. Administrative Assistant—fully certified and serving in a full-time, full-year administrative capacity;

b. Acting Principal or Assistant Principal—fully certified and serving in a full-time, full-year administrative capacity.

3. A newly appointed principal who successfully completed the Assistant Principal Induction Program in 1999-2000 shall complete both years of the Principal Internship.

4. A newly appointed principal who successfully completed the Assistant Principal Induction Program in 2000-2001 shall complete only the Year Two requirements of the Principal Induction Program.

5. A newly appointed principal who did not complete the Assistant Principal Induction Program or completed the program in 1998 or before shall complete the two-year requirements of the Principal Induction Program.

B. Upon successful completion of two years of the Induction Program requirements, an individual may request to have the provisional status removed from their certificate.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3761.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1266 (June 2005).

§509. Personnel Evaluation

A. Each LEA shall adopt a system of personnel evaluation for all certified and other professional personnel.

NOTE: Refer to *Bulletin 1525—Personnel Evaluation Accountability: A Guide for Implementation*, Revised 2001.

B. The LEA's personnel evaluation programs shall be monitored periodically by the DOE, when requested by BESE as deemed necessary, to determine whether such programs have been implemented, to what extent they have been implemented, and whether such programs comply with the provision of the law and DOE guidelines.

NOTE: Refer to *Bulletin 1525—Personnel Evaluation Accountability: A Guide for Implementation*, Revised 2001.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3881et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1266 (June 2005).

§511. Personnel Evaluation Plan Dissemination

A. The LEA shall disseminate copies of the personnel evaluation plan, adopted by the local educational governing authority and approved by the DOE, to all employees affected by the educational accountability program.

NOTE: Refer to *Bulletin 1525—Personnel Evaluation Accountability: A Guide for Implementation*, Revised 2001.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3881 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1267 (June 2005).

§513. Professional Staff Development

A. The LEA shall provide opportunities for teachers and other staff members to participate in the development of policies and professional development activities to improve instruction and the administration of educational programs.

B. Teachers and other staff members may participate in the development of school policies that improve instruction and the administration of educational programs.

C. All staff members shall be provided opportunities to participate in professional development activities.

D. There shall be a continuing program of orientation of new personnel during their first year.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:10.2; R.S. 17:3881 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1267 (June 2005).

§515. Teachers' Retirement System-Part-Time, Seasonal or Temporary Classroom Teacher

A. R.S. 11:162(C) provides that membership in Teachers' Retirement System of Louisiana shall be required of part-time, seasonal, or temporary employees, as defined in 26 CFR 31.3121(b)(7)-2, who are classroom teachers and who have or earn five or more years of creditable service in the Teachers' Retirement System of Louisiana.

B. Classroom Teacher

1. For the purposes of R.S. 11:162(C), classroom teacher shall mean:

a. An employee of an LEA under the control of BESE or any educational institution supported by and under the control of BESE, or any LEA:

i. whose job description and assigned duties include the instruction of pupils in courses in traditional or nontraditional classroom situations for which daily pupil attendance figures for the school system are kept; and

ii. who is classified under Object Code 112, as provided in Bulletin 1929, Louisiana Administrative Code Title 28, Part XLI §901.B.1.b, or is performing the functions, on a substitute basis, of an individual classified under Object Code 112.

b. Instruction of pupils, as used in Subparagraph B.1.a.i, shall include activities dealing directly with the interaction between teachers and pupils. Instruction may be provided for students in a school classroom, in another location such as a home or hospital, and in other learning situations such as those involving co-curricular activities. Instruction may also be provided through some other approved medium such as television, radio, telephone, and correspondence.

c. Classroom teachers shall include, but not be limited to:

i. traditional subject area;

ii. special education;

iii. library media;

iv. resource;

v. itinerant;

vi. music;

vii. band;

viii. chorus;

ix. physical education;

x. home economics;

xi. agriculture;

xii. industrial arts;

xiii. computer science; and

xiv. business teachers.

d. A teacher's status as an "employee," as used in Paragraph B.1.a, shall be consistent with the employment classification made by his or her employing agency, pursuant to applicable law.

AUTHORITY NOTE: Promulgated in accordance with R.S. 11:162(C).

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1267 (June 2005).

§517. Acceptable Work Experience for Teacher Pay

A. Conditions of Employment. For purposes of determining salary, Louisiana public schools shall grant credit for work experience in compliance with the following criteria.

1. Louisiana Public Schools

a. Full-time/half-time satisfactory teaching experience at an LEA. Experience in a position that requires a valid Louisiana teaching/ancillary certificate. Proper certification for the position held; this is to include a temporary certificate, temporary teaching assignment, temporary employment permit, emergency permit, provisional certificate, and/or Circular 665 experience after regular certificate/licensure is secured.

b. Full-time college/university satisfactory teaching experience, not to include graduate assistantship.

c. Technical college teaching/instructional, full-time satisfactory experience when certified as a teacher for public elementary or secondary schools or technical colleges; proper temporary certification will count.

d. Full-time satisfactory work experience acquired by ancillary personnel while employed by an organization or institution if such personnel held the credentials required for ancillary certification at the time work was performed. This is not to include private practice.

2. Louisiana Nonpublic Approved Schools

a. The crediting of elementary and secondary teaching/instructional experience for Louisiana nonpublic teachers/ instructional employees, shall be in accordance with R.S. 17:424.2. Full-time college/university, career/technical, and ancillary experience shall be credited according to the standards stated in Subparagraphs A.1.b-d above. Experience must have been in a position requiring teaching/ancillary certificate or licensure. Proper temporary certification will count after regular certificate/licensure is secured.

3. Out-of-State Public Schools

a. The crediting of public elementary and secondary teaching/instructional experience for out-of-state teachers/instructional employees shall be in accordance with R.S. 17:424.3. Full-time college/university, career/technical and ancillary experience shall be credited according to the

standards stated in Subparagraphs A.1.b-d above. Experience must have been in a position requiring teaching/ ancillary certificate or licensure; this does not include experience under temporary certification/ licensure.

4. Out-of-State Nonpublic Approved Schools

a. The crediting of elementary and secondary teaching/instructional experience for out-of-state nonpublic teachers/instructional employees is optional and shall be determined by each local school board.

5. Military

a. Credit for military service shall be in accordance with R.S. 17:423.

B. Length of Employment. An LEA may credit a full year of teaching/instructional service if the employee has provided teaching/instructional service for a minimum of 90 school days or one semester in one school year, in compliance with the above requirements. This credit will be given in the following year of employment except for individuals hired at mid-term who may be given credit for the fall semester of experience. The maximum credit for a school year is one year of experience.

C. This policy will not affect years of credit granted to individuals prior to its adoption by the board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:423; R.S. 17:424; R.S. 17:424.1; R.S. 17:424.2; R.S. 17:424.3.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1267 (June 2005).

§519. Educators' Right to Teach

A. Each LEA shall provide a copy of the following Educators' Right to Teach Act to all teachers at the beginning of each school year.

1. A teacher has the right to teach free from the fear of frivolous lawsuits, including the right to indemnification by the employing school board, pursuant to R.S. 17:416.1(C), 416.4, 416.5, and 416.11, for actions taken in the performance of duties of the teacher's employment.

2. A teacher has the right to appropriately discipline students in accordance with R.S. 17:223 and R.S. 17:416 through 416.16 and any city, parish, or other local public school board regulation.

3. A teacher has the right to remove any persistently disruptive student from his classroom when the student's behavior prevents the orderly instruction of other students or when the student displays impudent or defiant behavior and to place the student in the custody of the principal or his designee pursuant to R.S. 17:416(A)(1)(c).

4. A teacher has the right to have his or her professional judgment and discretion respected by school and district administrators in any disciplinary action taken by the teacher in accordance with school and district policy and with R.S.17:416(A)(1)(c).

5. A teacher has the right to teach in a safe, secure, and orderly environment that is conducive to learning and free from recognized dangers or hazards that are causing or likely to cause serious injury in accordance with R.S. 17:416.9 and 416.16.

6. A teacher has the right to be treated with civility and respect as provided in R.S. 17:416.12.

7. A teacher has the right to communicate with and involve parents in appropriate student disciplinary decisions pursuant to R.S. 17:235.1 and 416(A).

8. A teacher has the right to be free from excessively burdensome disciplinary paperwork.

B. No LEA shall establish policies that prevent teachers from exercising the rights listed above.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:416.18.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1268 (June 2005).

Chapter 7. Records and Reports

§701. Maintenance and Use of System Records and Reports

A. The LEA and school shall maintain accurate and current information on students, personnel, instructional programs, facilities, and finances.

B. The maintenance, use, and dissemination of information included in system and school records and reports shall be governed by written policies adopted by the local educational governing authority and/or other applicable educational governing authorities. The policies shall conform to the requirements of all applicable state and federal laws, including, but not limited to, the Louisiana Public Records Act, R.S. 44:1 et seq., the Family Educational Rights and Privacy Act, 20 U.S.C. 1232q and 45 CFR 99.1 et seq., the Individual with Disabilities Education Act, 20 U.S.C. 1400 et seq., 17:1941 et seq. and R.S. 17:1237.

C. Information files and reports shall be stored with limited accessibility and shall be kept reasonably safe from damage and theft.

D. Each parish superintendent shall keep a record of all business transacted by him or her as parish superintendent; the names, numbers, and description of school districts; the tabulation of reports made monthly to him or her by the principals of his or her schools; and all other papers, books, and documents of value connected with said office, which shall be at all times subject to inspection and examination by the State Superintendent of Education, or by any officer, or citizen. In addition to the annual report to the State Superintendent of Education, s/he shall furnish such narrative, and such information as the State Superintendent of Education or BESE may from time to time require of him or her.

1. Parish superintendents and teachers of the public schools of the state shall make and keep such school records as required by the State Superintendent of Education, prior to receiving their monthly salaries.

2. Each principal of a school shall make reports to the parish superintendent of schools as required. If any principal willfully neglects or fails to do this, the parish superintendent of schools may withhold the salary due until the report is satisfactorily made.

E. Each LEA/school shall maintain necessary records for the effective operation of the LEA/school. These records shall be retained by the LEA for not less than three years.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:93; R.S. 17:415.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1268 (June 2005).

§703. Student Records

A. Each school shall keep records for the registration and attendance of students and shall maintain an up-to-date permanent cumulative record of individual students showing personal data and progress through school.

1. Student cumulative records shall continually be updated and, when applicable, contain the following:

- a. name, gender, social security number or a state-assigned identification number, date of admission, and date of birth;
- b. name and address of parents, legal guardian, and/or next of kin;
- c. language or means of communication, spoken or understood;
- d. a cumulative record of the student's progress through the curriculum;
- e. health history;
- f. student grades;
- g. attendance records;
- h. results of vision and hearing screening;
- i. all immunizations given in accordance with the requirements of the State Department of Public Health recorded on a cumulative health record;
- j. scores on LEAP 21 tests and scores on local testing programs and screening instruments necessary to document the local criteria for promotion;
- k. information (or reasons) for student placement, including promotion, retention, and/or remediation and acceleration;
- l. information on the outcome of student participation in remedial and alternative programs; and
- m. a copy of the letter informing the parent of either the placement of the student in or the removal of the student from a remedial education program.

2. The following are applicable to students eligible under IDEA or Section 504:

- a. records of parent/teacher conferences prior to referral to pupil appraisal;
- b. results of all educational screening information;
- c. educational interventions and their results;
- d. multi-disciplinary evaluation reports;
- e. a copy of the IEP, including least restrictive environment justification;
- f. a copy of the Individualized Accommodation Program (IAP);
- g. a copy of the parent's written consent for the student to be moved from an alternative to a regular placement program;
- h. documentation of contact with School Building Level Committee prior to referral to pupil appraisal;
- i. access sheet for special education confidentiality; and
- j. LEAP 21 Individual Student Reports.

B. Each teacher shall be provided with record forms or materials on which the roster of each class taught shall be kept and on which all data used to determine student progress shall be recorded.

1. This record is and shall remain the property of the school and shall be filed with the principal at the end of the school.

C. Student records shall be reviewed regularly, and results shall be used for instructional planning, student counseling, and placement.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:170; R.S. 17:182; R.S. 17:232; R.S. 17:391.3; R.S. 17:391.4; R.S. 17:400; R.S. 17:1944; R.S. 17:2112.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1268 (June 2005).

§705. Student Academic Records and Reports

A. A report of each student's progress in school shall be provided to parents or guardians at intervals designated by the local educational governing authority and shall contain a report of progress made by the student in each subject or area.

B. Schools shall prepare a progress report related to the short-term objectives in the IEP/Placement document for each exceptional child and must provide the report to the parent at the same time as report cards are provided to all regular students.

C. Parents shall be informed of the results of statewide assessment tests.

D. No education record of any student may be withheld as a result of lack of payment of any fine, debt or other outstanding obligation.

E. An education record of a student may be inspected by the student or his or her parents in accordance with the federal Family Education Rights and Privacy Act.

F. Each LEA shall submit to the president of the Senate and the speaker of the House of Representatives a list of students in grades 9-12 who have attained a grade point average of at least a 3.5 on a 4.0 scale or the equivalent grade point in any LEA which uses a different grading scale for the work done during that school year in order that such students may receive the Legislative Academic Achievement Award.

AUTHORITY NOTE: Promulgated in accordance with USCS 1232g; R.S. 17:112; R.S. 17:177; R.S. 17:391.7(D).

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1269 (June 2005).

§707. Evaluation of Transfer Students' Records

A. A student transferred from a state-approved school, in- or out-of-state, shall be allowed credit for work completed in the previous school. When a student transfers from one school to another, a properly certified transcript, showing the student's record of attendance, achievement, immunization, and the units of credit earned, shall be required.

1. Records, including evaluation information for exceptional students transferring from another system, shall be reviewed by pupil appraisal and approved by the Supervisor of Special Education before the student is enrolled in a special education program.

2. Students in grades five and nine transferring to the public school system from any in-state nonpublic school (state approved and unapproved), or home schooling program, or Louisiana resident transferring from any out-of-state school, shall be required to pass the English language arts and Mathematics components portions of the state-developed LEAP 21 placement test.

B. Local school officials from any state-approved school receiving a student from an unapproved school, in- or out-of-state, approved home study programs, or foreign schools will determine the placement and/or credits for the student through screening, evaluations, and/or examinations.

1. The principal and/or superintendent may require the student to take an examination on any subject matter for which credit is claimed.

2. The school issuing the high school diploma shall account for all credits required for graduation, and its records will show when and where the credit was earned.

3. Students in grades five and nine transferring to the public school system from any in-state nonpublic school (state approved and unapproved), or home schooling program, or Louisiana resident transferring from any out-of-state school, shall be required to pass the English language arts and Mathematics components of the state-developed LEAP 21 placement test.

C. Credits earned by students in American schools in foreign countries shall be accepted at face value.

NOTE: Refer to *Bulletin 1566—Guidelines for Pupil Progression*.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:236.2.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1269 (June 2005).

§709. Transfer of Student Records

A. The principal shall provide for the transfer of the education records, including special education records, of any student who was enrolled at the school upon the written request of any authorized person on behalf of an educational facility within or outside of the state of Louisiana, where the student has become enrolled or is seeking enrollment.

1. The transfer of such records, whether by mail or otherwise, shall occur not later than 10 business days from the date of receipt of the written request.

2. If a student has been expelled, the transferred records shall include the dates of the expulsion and the reasons for which the student was expelled.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:112; R.S. 17:221.3.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1270 (June 2005).

§711. Textbook Records

A. The school and LEA shall keep a record of all textbooks on hand at the beginning of the session, as well as records of those added and those worn out.

B. Refer to §1703 for more policies related to textbooks.

C. Refer to *Bulletin 1794—Policy and Procedure Manual—Textbooks (LAC 28:XXXIII)* for information on the disposal of old textbooks.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:8; R.S. 17:8.1; R.S. 17:93.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1270 (June 2005).

§713. Attendance Records

A. The attendance of all school students shall be checked each school day and at the beginning of each class period and shall be verified by the teacher keeping such records which shall be open to inspection by the visiting teacher, or supervisor of child welfare and attendance, or duly authorized representative, at all reasonable times. All schools shall immediately report to the visiting teacher, or supervisor of child welfare and attendance, any unexplained, unexcused, or illegal absence, or habitual tardiness.

B. No public elementary or secondary school student who has not been emancipated by judicial decree or by marriage shall be permitted for any reason to leave school during the school day on his or her own authority.

1. The school principal or the principal's designee shall make all reasonable efforts to notify the parent or other person responsible for the student's school attendance of any such prohibited absence by a student.

2. For the purposes of notification as required by this Paragraph, a parent or other person responsible for a

student's school attendance may designate in writing with the school principal one or more alternative contact persons.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:232; R.S. 17:235.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1270 (June 2005).

§715. System and School Reports

A. Reports required by the DOE and BESE shall be made on appropriate forms, shall contain accurate information, and shall be returned by the specified date.

B. On a date specified by the DOE, the local superintendent shall forward the Annual System Report to the DOE.

C. On a date specified by the DOE, the principal shall forward the Annual School Report, through the local superintendent's office, to the DOE.

1. The certification form shall be signed by the superintendent verifying that all data submitted are accurate.

D. Each local superintendent shall keep a record of all business transacted by him as superintendent.

E. On dates specified by the DOE, the local superintendent shall forward the information required for the completion of the Annual Financial and Statistical Report to the DOE.

1. Schools shall furnish information required for the completion of the Annual Financial and Statistical Report on report forms supplied by the LEA.

F. Each LEA shall provide reports as required by the DOE for the review of the status and needs for additional construction and/or renovation of the physical facilities of the physical facilities of the LEA.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:24.5; R.S. 17:92; R.S. 17:93.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1270 (June 2005).

§717. Reports of High School Credit

A. A finalized list of graduates and PreGED/Skills Options Program completers shall be submitted by the state-approved high school accompanied by the assurance statement signed by both the principal and the superintendent of the LEA in order to receive diplomas.

1. Prior to February 15 for mid-term graduates and PreGED/Skills Options Program completers and prior to June 15 for spring graduates and PreGED/Skills Options Program completers, a certificate of high school credits for each graduate and each PreGED/Skills Options Program completer shall be submitted by each state-approved high school as required.

2. A certificate of high school credits (transcript) shall be submitted by the state-approved high school in order for a diploma or an Options Program skill certificate to be issued to those students graduating or exiting at times other than mid-term and spring.

3. Upon receipt of the finalized list of graduates and PreGED/Skills Options Program completers, the DOE will issue the diplomas and the Options Program skill certificates.

B. Prior to the date of graduation or Options Program completion, the DOE shall have the authority to determine the issuance of a diploma or an Options Program skill certificate.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(11).

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1270 (June 2005).

§719. Reports to the Supervisors of Child Welfare and Attendance

A. The principals, or administrators, and the teachers of all schools shall report the names, birth dates, race, parents, and residence of all students in attendance at their schools or classes in writing to the central office within 30 days after the beginning of the school term or session, and at such other times as may be required by BESE or the DOE.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:232.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1271 (June 2005).

§721. School and School System Financial Records

A. Each local educational governing authority shall submit to the State Superintendent of Education a copy of its adopted budget no later than September 30 of each year, which shall include the same line items as prescribed by BESE for inclusion in the financial and statistical report as well as a general summary of the adopted budget.

B. Each school shall have an accounting system and an annual audit of all activity funds.

1. All expenditures from activity funds shall be approved by the principal or a designated staff member.

2. The principal of the school shall be bonded.

C. Funds shall be budgeted and expended and facilities assigned to ensure advantageous educational opportunities at all grade levels throughout the community.

1. All funds shall be used in accordance with provisions of the agency providing such funds.

2. LEAs shall maintain an accurate audit trail of allocated state and federal funds.

3. Each LEA shall allocate annually to each secondary school in the school system, in addition to any other funding, not less than \$50 per student enrolled at the school in a vocational agriculture, agribusiness, or agriscience program for use in providing adequate instructional materials and supplies for such students.

D. Each public school principal shall maintain a school fund as provided in R.S. 17:414.3 for the management of any money that accrues to the benefit of the school.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:88; R.S. 17:181; R.S. 17:414.3.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1271 (June 2005).

§723. Other Reports

A. Any other records and reports applicable to the LEA and to schools as required by BESE or the DOE shall be submitted.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6; R.S. 17:7.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1271 (June 2005).

Chapter 9. Scheduling

§901. Scheduling

A. The purpose of scheduling within available time frames and staff resources shall be to meet the educational needs of students.

1. A copy of the daily/weekly schedule of work providing for all subject areas in the curriculum shall be on file in the principal's office and shall be posted at all times.

B. Prior to student scheduling each year, each middle, junior, or high school shall provide the parent/guardian/legal custodian with a listing of course offerings, the content of each, and high school graduation requirements where appropriate.

1. By the end of the eighth grade, each student shall develop, with the input of his family, a Five Year Educational Plan. Such a plan shall include a sequence of courses that is consistent with the student's stated goals for one year after graduation.

2. Each student's Five Year Educational Plan shall be reviewed annually thereafter by the student, parents, and school advisor and revised as needed.

3. Every middle, junior, or high school shall require that the parent/guardian/legal custodian sign his/her child's schedule form and the Five Year Educational Plan for students in grades 8-12.

C. Student scheduling shall be individually appropriate and flexible to allow entry into and exit from courses and course sequences that are available for meeting curricular requirements.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:175; R.S. 17:183.2; R.S. 17:391.13; R.S. 17:401.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1271 (June 2005).

§903. Exceptional Students

A. Exceptional students shall not be placed in alternative educational settings that exceed the maximum pupil/teacher ratio or the three-year chronological age span. The age span requirement does not apply to programs for secondary-aged students (students aged 14 through 21).

B. Special class, separate schooling, or other removal of students with disabilities from the regular educational environment shall occur only when the nature or severity of the individual's needs is such that education in regular class with the use of supplementary aids and services cannot be achieved satisfactorily. Reasons for selecting a more restrictive environment may not be based solely on category of disability, severity of disability, availability of educational or related services, administrative convenience or special equipment. Refer to *Bulletin 1706—Subpart A-Regulations for Students with Disabilities*, §446.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:151; R.S. 17:1946.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1271 (June 2005).

§905. Elementary—Grades Per Class

A. Elementary teachers shall teach no more than two grades in a combined group except in band, music, and art.

1. This policy shall not apply to teachers of exceptional students whose IEP committees have determined their placement to be the regular education classroom.

2. Waivers may be granted to allow for multi-age, multi-ability groupings when appropriate justification and documentation have been provided.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6; R.S. 17:7; R.S. 17:151; R.S. 17:174.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1271 (June 2005).

§907. Secondary—Class Times and Carnegie Credit

A.1. Since each school shall provide 63,720 minutes of instructional time per year, the minimum amount of

instructional time required for one Carnegie credit to be earned shall be as follows:

- a. 10,620 minutes for a six-period schedule;
- b. 9,103 minutes for a seven-period schedule; and
- c. 7,965 minutes for eight-period or 4 x 4 block schedules.

2. For other schedule configurations, a minimum of 7,965 minutes of instructional time must be met for one Carnegie credit to be earned.

B. The schedule of subjects offered in the program of studies may be arranged by school principals in order to reduce or increase the number of class periods per week provided that the yearly aggregate time requirements and Carnegie credit time requirements are met.

C. The minimum length of any high school class in which one-half (1/2) Carnegie unit of credit is earned shall be within ± 120 minutes of one-half (1/2) of the total minutes required for one full Carnegie unit of credit.

D. Any high school class scheduled for a 90-minute block of instructional time must meet for a minimum of one full semester, or the equivalent, in order to earn a Carnegie unit of credit.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:154.1.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1271 (June 2005).

§909. Length of School Day Requirements

A. For grades prekindergarten-12, the minimum school day shall include 360 minutes of instructional time, exclusive of recess, lunch, and planning periods.

B. The minimum instructional day for a full-day prekindergarten and kindergarten program shall be 360 minutes.

C. Each LEA may authorize some or all of its schools to modify the total number of instructional minutes per day and instructional days per year provided that 63,720 minutes of instructional time per year are met.

D. Each LEA has the option to make the determination regarding the length of the school day for high school seniors.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:154.1.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1272 (June 2005).

§911. Planning Time and Lunch Periods

A. Subject to the availability of state funds for this purpose, LEAs shall provide a minimum of 45 minutes daily planning time, or its weekly equivalent, and a minimum of 30 minutes for lunch each day which shall be duty-free for every teacher actively engaged in the instruction and supervision of students in the public schools. Implementation of planning time and lunch periods for teachers as required in this Section shall not result in a lengthened school day.

B. This Section shall not apply to a local educational governing authority operating under the terms of a collective bargaining agreement applicable to teachers employed by the local educational governing authority.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:434.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1272 (June 2005).

§913. Class Size and Ratios

A. The maximum enrollment in a class or section in grades K-3 shall be 26 students and in grades 4-12, 33 students, except in certain activity types of classes in which the teaching approach and the materials and equipment are appropriate for large groups.

B. No teachers at the secondary level shall instruct more than 750 student hours per week, except those who teach the activity classes.

1. When a number of staff members are involved in a cooperative teaching project, the amount of each person's involved time may be counted in computing the individual teacher's load.

C. The maximum class size for Health and Physical Education in grades K-8 and in Physical Education I and II shall be 40. No class may be combined with Physical Education I or II if the total number of students taught is more than 40.

D. The system-wide, student classroom teacher ratio in grades K-3 shall be a maximum of 20 students to one classroom teacher.

NOTE: Refer to *Bulletin 1706—Subpart A-Regulations for Students with Disabilities* for pupil/teacher ratios for special education.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17: 151; R.S. 17:174.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1272 (June 2005).

§915. Student Activities

A. Each school shall have a well-balanced and effectively administered student activity program.

B. Each LEA shall adopt a written policy on student activities that shall:

1. distinguish between co-curricular and extracurricular activities within the context of the definitions below:

a. co-curricular activities are those activities that are relevant, supportive, and an integral part of the course of study in which the student is enrolled and which are under the supervision and/or coordination of the school instructional staff;

b. extracurricular activities are those activities which are not directly related to the program of studies and which are under the supervision and/or coordination of the school instructional staff and which are considered valuable for the overall development of the student;

2. define an appropriate place for such activities in the school's program;

3. limit and control interruptions of instructional time in the classroom;

4. limit the number of absences allowed for such activities; and

5. specify student eligibility requirements.

C. Extracurricular activities shall not be scheduled during instructional time.

D. Extracurricular services and activities shall be offered to all exceptional students in a manner that allows them equal opportunity to participate in services and activities.

E. No school shall permit the existence or functioning of any fraternity, sorority, or secret society.

F. The Scholastic Rule of the Louisiana High School Athletic Association (LHSAA) shall be adhered to by all high schools under its jurisdiction.

NOTE: See for reference the LHSAA Web site at www.lhsaa.org.

G. All athletic contests shall be scheduled after school hours.

1. When possible, no instructional time should be missed by student athletes when traveling to athletic events.

2. If teams are allowed to be released from school early to attend these events, released time should be kept to a minimum and the LHSAA's Regular Season Released-Time Plan must be followed when determining the released time to be used.

3. All class work missed by student athletes while attending athletic events must be made up as soon as possible in the same manner that would be required of other students.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:176.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1272 (June 2005).

Chapter 11. Student Services

§1101. Student Services Design

A. Each LEA shall maintain a balanced, comprehensive, interdisciplinary, and coordinated program of student services. The student services program shall be identified with appropriate functions to assure leadership in accordance with an organizational plan.

B. The goals of student services shall be similar and related to those of the instructional program.

1. These services shall be designed to provide a cooperative approach to problems that require a specialized, individualized service not generally provided within the regular classroom setting and to provide resources to other school personnel, parents, and others concerned with the student and his or her development.

2. Student advocacy shall be the ultimate and foremost goal of all student services.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:251; R.S. 17:252; R.S. 17:416.17.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1273 (June 2005).

§1103. Compulsory Attendance

A. Students who have attained the age of seven years shall attend a public or private day school or participate in an approved home study program until they reach the age of 18 years. Any child below the age of seven who legally enrolls in school shall also be subject to compulsory attendance. Refer to Chapter 33 for information on home study programs.

B. Students between the ages of 17 and 18 may withdraw from school prior to graduation with the written consent of their parents, tutors, or legal guardians. A parent, tutor, or legal guardian who has given written consent for a student under his or her control or charge to withdraw from school prior to graduation, or who has a student who is under the age of 17 and is attending or is seeking admission to a National Guard Youth Challenge Program in this state, shall not be considered to be in violation of the compulsory attendance law.

1. The parent, tutor, or other person responsible for the school attendance of a student who is under age 18 and who is enrolled in school beyond his sixteenth birthday may request that the student be allowed to attend an alternative education program or a career and technical education

program. In the case of a student who has no parent, tutor, or other person responsible for his school attendance, the superintendent of the LEA may act on behalf of the student in making such a request. Upon such request, the superintendent of the LEA in which the student is enrolled shall be responsible for determining whether the student remains in the regular school setting or attends an alternative education program or a career and technical education program, and for developing and implementing an individualized plan of education for such student.

2. The compulsory attendance law does not prohibit a student who is at least 16 years of age and who meets the criteria in §2703 from attending an adult education program approved by BESE. A parent, tutor, or other person responsible for the school attendance of a child who is at least 16 years of age but under age 18 and who is enrolled in and is fulfilling the attendance requirements of an adult education program that is approved by BESE shall be considered to be in compliance with the compulsory attendance law.

C. Students shall be expected to be in attendance every student-activity day scheduled by the local educational governing authority.

D. A student is considered to be in attendance when he or she is physically present at a school site or is participating in an authorized school activity and is under the supervision of authorized personnel.

1. This definition for attendance would extend to students who are homebound, assigned to and participating in drug rehabilitation programs that contain a state-approved education component, or participating in school-authorized field trips.

a. Half-Day Attendance. Students are considered to be in attendance for one-half day when they:

i. are physically present at a school site or participating in authorized school activity; and

ii. are under the supervision of authorized personnel for more than 25 percent but not more than half (26-50 percent) of the students' instructional day.

b. Whole-Day Attendance. Students are considered to be in attendance for a whole day when they:

i. are physically present at a school site or are participating in an authorized school activity; and

ii. are under the supervision of authorized personnel for more than 50 percent (51-100 percent) of the students' instructional day.

E. A student who is enrolled in regular education and who, as a result of health care treatment, physical illness, accident, or the treatment thereof, is temporarily unable to attend school, shall be provided instructional services in the home or hospital environment (Homebound Instruction).

F. The LEA shall provide educational and related services to exceptional students in accordance with the IEP for no fewer than 177 days, or the equivalent, during the normal 182-day school cycle.

G. In order to be eligible to receive grades, high school students shall be in attendance a minimum of 81 days, or the equivalent, per semester or 162 days a school year for schools not operating on a semester basis. Elementary students shall be in attendance a minimum of 160 days a school year.

H. Each LEA shall develop and implement a system whereby a student's parent, tutor, or legal guardian is given oral notification, or if oral notification cannot be provided, then written notification when that child has been absent from school for five school days in schools operating on a semester basis and for 10 days in schools not operating on a semester basis.

I. The only exception to the attendance regulation shall be the enumerated extenuating circumstances that are verified by the Supervisor of Child Welfare and Attendance. Students shall be temporarily excused from the attendance regulation for the following reasons:

1. extended personal physical or emotional illness as verified by a physician or dentist;
2. extended hospital stay as verified by a physician or dentist;
3. extended recuperation from an accident as verified by a physician or dentist; or
4. extended contagious disease within a family as verified by a physician or dentist.

J. For any other extenuating circumstances, the student's parents or legal guardian must make a formal appeal in accordance with the due process procedures established by the LEA.

K. The only other exception to the attendance regulations shall be other absences that are verified by the principal or his/her designee as stated below:

1. prior school system-approved travel for education;
2. death in the family (not to exceed one week); or
3. natural catastrophe and/or disaster.

L. Students who are verified as meeting extenuating circumstances, and therefore eligible to receive grades, shall not receive those grades if they are unable to complete makeup work or pass the course.

M. Students participating in school-approved field trips or other instructional activities that necessitate their being away from school shall be considered to be present and shall be given the opportunity to make up work.

NOTE: Refer to §1117.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:221; R.S. 17:226; R.S. 17:233.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1273 (June 2005).

§1105. Types of Absences

A. The days absent for elementary and secondary school students shall include temporarily excused absences, unexcused absences, and suspensions.

B. Students shall be considered temporarily excused from school for personal illness, serious illness in the family, death in the family (not to exceed one week), or for recognized religious holidays of the student's own faith and shall be given the opportunity to make up work.

C. Students shall not be excused for any absences other than those listed in §1105 B, shall be given failing grades in those subjects for those days missed, and shall not be given an opportunity to make up work.

D. Students shall not be excused from school to work on any job, including agriculture and domestic services, even in their own homes or for their own parents or tutors, unless it is part of an approved instructional program.

E. Students absent from school as a result of any suspension shall be counted as absent, shall be given failing

grades for those days suspended, and shall not be given an opportunity to make up work.

AUTHORITY NOTE: Promulgated in accordance with R. S. 17:226; R.S. 17:235.2; R.S. 17:416.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1274 (June 2005).

§1107. Entrance Requirements

A.1. All students, upon entering Louisiana schools for the first time, shall present:

- a. an official birth certificate (Children born in Louisiana will be given a 15 day grace period to secure a copy of their birth record. Children born out of this state will be given 30 days' grace in which to produce a copy of their birth record);
- b. a record of immunization; and
- c. an official Social Security card.

2. In cases where birth certificates and/or birth verification forms cannot be obtained, the school principal may accept whatever positive proof of age, race, and parentage is available. It shall be left to the discretion of the parish or city superintendent of schools, subject to the authority of the school board, as to whether or not a child shall continue in school upon failure to comply herewith.

B. Every child, as a prerequisite to enrollment in any first grade of a public school, shall meet one of the following criteria:

1. have attended a full-day public or private kindergarten for a full academic year; or
2. have satisfactorily passed academic readiness screening administered by the LEA at the time of enrollment for first grade.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:151.3; 17:170; 17:222.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1274 (June 2005).

§1109. Assignment and Transfer of Students

A. After the twenty-first calendar day of the school year, no student shall transfer from any public school to any other public school unless the person having legal custody moves the residence to a location in the area of the school to which the student normally would have been assigned.

B. No student may be enrolled in nor continue to attend a school if the residence of the student is a temporary residence established primarily to evade assignment to the school to which the student normally would have been assigned had the temporary residence not been established.

C. LEAs may, by mutual agreement, provide for the admission to any school of students residing in adjoining parishes and for transfer of school funds or other payments by one board to another for, or on account of, such attendance.

D. If not specifically contrary to the provisions of an order of a court of competent jurisdiction providing for the assignment of students within the LEA, a city or parish school board shall assign a student to attend any public school requested by a parent or other person responsible for the student's school attendance when the requested school has space available and is of a suitable grade level, and the child resides not more than one mile from such school measured by the distance to be traveled on public streets or highways, or by the boundary of a subdivision. Exceptions are as follows.

1. This provision does not apply in Orleans Parish.

2. If not specifically contrary to the provisions of an order of a court of competent jurisdiction providing for the assignment of students within the LEA, a city or parish school board in any parish having a population of at least 140,000 but not more than 160,000 persons and the Caddo Parish School Board, shall assign a student to attend any public high school requested by a parent or other person responsible for the student's school attendance when the requested school has space available and is of a suitable grade level, and the student resides not more than 2 miles from such school. A school board shall not be required to provide transportation to any student enrolled in high school pursuant to the provisions of this Paragraph.

NOTE: Refer to §303(D).

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:81.1; R.S. 17:105; R.S. 17:221.2.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1274 (June 2005).

§1111. Age Requirements

A. Special education shall be provided for exceptional students aged 3 through 21, unless they have received a diploma. The LEA shall have the option to provide preschool special education to students with disabilities aged 0 through 2 years.

B. Each LEA shall provide for and offer, in every school having a first grade or in a parish kindergarten center, full-day kindergarten instruction to each eligible child.

C. The minimum age for kindergarten shall be one year younger than the age required for that child to enter first grade as established by the local educational governing authority.

1. Each local educational governing authority, by rule, may provide, for a child of younger age to enter kindergarten; provided that such child has been evaluated and identified as gifted in accordance with the regulations of the DOE for such evaluation. Any child admitted to kindergarten pursuant to this Paragraph shall be eligible to enter first grade upon successful completion of kindergarten, provided all other applicable entrance requirements have been fulfilled.

2. Any child transferring into the first grade of a public school from out-of-state and not meeting the requirements herein for kindergarten attendance, shall be required to satisfactorily pass an academic readiness screening administered by the LEA prior to the time of enrollment for the first grade.

3. Any child not able to meet the kindergarten attendance requirements of this Section due to illness or extraordinary, extenuating circumstances as determined by the local educational governing authority, shall be required to satisfactorily pass an academic readiness screening administered by the LEA prior to the time of enrollment for the first grade.

4. Every parent, tutor, or other person having control or charge of a child who is eligible to attend full-day kindergarten, as a prerequisite to enrollment in any first grade of a public school shall send such child to attend public or private full-day kindergarten when such instruction is offered in the public schools, or ensure that such child is administered an academic readiness screening prior to the time established for the child to enter first grade.

D. The age at which a child may enter the first grade of any public school at the beginning of the public school

session shall be six years on or before September 30 of the calendar year in which the school year begins.

1. Any local educational governing authority in a parish having a population of at least 450,000 may adopt, by rule, and enforce ages for entrance into first grade in the schools in its system which vary from the provisions of this Section. All children admitted into school as a result of a rule adopted pursuant to such a rule shall be counted in reports submitted for funding under the Minimum Foundation Program (MFP) and money allocated pursuant to such program shall be based on the report which includes such children.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:151.3; R.S. 17:222.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1275 (June 2005).

§1113. Orientation for Parents of First Time Students

A. Each student entering public school within the state for the first time, including kindergarten, shall present at the time of registering or entering satisfactory evidence that at least one of his parents or guardians has completed the orientation course required by this Section. The certificate of completion required by this Section shall constitute satisfactory evidence.

B. Each local educational governing authority shall conduct a parent orientation course according to the following guidelines.

1. The program shall be not less than three hours in duration and shall be scheduled to accommodate the attendance of the parents or guardians without the loss of work.

2. All parents or guardians shall be encouraged to attend as many times as they wish.

3. The local educational governing authority shall provide every parent or guardian who attends the program a certificate verifying completion of the course.

4. At the parent orientation meeting, the local educational governing authority or its representative shall provide each parent or guardian a copy of and shall explain school board policies which:

a. govern the discipline of students, including but not limited to corporal punishment, detention, suspension, and expulsion of students;

b. govern the attendance of students and truancy sanctions;

c. govern the behavior and decorum expected of students at all times;

d. govern dress codes for students for all school functions, including but not limited to in-school and out-of-school functions, including but not limited to dances; and

e. address any other such matters as the local educational governing authority may deem appropriate.

5. At the parent orientation meeting, the local educational governing authority or its representative shall explain:

a. existing grading systems for the LEA;

b. standardized test procedures in effect, including but not limited to preparation for tests, procedures to be followed on the testing days, and an explanation of the assessment of the test results;

c. policies governing promotion of students from grade to grade and procedures implemented when a student fails to attain sufficient standards for promotion; and

d. other such matters as the local educational governing authority may deem appropriate.

C. Completion of one orientation course shall be satisfactory for the enrollment or registration of all children of a parent or guardian.

D. A local educational governing authority shall schedule not less than three orientation meetings during a school year, and at various times during the day, in order to facilitate attendance with as little inconvenience to the parents or guardians as possible. In order to carry out the intent and purpose of this Section, a local educational governing authority shall schedule not less than three orientation meetings between March and September of each year, and shall publish notice and otherwise seek to notify parents or guardians whose children may enter a school in the system of the attendance requirements.

E. If teachers of any LEA are required to attend an orientation meeting for first time parents as part of their job responsibilities on a day or at a time when the teachers would not otherwise have been required to work, then the teachers shall be compensated at their usual rate of pay on a pro rata basis.

F. Under no circumstances shall a student be denied entry into school because of noncompliance by a parent or guardian with the provisions of this Section.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:235.1.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1275 (June 2005).

§1115. Statements of Compliance

A. Each local educational governing authority shall require each student in grades 4 through 12 in each school under the control of the local educational governing authority annually to sign a statement of compliance committing to do at least all of the following:

1. attend school daily, except when absent for reasons due to illness or other excused absence;
2. arrive at school on time each day;
3. demonstrate significant effort toward completing all required homework assignments; and
4. follow school and classroom rules.

B. Each parent or guardian of each student in grades 4 through 12 in any public school in the state annually shall sign a statement of compliance committing to do at least all of the following:

1. ensure that his/her child attends school daily except for excused absences;
2. ensure that his/her child arrives at school on time each day;
3. ensure that his/her child completes all required homework assignments; and
4. attend all required parent and teacher or principal conferences.

C. Prior to the signing by any student of the statement of compliance as required in this Section, each homeroom teacher or teacher designated by the principal shall, on the first day of school each school year, provide information to and answer any questions from students in grades 4 through 12 relative to the statement of compliance.

D. Each local educational governing authority shall adopt rules and regulations necessary for the implementation of this Section. Such rules and regulations shall include the following:

1. appropriate action to be taken against any student or parent or guardian who fails to comply with the signed statement as required in this Section; and

2. guidelines for homeroom teachers to provide information and answer questions about the compliance statements, including a specified amount of time necessary for teachers to accomplish such requirements.

AUTHORITY NOTE: Promulgated in accordance with R. S. 17:235.2.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1276 (June 2005).

§1117. Child Welfare and Attendance

A. Visiting teachers, supervisors of child welfare and attendance, and home-school coordinators shall give written notice, either in person or by registered mail, to the parent or guardian of a student within the compulsory school attendance age, when no valid reason is found for a student's nonenrollment or unexcused absence from school, requiring enrollment or attendance within three days from the date of notice.

B. Visiting teachers or supervisors of child welfare and attendance shall receive the cooperation of all teachers and principals in the parish or city in which they are appointed to serve.

C. Each school shall, upon the request of the LEA where the school is located, state whether any individual student is enrolled in such school and whether such pupil is fulfilling the compulsory attendance requirements.

D. Any student who is a juvenile and who is habitually absent from school or is habitually tardy shall be reported by visiting teachers and supervisors of child welfare and attendance to the family or juvenile court of the parish or city as a truant child, pursuant to the provisions of Chapter 2 of Title VII of the Louisiana Children's Code relative to families in need of services, there to be dealt with in such manner as the court may determine, either by placing the truant in a home or in a public or private institution where school may be provided for the child, or otherwise.

E. A student shall be considered habitually absent or habitually tardy when either condition continues to exist after all reasonable efforts by the principal and the teacher have failed to correct the condition after the fifth unexcused absence or fifth unexcused occurrence of being tardy within any month or if a pattern of five absences a month is established. The student's principal or the principal's designee, with the aid of the teachers, shall file a written report showing dates of absence or tardiness, dates and results of school contacts with the home, and such other information as may be needed by the visiting teacher or supervisor of child welfare and attendance.

NOTE: Refer to §1103.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:232, R.S. 17:235.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1276 (June 2005).

§1119. Health Screening

A. Every LEA, during the first semester of the school year or within 30 days after the admission of any students entering the school late in the session, shall test the sight, including color screening, for all first grade students, and hearing of each and all students under their charge, except those students whose parent or tutor objects to such examination. Such testing shall be conducted by

appropriately trained personnel, and shall be completed in accordance with the schedule established by the American Academy of Pediatrics.

B. Upon the request of a parent, student, school nurse, classroom teacher, or other school personnel who has reason to believe that a student has a need to be tested for dyslexia, that student shall be referred to the school building level committee for additional testing. Local school systems may provide for additional training for school nurses to aid in identifying dyslexic students. Refer to §1123.

C. The LEA shall keep a record of such examination, shall be required to follow up on the deficiencies within 60, and shall notify in writing the parent or tutor of every student found to have any defect of sight or hearing. A written report of all such examinations shall be made to the State Superintendent of Education but shall not be made available to the public.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:2112.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1276 (June 2005).

§1121. Immunizations

A. All students entering any school within the state for the first time, at the time of registration or entry, shall present satisfactory evidence of immunity to or immunization against vaccine-preventable diseases according to a schedule approved by the office of public health, Department of Health and Hospitals, or shall present evidence of an immunization program in progress.

1. The schedule shall include, but not be limited to measles, mumps, rubella, diphtheria, tetanus, whooping cough, poliomyelitis, and hemophilus influenzae Type B invasive infections.

2. The schedule may provide specific requirements based on age, grade in school, or type of school. At its own discretion and with the approval of the office of public health, an educational institution or licensed day care center may require immunizations or proof of immunity more extensive than required by the schedule approved by the office of public health.

B. A student transferring from another LEA in or out of the state shall submit either a certificate of immunization or a letter from his personal physician or a public health clinic indicating immunizations against the diseases in the schedule approved by the office of public health having been performed, or a statement that such immunizations are in progress.

C. If booster immunizations for the diseases enumerated in the schedule approved by the office of public health are advised by that office, such booster immunizations shall be administered before the student enters a school system within the state.

D. School principals shall be responsible for checking students' records to see that the provisions of this Section are enforced.

E. No student seeking to enter any school shall be required to comply with the provisions of this Section if the student or his parent or guardian submits either a written statement from a physician stating that the procedure is contraindicated for medical reasons, or a written dissent from the student or his parent or guardian is presented.

F. In the event of an outbreak of a vaccine-preventable disease at the location of a school, the principal is

empowered, upon the recommendation of the office of public health, to exclude from attendance unimmunized students until the appropriate disease incubation period has expired or the unimmunized person presents evidence of immunization.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:170.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1277 (June 2005).

§1123. Educational Screening and Evaluation

A. All LEAs shall ensure that appropriate educational screening and evaluation services are provided to students.

B. Every student in public school in grades kindergarten through third shall be screened, at least once, for the existence of impediments to a successful school experience. No student shall be screened if his parent or guardian objects to such screening.

1. Such impediments shall include:

- a. dyslexia and related disorders,
- b. attention deficit disorder, and
- c. social and environmental factors that put a student "at risk."

2. Students in need of services and/or assistance shall have it provided to them. Services for dyslexia and related disorders shall be provided in accordance with R.S. 17:7(11).

3. The screenings shall be done directly by elementary school counselors, pupil appraisal personnel, teachers, or any other professional employees of the LEA who have been appropriately trained, all of whom shall operate as advocates for the students identified as needing services or assistance. No screenings shall be done by persons who have not been trained to do such screenings.

C. Each LEA shall ensure that educational screening activities, conducted by a committee at the school level, shall be completed before a student is referred for an individual evaluation through pupil appraisal services.

D. Students who are experiencing learning or adjustment difficulties in a regular program, but are not thought to be exceptional, may receive support services from pupil appraisal by a referral from a committee at the school level. They should also be considered for such issues as dyslexia, attention deficit concerns, and any other area that might be contributing to their difficulties in the school setting.

E. Students thought to be exceptional shall be provided an individual evaluation by qualified personnel.

F. The LEA shall ensure that no student shall be placed in special education without a valid and current individual evaluation and an IEP signed by the student's parent(s).

G. Re-evaluation of exceptional students shall be conducted at least every three years.

NOTE: Refer to §1119.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:7(11); R.S. 17:392.1.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1277 (June 2005).

§1125. Comprehensive Counseling

A. School counselors shall spend the majority of their time on providing direct counseling related to students. Responsibilities of the school counselor shall not include the administration of discipline, substitute teaching or administrative clerical duties. Refer to the Louisiana State Comprehensive Guidance and Counseling Model.

B. Each secondary school shall provide school counselors at a ratio of 1:450 or a major fraction thereof. Each elementary school and middle school shall provide school counselors when enrichment formula funds are provided.

C. A planned, comprehensive counseling program that is preventive and developmental in nature shall be provided in the school through an interdisciplinary approach.

1. These services shall include, but not be limited to providing counseling, educational information, career/occupational information, personal/social information services, referral services, consultation, orientation, testing, placement, and follow-up.

2. Individual and group counseling services shall be provided to students at all levels, as well as to teachers, administrators and parents.

3. Individualized counseling shall be provided to students to ensure appropriate placement into and exit from the courses and course sequences that are available for curricular requirements.

4. Immediate assistance shall be provided for students who experience problems, and long-range services shall be made available when necessary.

5. Each school shall have in the student counseling area or library center, guidance materials to aid students in their educational, vocational, personal, social, health, and civic development.

NOTE: Refer to the Louisiana State Comprehensive Guidance and Counseling Model.

AUTHORITY NOTE: Promulgated in accordance with R. S. 17:3002 et seq.; R.S. 17:3005.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1277 (June 2005).

§1127. Preventive Programs

A. Positive preventive programs are those programs aimed at identifying and eliminating problems that impede student learning.

B. Each school shall develop a professional approach to the prevention of nonattendance and to problems involving chronic absenteeism.

C. Each LEA shall include in the curriculum a program of substance abuse prevention, to include effective informational and counseling strategies, and information designed to reduce the likelihood that students shall injure themselves or others through the misuse and abuse of chemical substances.

1. The substance abuse programs and curricula shall also include procedures for identifying students who exhibit signs of misuse or abuse of such substances and procedures for referral for counseling or treatment.

D. Each LEA shall have a program on the prevention of crime and disruptive behavior. The program shall follow the minimum guidelines established by the DOE in *Bulletin 1627—Act 689 Guidelines* (Crime and Disruptive Behavior).

E. Each LEA may develop and implement, after submission to BESE for approval, a plan for the modification of approved course content and structure to produce interdisciplinary courses for purposes of enhancing dropout prevention programs.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:13.1; R.S. 17:283; R.S. 17:403; R.S. 17:416.14.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1278 (June 2005).

§1129. Administration of Medication

A. Administration of Medication

1. Each local educational governing authority shall establish guidelines based upon the joint policy of BESE and the Louisiana State Board of Nursing for the administration of medications which shall include but not be limited to the following provisions.

2. Any waivers, deletions, additions, amendments, or alterations to this joint policy shall be approved by both boards.

B. Written Orders, Appropriate Containers, Labels and Information

1. Medication shall not be administered to any student without an order from a Louisiana, or adjacent state, licensed physician or dentist, and it shall include the following information:

- a. the student's name;
- b. the name and signature of the physician/dentist;
- c. the physician/dentist's business address, office phone number, and emergency phone numbers;
- d. the frequency and time of the medication;
- e. the route and dosage of the medication; and
- f. a written statement of the desired effects and the child specific potential of adverse effects.

2. Medication shall be provided to the school by the parent or guardian in the container that meets acceptable pharmaceutical standards and shall include the following information:

- a. name of pharmacy;
- b. address and telephone number of pharmacy;
- c. prescription number;
- d. date dispensed;
- e. name of student;
- f. clear directions for use, including the route, frequency, and other as indicated;
- g. drug name and strength;
- h. last name and initial of pharmacist;
- i. cautionary auxiliary labels, if applicable; and
- j. physician's or dentist's name.

3. Labels of prepackaged medications, when dispensed, shall contain the following information in addition to the regular pharmacy label:

- a. drug name;
- b. dosage form;
- c. strength;
- d. quantity;
- e. name of manufacturer and/or distributor; and
- f. manufacturer's lot or batch number.

C. Administration of Medication—General Provisions

1. During the period when the medication is administered, the person administering the medication shall be relieved of all other duties. This requirement does not include the observation period required in Paragraph C.5.

2. Except in life-threatening situations, trained unlicensed school employees may not administer injectable medications.

3. All medications shall be stored in a secured locked area or locked drawer with limited access except by authorized personnel.

4. Only oral medications, inhalants, topical ointments for diaper rash, and emergency medications shall be administered at school by unlicensed personnel.

5. Each student shall be observed by a school employee for a period of 45 minutes following the administration of medication. This observation may occur during instruction time.

6. School medication orders shall be limited to medication which cannot be administered before or after school hours.

D. Principal

1. The principal shall designate at least two employees to receive training and administer medications in each school.

E. Teacher

1. The classroom teacher who is not otherwise previously contractually required shall not be assigned to administer medications to students.

2. A teacher may request in writing to volunteer to administer medications to his/her own students.

3. The administration of medications shall not be a condition of employment of teachers employed subsequent to July 1, 1994.

4. A regular education teacher who is assigned an exceptional student shall not be required to administer medications.

F. School Nurse

1. The school nurse, in collaboration with the principal, shall supervise the implementation of the school policies for the administration of medications in schools to insure the safety, health, and welfare of the students.

2. The school nurse shall be responsible for the training of non-medical personnel who have been designated by each principal to administer medications in each school. The training shall be at least six hours and include but not be limited to the following provisions:

- a. proper procedures for administration of medications including controlled substances;
- b. storage and disposal of medications;
- c. appropriate and correct record keeping;
- d. appropriate actions when unusual circumstances or medication reactions occur; and
- e. appropriate use of resources.

G. Parent/Guardian

1. The parent/guardian who wishes medication administered to his/her student shall provide the following.

a. A letter of request and authorization that contains the following information:

- i. name of the student;
- ii. clear instructions;
- iii. prescription number, if any;
- iv. current date;
- v. name, degree, frequency, and route of medication;
- vi. name of physician or dentist;
- vii. printed name and signature of parent or guardian;
- viii. emergency phone number of parent or guardian; and
- ix. statement granting or withholding release of medical information.

b. Written orders for all medications to be given at school, including annual renewals at the beginning of the school year.

c. A prescription for all medications to be administered at school, including medications that might ordinarily be available over the counter.

d. A list of all medications that the student is currently receiving at home and school, if that listing is not a violation of confidentiality or contrary to the request of the parent/guardian or student.

e. A list of names and telephone numbers of persons to be notified in case of medication emergency in addition to the parent or guardian and licensed prescriber.

f. Arrangements for the safe delivery of the medication to and from school in the original labeled container as dispensed by the pharmacist; the medication shall be delivered by a responsible adult.

g. Unit dose packaging shall be used whenever possible.

2. All aerosol medications shall be delivered to the school in premeasured dosage.

3. No more than a 35 school day supply of medication shall be kept at school.

4. The initial dose of a medication shall be administered by the student's parent/guardian outside the school jurisdiction with sufficient time for observation for adverse reactions.

5. The parent/guardian shall also work with those personnel designated to administer medication as follows:

a. cooperate in counting the medication with the designation school personnel who receives it and sign a drug receipt form;

b. cooperate with school staff to provide for safe, appropriate administration of medications to students, such as positioning, and suggestions for liquids or foods to be given with the medication;

c. assist in the development of the emergency plan for each student;

d. comply with written and verbal communication regarding school policies;

e. grant permission for school nurse/physician consultation; and

f. remove or give permission to destroy unused, contaminated, discontinued, or out-of-date medications according to the school guidelines.

H. Student Confidentiality

1. All student information shall be kept confidential.

NOTE: There is a set of guidelines developed by an Administration of Medication Task Force and approved by the State Board of Nursing, which may be used by LEAs in developing their local administration of medication guidelines. These guidelines are available upon request in the BESE office.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:436.1.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1278 (June 2005).

§1131. Communicable Disease Control

A. The DOE will work cooperatively with the Louisiana Department of Health and Hospitals for the prevention, control and containment of communicable diseases in schools.

B. Students are expected to be in compliance with the required immunization schedule.

1. The principal is required under R.S. 17:170 to exclude children from school attendance who are out of compliance with the immunizations required by this statute.

2. School personnel will cooperate with public health personnel in completing and coordinating all immunization data, waivers and exclusions, including the necessary Vaccine Preventable Disease Section's School Immunization Report forms (EPI-11, 11/84) to provide for preventable communicable disease control.

C. The superintendent may exclude a student or staff member for not more than five days from school or employment when reliable evidence or information from a public health officer or physician confirms him/her of having a communicable disease or infestation that is known to be spread by any form of casual contact and is considered a health threat to the school population. Such a student or staff member shall be excluded unless the public health officer approves school attendance or employment or the condition is no longer considered contagious.

D. When reliable evidence or information from a public health officer or physician confirms that a student/staff member is known to have a communicable disease or infection that is known not to be spread by casual contact, (i.e., HIV infection, Hepatitis B and other like diseases), the decision as to whether the affected person will remain in the school or employment setting will be addressed on a case-by-case basis by a review panel to ensure due process.

E. Mandatory screening for communicable diseases that are known not to be spread by casual contact is not warranted as a condition for school entry or for employment or continued employment.

F. Irrespective of the disease presence, routine procedures shall be used and adequate sanitation facilities will be available for handling blood or bodily fluids within the school setting or on school buses. School personnel will be trained in the proper procedures for handling blood and bodily fluids and these procedures will be strictly adhered to by all school personnel.

G. Any medical information that pertains to students or staff members, proceedings, discussions and documents shall be confidential information. Before any medical information is shared with anyone in the school setting, a "Need to Know" review shall be made which includes the parent/guardian, student if age 18, employee or his/her representative unless the information is required to meet the mandates of federal or state law or regulation, or BESE policy.

H. Instruction on the principal modes by which communicable diseases, including, but not limited to, HIV infection, are spread and the best methods for the restriction and prevention of these diseases shall be taught to students and inservice education provided to all staff members.

I. Due Process Procedures

1. The Review Panel

a. Communicable diseases that are known not to be spread by casual contact (e.g., AIDS, Hepatitis B and other like diseases) will be addressed on a case-by-case basis by a review panel.

b. Panel Membership:

- i. the physician treating the individual;
- ii. a health official from the local parish health department;

iii. a child/employee advocate (e.g., nurse, counselor, child advocate, social worker, employee representative, etc., from in or outside the school setting) approved by the infected person or parent/guardian;

iv. a school representative familiar with the student's behavior in the school setting or the employee's work situation (in most cases the building principal or in the case of a special education student, a representative may be more appropriate);

v. either the parent/guardian of a child, a student if 18, employee, or their representative; and

vi. the school system superintendent.

c. The superintendent will assign a stenographer to record the proceedings.

d. The superintendent will designate the chair of the panel.

e. The chair of the review panel will designate the panel member who will write the "Proposal for Decision."

2. Case Review Process

a. Upon learning of a student/staff member with the LEA who has been identified as having a communicable disease that is known not to be spread by casual contact, the superintendent shall:

i. immediately consult with the physician of the student/staff member or public health officer who has evidence of a present or temporary condition that could be transmitted by casual contact in the school setting:

(a) if the public health officer indicates the student/staff member is well enough to remain in the school setting and poses no immediate health threat through casual contact to the school population because of their illness, the student/staff member shall be allowed to remain in the school setting while the review panel meets;

(b) if the public health officer indicates the student/staff member is currently not well enough to remain in the school setting and/or the affected individual currently has evidence of an illness or infection that poses a potential health threat through casual contact to the school population because of the illness, the student/staff member shall be excluded from the school setting while the review panel meets;

(c) if the public health officer recommends exclusion because a public health threat exists, the review panel will discuss the conditions under which the individual may return to school;

ii. immediately contact the review panel members to convene a meeting to explore aspects of the individual's case;

iii. submit to the parent/guardian or infected person if 18 or older, a copy of the Communicable Disease Control Policy;

iv. observe all federal and state statutes, federal and state regulations, and all BESE policies pertaining to provision of special educational services.

3. The Review Panel Process

a. The Review Panel shall meet within 24-48 hours to review the case. The following aspects should be considered in that review:

i. the circumstances in which the disease is contagious to others;

- ii. any infections or illnesses the student/staff member could have as a result of the disease that would be contagious through casual contact in the school situation;
- iii. the age, behavior, and neurologic development of the student;
- iv. the expected type of interaction with others in the school setting and the implications to the health and safety of others involved;
- v. the psychological aspects for both the infected individual remaining in the school setting;
- vi. consideration of the existence of contagious disease occurring within the school population while the infected person is in attendance;
- vii. consideration of a potential request by the person with the disease to be excused from attendance in school or on the job;
- viii. the method of protecting the student/staff member's right to privacy, including maintaining confidential records;
- ix. recommendations as to whether the student/staff member should continue in the school setting or if currently not attending school, under what circumstances he/she may return;
- x. recommendations as to whether a restrictive setting or alternative delivery of school programs is advisable;
- xi. determination of whether an employee would be at risk of infection through casual contact when delivering an alternative educational program;
- xii. determination of when the case should be reviewed again by the panel; and
- xiii. any other relevant information.

b. Proposal for Decision

- i. Within three operational days (i.e., a day when the school board central office is open for business) after the panel convenes, the superintendent shall provide a written decision to the affected party based on the information brought out in the review panel process and will include the rationale for the decision concerning school attendance for the student or continuation of employment for staff member.
- ii. If the decision is to exclude the affected person from the school setting because of the existence of a temporary or present condition that is known to be spread by casual contact and is considered a health threat, the written decision shall include the conditions under which the exclusion will be reconsidered.
- iii. If the affected person is a special education student, an Individualized Education Program Conference must be convened to determine the appropriateness of the program and services for the student.

4. Appeal Process

a. Rehearing Request

- i. The parent, guardian or affected person who considers the Proposal for Decision unjust may request a rehearing, in writing, directed to the superintendent within three days of the date of the decision. Grounds for requesting a rehearing are limited to:

- (a) new evidence or information that is important to the decision; or
- (b) substantial error of fact.
- ii. The superintendent, within 48 hours from the date of receipt of the request for rehearing, shall either grant

or deny the request for rehearing. If the request for rehearing is granted, the chair shall reconvene the same panel that originally heard the matter within five business days of the date the hearing is granted.

- iii. Within three operational days (a day when the school system's central office is open for business) after the rehearing, the superintendent shall submit the decision to the parent/guardian or affected person.

b. Request for a Local Board Decision

- i. The parent/guardian, affected person or their representative, may make a final written appeal to the president of the local board of education within five operational days after the superintendent's decision. The board shall meet within three operational days and hear the student/staff member's appeal along with the Proposal for Decision and superintendent's decision. Within two business days of the hearing, the board shall render its decision in writing with copies sent to the superintendent, health department official, and parent/guardian or affected person.

- ii. Should the superintendent deny the request for rehearing, the appellant may appeal to the local board of education by exercising the process in Subparagraph b.

- iii. Review Panel Request for Appeal. If the Proposal for Decision or the superintendent's decision is contrary to the majority opinion of the review panel, a majority of the panel has the right to appeal either decision in the same manner stated in the "Appeal Process."

5. General

- a. If the affected student cannot attend school, the LEA will provide an alternative school program.

- i. If the public health officer determines there is a risk of infection to an employee through casual contact while delivering this program, the employee will not be required to provide educational services.

- ii. If the public health officer determines there is no risk of infection to the employee, the employee will be expected to participate in the delivery of educational services.

- b. The review panel member who is serving as the advocate for the infected individual (or another person designated by the panel and approved by the parent/guardian, or the infected person) will serve as the liaison between the student/staff member, family and attending physician as it relates to the school setting.

- c. These procedures in no way limit or supersede the procedural due process requirements established in 29 USC 706(7), R.S. 17:1941, 7946, and 20 USC 1400-1485, et seq.

6. Confidentiality

- a. All persons involved in these procedures shall be required to treat all proceedings, deliberations, and documents as confidential information. Records of the proceedings and the decisions will be kept by the superintendent in a sealed envelope with access limited to only those persons receiving the consent of the parent/guardian or infected person as provided in 20 USC 1232(g).

NOTE: See §1121.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(10)(15); R.S. 17:170; R.S. 17:437; R.S. 17:1941; 20 USCS 1232.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1279 (June 2005).

§1133. Substance Abuse

A. Any school employee having reasonable cause to believe that a student possesses a controlled dangerous substance or an alcoholic beverage on a school campus shall report such fact to the principal of the school.

1. If a Substance Abuse Prevention Education (SAPE) team exists within the school, the principal shall forward the report to the chairperson of the team.

2. If the report has been given to the team directly or if the report has been forwarded to the team by the principal, the team shall discuss the circumstances of the report with the student reported without disclosing the name of the reporting person and shall meet with the parents of the student reported.

3. The team shall report to the principal of the school and make recommendations for treatment, counseling, or other appropriate action.

B. Any school employee having factual knowledge that a student has manufactured, distributed, or possessed with intent to distribute a controlled dangerous substance shall report such fact to the principal of the school who, upon finding that there is reasonable cause to believe that the student has manufactured, distributed, or possessed with intent to distribute a controlled dangerous substance, shall report such information to the appropriate law enforcement agency.

C. Any person who makes a report in good faith, pursuant to substance abuse, shall have immunity from civil liability that otherwise might be incurred. Such immunity shall extend to testimony in any judicial proceeding resulting from such report.

NOTE: See §1127.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:402 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1282 (June 2005).

§1135. Child Abuse

A. Any school employee having reasonable cause to believe that a student has been mentally, physically, or sexually abused shall report these facts to the appropriate authorities.

B. Any person making a report in good faith regarding child abuse shall have immunity from civil liability that may be otherwise incurred.

AUTHORITY NOTE: Promulgated in accordance with R.S. 14:403.3.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1282 (June 2005).

§1137. Student Identification Badges

A. Each LEA in any parish having a population of between 120,000 and 130,000 persons may provide for an annual student identification badge to be issued to each student in grades 6 through 12 attending a public school in the school system. The badge shall include the student's name and picture, the name of the school which the student attends, and the calendar year for which it is issued. The student shall display such badge in a prominent manner at all times while on school grounds and when attending any school function, including school-sponsored cocurricular and extracurricular activities, unless circumstances otherwise prevent such display.

B. The LEA shall adopt rules and regulations for the implementation of this Section.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:179.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1282 (June 2005).

§1139. School Dress Codes

A. Each LEA may adopt such rules and regulations as it deems necessary to require a school dress code that includes the use of uniforms.

B. Each school may select a uniform for its students and display such uniform prior to the beginning of each school year.

C. If an LEA chooses to require a school dress code, it shall notify, in writing, the parent or guardian of each school student of the dress code specifications and their effective date.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:416.7.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1282 (June 2005).

§1141. Electronic Telecommunication Devices

A. No student, unless authorized by the school principal or his/her designee, shall use or operate any electronic telecommunication device, including any facsimile system, radio paging service, mobile telephone service, intercom, or electro-mechanical paging system, in any public school building or school grounds or in any school bus.

B. Nothing in this Section shall prohibit the use and operation by any person, including students, of any electronic telecommunication device in the event of an emergency in which there is actual or imminent threat to public safety.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:239.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1282 (June 2005).

§1143. Prohibition against the Use of Tobacco

A. No person shall smoke, chew, or otherwise consume any tobacco or tobacco product in any elementary or secondary school building.

B. No person shall smoke or carry a lighted cigar, cigarette, pipe, or any other form of smoking object or device on the grounds of any public or private elementary or secondary school property, except in an area specifically designated as a smoking area.

C. Smoking shall be prohibited on any school bus transporting students attending any public elementary or secondary school.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:240.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1282 (June 2005).

Chapter 13. Discipline

§1301. Disciplinary Regulations

A. Each local educational governing authority shall adopt such rules and regulations as it deems necessary to implement and control any disorderly conduct in the school or on the playground of the school, or on the street or road while going to and from school, or during intermission and recess.

B. Teachers, principals, and administrators may, subject to any rules as may be adopted by the local educational governing authority, apply reasonable disciplinary and corrective measures to maintain order in the schools. (Refer to R.S. 17:416 and R.S. 17:223.)

C. The disciplinary rules (regulations) shall be made known to teachers, parents, and students and shall be reasonably and consistently enforced.

D. Any principal who fails to act on a report of student violations of disciplinary regulations shall explain his/her reasons for such an action to the superintendent of the LEA by which he or she is employed, or to the superintendent's designee.

E. Students, who, through no fault of their parents or guardians or other persons having charge of them, regularly disrupt the orderly processes of the school to which they have been assigned, shall be considered as delinquents and may be reported by the visiting teacher or Supervisor of Child Welfare and Attendance, to the district or family court of the parish having jurisdiction in juvenile matters, there to be dealt with in the manner prescribed by law.

F. Schools shall provide due process prior to suspensions and expulsions.

G. Students who are suspended or expelled shall receive no credit for school work missed while they are suspended or expelled.

H. Each local educational governing authority shall adopt rules regarding the implementation of in-school suspension and detention.

I. Each local educational governing authority shall adopt rules regarding the reporting and review of discipline violations.

J. Each LEA shall establish a discipline policy review committee comprised of sixteen members in accordance with the mandates of R.S. 17:416.8. The LEA shall establish procedures for appointing the two parent members.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:223-224; R.S. 17:416.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1282 (June 2005).

§1303. Reasons for Suspensions

A. School principals may suspend from school any student, including an exceptional student, for good cause in accordance with state law and local policy.

B. Students determined to be guilty of the following offenses may be suspended for the following reasons:

1. willful disobedience;
2. disrespect to a teacher, principal, superintendent, and/or member or employee of the local school board;
3. making an unfounded charge against a teacher, principal, superintendent, and/or member or employee of the local school board;
4. using unchaste or profane language;
5. immoral or vicious practices;
6. conduct or habits injurious to his/her associates;
7. using tobacco and/or using and possessing alcoholic beverages or any controlled dangerous substances governed by the Uniformed Controlled Dangerous Substance Law in any form in school buildings or on school grounds;
8. disturbing the school and habitually violating the rules;
9. cutting, defacing, or injuring any part of public school buildings;
10. writing profane or obscene language or drawing obscene pictures in or on any public school premises, or on any fence, sidewalk, or building on the way to or from school;

11. possessing firearms, knives, or other implements that can be used as weapons;

12. throwing missiles on the school grounds;

13. instigating or participating in fights while under school supervision;

14. violating traffic and safety regulations;

15. leaving the school premises without permission or his/her classroom or detention room without permission;

16. habitual tardiness or absenteeism; and

17. committing any other serious offense.

AUTHORITY NOTE: Promulgated in accordance with R.S.17:416.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1283 (June 2005).

§1305. Due Process for Suspensions

A. Prior to any suspension, the school principal or the principal's designee shall advise the student in question of the particular misconduct of which he or she is accused as well as the basis for such accusation, and the student shall be given an opportunity at that time to explain his or her version of the facts to the school principal or his or her designee.

B. The principal, or the principal's designee, shall contact by telephone at the telephone number shown on the pupil's registration card or send a certified letter at the address shown on the pupil's registration card to the parent or guardian of the student, giving notice of the suspension, the reasons therefore and establishing a date and time for a conference with the principal or his designee as a requirement for readmitting the student.

1. If the parent or guardian fails to attend the required conference within five school days of mailing the certified letter or other contact with the parent, the truancy laws shall become effective.

2. On not more than one occasion each school year when the parent or guardian refuses to respond, the principal may determine whether readmitting the student is in the best interest of the student.

3. On any subsequent occasions in the same year, the student shall not be readmitted unless the parent, guardian, or other appointed representative responds.

C. A student whose presence in or about a school poses a continued danger to any person or property or an ongoing threat of disruption to the academic process shall be immediately removed from the school premises without the benefit of the procedure described above; however, the necessary procedure shall follow as soon as is practicable.

D. Notice in writing of the suspension and the reasons thereof shall be given to the parent or parents of the suspended student.

E. Any parent, tutor, or legal guardian of a suspended student shall have the right to appeal to the superintendent or to a designee of the superintendent, who shall conduct a hearing on the merits of the case.

F. In all cases of suspensions, the parent, the superintendent of schools, and the visiting teacher and/or Supervisor of Child Welfare and Attendance shall be notified in writing of the facts concerning each suspension, including the reasons therefore and terms thereof.

G. The decision of the superintendent on the merit of the case, as well as the term of suspension, shall be final, reserving the right to the superintendent to remit any portion of the time of suspension.

AUTHORITY NOTE: Promulgated in accordance with R.S.17:416.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1283 (June 2005).

§1307. Reasons for Expulsions

A. Students may be expelled for any of the following reasons:

1. any student, after being suspended for committing any of the offenses listed in §1103, may be expelled upon recommendation by the principal of the public school in which the student is enrolled;

2. any student, after being suspended on three occasions for committing any of the offenses listed in §1303 during the same school session, shall, on committing the fourth offense, be expelled from all the public schools of the parish or city school system wherein he or she resides until the beginning of the next regular school year, subject to the review and approval of the local educational governing authority;

3. the conviction of any student of a felony or the incarceration of any student in a juvenile institution for an act which, had it been committed by an adult, would have constituted a felony, may be cause for expulsion of the student for a period of time as determined by the board; such expulsions shall require the vote of two thirds of the elected members of the local educational governing authority;

4. any student found guilty of being in possession of a firearm on school property or on a school bus or at a school sponsored event shall be expelled from school according to the requirements of R.S. 17:416(C)(2);

5. any student found guilty of being in possession of any illegal narcotic, drug, or other controlled substance on school property, on a school bus, or at a school event shall be expelled from school according to the requirements of R.S. 17:416(C)(2).

AUTHORITY NOTE: Promulgated in accordance with R.S.17:416.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1284 (June 2005).

§1309. Guidelines for Expulsions

A. No student who has been expelled from any public or nonpublic school outside the state of Louisiana or any nonpublic school within Louisiana for committing any offenses enumerated in R.S. 17:416 shall be admitted to any public school in the state except upon the review and approval by the governing body of the admitting school.

B. No student who has been expelled pursuant to the provisions of R.S. 17:416(C)(2) shall be readmitted to a public school in the school system in which he or she was expelled without the expressed approval of the school board of such school system.

C. Any student who has been expelled from any public or nonpublic school within or outside the state of Louisiana shall provide to any public school or school system in the state to which the student is seeking admission, information on the dates of any expulsion and the reason(s) for which the student was expelled. Additionally, the transfer of a student's records by any public school or school system in the state to any other public or nonpublic school or school system shall include information on the dates of any suspensions or expulsions and the reason or reason(s) for which the student was suspended or expelled. Refer to R.S. 17:416(B)(3).

AUTHORITY NOTE: Promulgated in accordance with R.S.17:416.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1284 (June 2005).

§1311. Due Process for Expulsions

A. A recommendation for expulsion is made by the principal.

B. A hearing is conducted by the superintendent of the LEA or someone designated by the superintendent.

C. A determination of whether to expel the student is made by the superintendent or his designee.

D. The principal and teacher as well as the student may be represented by someone of their choice at this hearing.

E. Until the hearing takes place, the student shall remain on suspension.

F. The parent or guardian of the student may, within five days after the decision to expel the student has been rendered, request the local educational governing authority to review the findings of the superintendent or his designee. Otherwise, the decision of the superintendent shall be final.

G. The board, in reviewing the case, may affirm, modify, or reverse the action previously taken.

H. If the board upholds the decision of the superintendent, the parent or guardian of the student may, within 10 days, appeal to the district court for the parish in which the student's school is located. The court may reverse the ruling of the board.

AUTHORITY NOTE: Promulgated in accordance with R.S.17:416.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1284 (June 2005).

§1313. Discipline for Students with Disabilities

A. If a school district removes a student with disabilities from the student's current educational placement for 10 school days in a school year, consecutively or cumulatively, regardless of the circumstances, beginning on the eleventh day, all students must be offered education services, including:

1. access to the general curriculum;
2. implementation of the student's IEP;
3. access to statewide test/LEAP 21/GEE 21 preparation and/or remediation equal to those services provided to general education students;
4. services and modifications designed to prevent the behavior from recurring, if the behavior involves drugs, weapons or behavior substantially likely to cause injury to the student or others.

NOTE: Refer to *Bulletin 1706—Subpart A-Regulations for 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 31:1284 (June 2005).

§1315. Corporal Punishment

A. Each LEA shall have discretion in the use of corporal punishment. In those cases in which an LEA decides to use corporal punishment, the LEA shall adopt such rules and regulations as it deems necessary to implement and control any form of corporal punishment in the schools under its jurisdiction.

B. Each LEA shall adopt a policy establishing procedures for the investigation of employees accused of impermissible corporal punishment.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:81.6; R.S. 17:223; R.S. 17: 416.1.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1284 (June 2005).

§1317. Search and Seizure

A. Any teacher, principal, school security guard, or administrator in any LEA of the state may search any building, desk, locker, area, or grounds for evidence that the law, a school rule, or parish or city school board policy has been violated.

B. The teacher, principal, school security guard, or administrator may search the person of a student or his personal effects when, based on the attendant circumstances at the time of the search, there are reasonable grounds to suspect that the search will reveal evidence that the student has violated the law, a school rule, or a school board policy. Such a search shall be conducted in a manner that is reasonably related to the purpose of the search and not excessively intrusive in light of the age or sex of the student and the nature of the suspected offense.

C. Each LEA shall adopt a policy to provide for reasonable search and seizure by teachers, by principals, and by other school administrators of a student's person, desk, locker, or other school areas for evidence that the law, a school rule, or an LEA policy has been violated.

D. Any such policy shall be in accordance with applicable law.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:416.3.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1285 (June 2005).

Chapter 15. Plant Operations and Maintenance

§1501. Building and Maintenance

A. The school site and building shall include adequate physical facilities and custodial services to meet the needs of the educational program and to safeguard the health and safety of the pupils in each LEA.

B. Sufficient classroom, laboratory, shop, office, storage, and meeting room space shall be provided for the number of students served and the activities conducted in assigned places.

C. Adequate facilities shall be provided for specialized services such as food services, counseling, library, and physical education.

D. School facilities and grounds shall be kept attractive, functional, and clean through regular preventive and corrective maintenance.

E. A site safety officer charged with the supervision of safe practice in storage, use, and distribution of all chemicals shall be designated in each LEA.

F. The LEA must assess the safety of the facilities and equipment in all schools, including the location, quantities, and states of all regulated hazardous substances.

1. A plan to redistribute the unwanted substances must be prepared and kept on file in the central office.

2. Remaining chemicals must be listed on an inventory system.

3. A copy of the inventory must be kept on site in each school, in the central office of each LEA, and at the local fire chief's office.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17: 24.5; R.S. 17:151.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1285 (June 2005).

§1503. Facility Accessibility

A. Facilities used by LEAs, directly or through contractual arrangement, shall be accessible to and usable by persons with disabilities. Architectural barriers shall not prevent a student with a disability from being educated in the least restrictive educational environment.

B. New facilities or new parts of facilities shall be approved, designed, and constructed under prescribed conditions.

1. They shall not be approved for construction unless and until the DOE and BESE give expressed written approval on the basis of a satisfactory showing by the LEA that adequate provision has been made for the necessary access of the students with disabilities.

2. They shall be designed and constructed in a manner that results in their being readily accessible to and usable by persons with disabilities.

3. They shall be constructed to at least meet the current level of accessibility provided by the *Americans with Disabilities Act (ADA) Accessibility Guidelines for Building and Facilities*.

C. Facilities that are altered for the use of school districts shall be altered to the maximum extent feasible in a manner that results in the altered portion of the facility being readily accessible to and usable by persons with disabilities.

D. Facilities identifiable as being for students with disabilities and the services and activities provided therein shall meet the same standards and level of quality as do facilities, services, and activities provided to other students.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1731; 20 USCS 1404; 42 USCS 12101 et seq.; 12131 et seq.; 12203.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1285 (June 2005).

§1505. Program Accessibility

A. Program accessibility for exceptional students shall be ensured within existing facilities and shall be accomplished through either the alteration of existing facilities or nonstructural changes. Such changes shall include:

1. redesign of equipment;
2. assignment of communicative aids;
3. reassignment of classes and other services to accessible buildings;
4. assignment of aides to children;
5. home visits; and
6. delivery of health, welfare, or other social services at alternative accessible sites.

B. A school shall provide programs and activities to exceptional students in the most appropriate integrated setting.

C. Structural changes in facilities shall not need to be made in situations in which other methods effectively ensure accessibility of the program. When structural changes are necessary, they shall be made as expeditiously as possible.

AUTHORITY NOTE: Promulgated in accordance with 20 USCS 1404; 42 USCS 12101 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1285 (June 2005).

Chapter 17. Instructional Support

§1701. Instructional Materials and Equipment

A. Instruction shall be supported with adequate and appropriate instructional materials, equipment, and available community resources that support the stated philosophy and purposes of the school.

B. Instructional materials and equipment shall be in a good state of repair, and provisions shall be made to replace outdated instructional materials and worn-out equipment.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6; R.S. 17:7; R.S. 17:351 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1286 (June 2005).

§1703. Textbooks

A. Each school shall provide textbook materials for each student and shall have proper procedures for selection, storage, and preservation of textbooks.

B. Each LEA shall make a formal adoption of textbooks within six months from the date of their approval by BESE. Refer to *Bulletin 1794—State Textbook Adoption Policy and Procedure Manual* (LAC 28:XXXIII).

C. State funds allocated for buying textbooks shall be used to buy books on the state-adopted textbook lists and academically related ancillary materials according to the state guidelines.

1. The annual appropriation for the purchase of instructional materials and supplies (state approved textbooks) is defined in the MFP appropriation bill on a per-pupil amount. In order to facilitate the purchase and receipt of these textbooks each year, LEAs are required to submit state textbook orders to the Publisher's Depository, centrally located within the state, between March 15 and May 15.

2. Waivers. LEAs may use state textbook dollars for the purchase of non-adopted instructional materials when:

a. they are purchasing instructional materials for grades K-3 that are manipulative concrete materials or gross motor materials;

b. they do not exceed 10 percent of the total state textbook allocation; and

c. with the approval of their local educational governing authority, they petition in writing the DOE for permission to spend in excess of the 10 percent allowance.

D. Refer to §711 for more policies related to textbooks.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:8, R.S. 17:351 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1286 (June 2005).

§1705. School Libraries/Media Centers

A. The library/media center holdings shall reflect the philosophy and purposes of the school, relate directly to the educational program and the teaching techniques used by the teaching staff, and provide an opportunity to explore beyond the sphere of the regular instructional program.

B. The library/media center shall be the major instructional resource center of the school and shall offer varied services and activities for students.

C. Facilities, adequate in size, shall be provided to implement school-wide media services.

D. Available funds shall be expended to ensure a balanced and current library collection that includes the number of volumes and types of resources outlined in the *Guidelines for Library Media Programs in Louisiana Schools*.

E. Each school shall have in its library center a collection of print and nonprint media and equipment in sufficient number and quality to meet the instructional needs of teachers and students. Refer to *Guidelines for Library Media Programs in Louisiana Schools*.

F. Each school shall have library or media services appropriate to the instructional levels and exceptionalities of its students. Elementary schools that do not have a centralized library shall have classroom collections. Refer to *Guidelines for Library Media Programs in Louisiana Schools*.

G. The use of funds for library services for exceptional students shall be at least proportionate to that expended for regular students.

H. Each secondary school shall have a library and shall have librarian(s) as follows.

Student Enrollment	Required Librarians
299 or fewer	One half-time
300-999	One full-time
1000 or higher	Two full-time

NOTE: Refer to *Guidelines for Library Media Programs in Louisiana Schools* for recommended staffing.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:351 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1286 (June 2005).

§1707. Disposal of Library Books and Textbooks.

A. An LEA may sell any textbooks or library books no longer in use in the school system to any person or entity for private use at a fee established by the LEA. Funds derived from such sale shall be used by the LEA solely for textbook or library book purchases.

B. If a textbook or library book has been out of use for over six months or upon replacement by a new edition of any such book, an LEA may donate said book to any public hospital, any jail or prison, or any public institution, or to any individual for private use, free of charge.

C. Any textbook or library book which an LEA is unable to sell or donate after being out of use in excess of six months or upon replacement by a new edition of any such book, or any textbook or library book which is deemed by the LEA to be unusable or unsalable, shall be disposed of in an appropriate manner.

D. The reproduction of any textbook or library book no longer in use by an LEA and the use of multiple copies of such books by organized groups or by any educational agency or entity is prohibited.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:8.1.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1286 (June 2005).

§1709. Internet Use

A. Each LEA shall adopt policies, in accordance with all applicable state and federal laws, regarding access by students and employees to Internet and online sites that contain or make reference to harmful material, the character of which is such that it is reasonably believed to be obscene, child pornography, conducive to the creation of a hostile or dangerous school environment, pervasively vulgar, excessively violent, or sexually harassing in the school environment.

1. Such policies shall include, but not be limited to prohibitions against accessing sites containing information on the manufacturing or production of bombs or other incendiary devices.

B. Any policies adopted by the LEA shall include the use of computer-related technology or the use of Internet service provider technology designed to block access or exposure to any harmful material as specified in this Section, or both.

C. The provisions of this Section shall not prohibit any authorized employee or student from having unfiltered or unrestricted access to the Internet or an online service for legitimate scientific or educational purposes as determined and approved by the LEA, or from having unfiltered or unrestricted access to the Internet or online services of a newspaper with a daily circulation of at least 1000.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:100.7.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1286 (June 2005).

Chapter 19. Community Relations

§1901. School-Community Relations Program

A. The school-community relations program shall be such that the community is fully informed about the educational program, the strengths and needs of the school, and the services available to the school community.

B. The LEA shall regularly assess community needs and shall conduct public relations activities.

C. Each school shall maintain a continuous and specific program of community relations that involves the professional staff, the students, and citizens.

D. Each school shall use its community resources in planning and conducting the total school program.

E. Each school shall seek to enlist the cooperative assistance of all communications media within the community and to provide access to public information about the school, its policies, and activities.

F. Teachers shall make appropriate and effective use of community resources.

G. Parental involvement and support shall be sought through communication between school and home.

H. Each school shall develop a written plan for community/parental involvement.

I. Each LEA shall establish local advisory councils as required by federal, state, and local guidelines.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:251; R.S. 17:406.1 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1287 (June 2005).

§1903. Parental Involvement

A. Each LEA shall take whatever action is necessary to ensure parental participation as required by federal, state, and local guidelines in the development of the IEP for exceptional students.

B. Communication from the school to the parent shall be as follows:

1. written;
2. in language understandable to the general public;
3. in the native language of the parent or other mode of communication used by the parent when possible; and/or
4. communicated orally (when necessary) in the native language or other mode of communication so that the parent understands the content of such communication.

C. Full and effective notice communicated from the LEA to the parent of an exceptional student or a student thought to be exceptional shall also include the following:

1. a full explanation of all the procedural safeguards available to the parents, including confidentiality requirements;

2. a description of the proposed (or refused) action, an explanation of the reasons for such actions, and a description of any options that were considered and rejected;

3. a description of each evaluation procedure, type of test, record or report used as a basis for the action, and any other relevant factors; and

4. identification of the employee or employees of the school system who may be contacted.

AUTHORITY NOTE: Promulgated in accordance with; R.S. 17:1944.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1287 (June 2005).

Chapter 21. Support Services

§2101. Transportation

A. The transportation program shall be safe, adequate, and suitable to the needs of the students and the community served while complying with the standards of the DOE. Refer to *Bulletin 1191—School Transportation Handbook*, and applicable laws.

B. Transportation to and from school shall be provided to eligible students under the following conditions:

1. when the student resides more than 1 mile from the school of attendance;

2. with the approval of BESE, when the student resides within 1 mile of the school of attendance if there are exceptional (hazardous) walking situations; and

3. as provided in R.S. 17:158 (A).

C. If transportation is not provided by the LEA, parents of students attending public and nonpublic schools shall be reimbursed for transportation costs according to state guidelines, provided funds are appropriated by the legislature.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:158.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1287 (June 2005).

§2103. School Food Service

A. A recognized school of high school grade or under shall be eligible to participate in the school food service programs administered by the DOE, provided that requirements set forth in the agreements with the local educational governing authority are met.

B. Reimbursement payment shall be made only to schools operating under an agreement between the LEA and the DOE.

1. Agreements shall be signed by the designated representative of each LEA. Agreements shall be renewed by an annual submission of an application for participation, unless an amendment is necessary.

2. These agreements may be terminated by either party or may be canceled at any time by the DOE upon evidence that terms of agreements have not been fully met.

C. Participating schools shall adhere to conditions of Agreement as stipulated in *Bulletin 1196—Louisiana Food and Nutrition Programs—Policies of Operation, Revised*.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17: 82; R.S. 17: 191 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1287 (June 2005).

Chapter 23. Curriculum and Instruction

§2301. Standards and Curriculum

A. Each LEA shall adopt and implement local curricula aligned with state content standards, benchmarks, and grade-level expectations. The state documents are:

1. English Language Arts Standards, Bulletin 1965;
2. Mathematics Framework, Bulletin 1955;
3. Science Framework, Bulletin 1962;
4. Social Studies Content Standards, Bulletin 1964;
5. Foreign Language Content Standards, Bulletin 1966;
6. Arts Content Standards, Bulletin 1963;
7. Physical Education Content Standards, Bulletin 102;
8. Health Education Content Standards, Bulletin 103;
9. K-12 Educational Technology Standards, Bulletin 104;
10. Standards for Serving Four-Year-Old Children, Bulletin 105;
11. Agricultural Education Content Standards, Bulletin 106;
12. Health Occupations Content Standards, Bulletin 107;
13. Marketing Education Content Standards, Bulletin 108;
14. Family and Consumer Science Content Standards, Bulletin 109;
15. Technology Education Content Standards, Bulletin 110;
16. Business Education Content Standards, Bulletin 1977;
17. Trade and Industrial Arts Content Standards, Bulletin 114.

B. Each teacher of required subjects shall provide instruction that includes those skills and competencies designated by local curricula that are based upon the state's content standards, benchmarks, grade-level expectations, and Career and Technical Education Model Course Guidelines.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17: 24.4; R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1288 (June 2005).

§2303. Planning and Instruction

A. Course content shall meet state and local guidelines relative to unbiased treatment of race, sex, roles, religions, ethnic origins, and political beliefs.

B. Each school's instructional program shall be characterized by well-defined instructional objectives and systematic planning by teachers.

C. Planning by teachers for content, classroom instruction, and local assessment shall reflect the use of local curricula and the state's content standards, benchmarks, grade-level expectations, and Career and Technical Education Model Course Guidelines.

D. The instructional program shall reflect the selection and use of varied types of learning materials and experiences, and the adaptation of organizational and instructional procedures to provide for individual student needs.

E. The instructional program shall reflect the use of varied evaluative instruments and procedures.

F. Teaching strategies and techniques shall be adjusted to accommodate the types of learners served and their individual learning styles.

G. Each school's educational program shall provide for individual differences of students.

AUTHORITY NOTE: Promulgated in accordance with Louisiana Constitution Art. VIII Preamble.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1288 (June 2005).

§2305. Ancillary Areas of Instruction

A. Each LEA shall develop a character education philosophy and implementation plan consistent with its locally developed curriculum.

B. A public school may offer instruction in personal financial management based upon the concept of achieving financial literacy through the teaching of personal management skills and the basic principals involved with earning, spending, saving, and investing. Such instruction and subject matter shall be integrated into an existing course of study.

C. A public high school shall offer an elective course in American Sign Language, provided that at least 15 students in a school request the course and a certified teacher is available.

D. Any public school in Louisiana may offer instruction in sex education, provided such instruction and subject matter is integrated into an existing course of study such as biology, science, physical hygiene, or physical education.

1. Such instruction should encourage sexual abstinence outside of marriage, and such instruction shall not include religious beliefs, practices in human sexuality, nor the subjective moral and ethical judgments of the instructor or other persons.

2. No such instruction shall be offered in kindergarten or in grades one through six, except that the Orleans Parish School Board may offer instruction in sex education at the third grade level or higher.

3. When offered, such instruction shall be available also to special education students at age-appropriate levels.

4. Any student may be excused from receiving instruction in sex education at the option and discretion of his or her parent or guardian according to procedures provided by the LEA. Such instruction may be offered at times other than during the regular school day, as determined by the LEA.

5. An LEA that chooses to offer instruction in sex education shall provide the following information to the parents and/or guardians of the students:

- a. a description of the course contents;
- b. a listing of course materials to be used; and
- c. the qualifications of the instructor(s).

E. All books, films, and other materials to be used in instruction in sex education shall be submitted to and approved by the local educational governing authority and by a parental review committee, whose membership shall be determined by such board.

F. Each LEA shall include in the curriculum a program of substance abuse prevention, to include informational, effective, and counseling strategies, and information

designed to reduce the likelihood that students shall injure themselves or others through the misuse and abuse of chemical substances.

1. The substance abuse programs and curricula shall also include procedures for identifying students who exhibit signs of misuse or abuse of such substances and procedures for referral for counseling or treatment.

2. Elementary schools shall provide a minimum of 16 contact hours of substance abuse prevention education each school year. Instruction shall be provided within a comprehensive school health program and in accordance with the state substance abuse curriculum (Bulletin 1864) or through substance abuse programs approved by BESE.

3. Secondary schools shall provide a minimum of eight contact hours of substance abuse prevention education each school year for grades 10-12 and 16 hours for grade 9. Instruction shall be provided within a comprehensive school health program and in accordance with the state substance abuse curriculum (Bulletin 1864) or through substance abuse programs approved by the BESE.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:154; R.S. 17:261 et seq.; R.S. 17:281 et seq.; R.S. 17:405 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1288 (June 2005).

§2307. Assessment

A. Assessment of student performance shall be conducted in each course or instructional level, and mastery of concepts and skills shall be verified.

B. Provisions shall be made for regular assessment of students, and test interpretation and consultation services shall be provided to students, parents, teachers, and administrators.

NOTE: Refer to §705(C).

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1289 (June 2005).

§2309. Curriculum for Exceptional Students

A. Schools and LEAs shall require the development of an IEP including educational placement for each student determined to be exceptional and in need of special education and related services.

B. Each school and LEA shall include on each IEP all special education and related services necessary to accomplish comparability of educational opportunity between exceptional students and students who are not exceptional.

C. Special education students shall be allowed to earn Carnegie units when possible.

1. The integrity of the Carnegie unit shall not be diminished by any special education program(s).

2. The Carnegie units shall be granted by regular or special education teachers certified in the subject matter areas which they are teaching.

NOTE: Refer to *Bulletin 1706—Regulations for Implementation of the Exceptional Children's Act*, *Bulletin 1508—Pupil Appraisal Handbook*, and *Bulletin 1503—I.E.P. Handbook*

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1289 (June 2005).

§2311. Curriculum for Gifted

A. Differentiated curricula shall be developed to meet the needs of the gifted student. Differentiated curricula shall contain the following:

1. content that is compact and accelerated in such a way that the amount of time usually involved in mastery is significantly reduced;

2. content that reflects a higher degree of complexity, emphasizes abstract concepts, and develops higher-level thinking processes than is found in regular course work;

3. content that goes beyond the prescribed curriculum to involve the application of learning to areas of greater challenge; and

4. multi-disciplinary content that increases student's abilities to formulate and test new generalizations and/or products.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1289 (June 2005).

§2313. Elementary Program of Studies

A. Elementary schools shall adhere to the curricular and time requirements established by the DOE and approved by BESE.

B. Schools and LEAs providing prekindergarten programs shall offer a curriculum that is developmentally appropriate and informal in nature.

NOTE: Refer to *Bulletin 105—Louisiana Standards for Serving Four-Year-Old Children*.

1. The following suggested minimum time requirements for prekindergarten shall be flexibly scheduled to meet the developmental needs of young students.

Teacher-directed activities (whole or small group)	35%
Student-initiated activities (learning center)	35%
Lunch	
Snack and Restroom time	10%
Rest period and/or quiet activities	20%

2. Prekindergarten programs for exceptional students shall offer a curriculum:

a. that is developmentally sequenced based on reliable research;

b. that offers a plan for continuous evaluation; and

c. that offers balanced experiences in pre-academic/academic skills, communication skills, social-emotional skills, self-help skills and motor skills, in accordance with an IEP.

C. The kindergarten shall be informal in nature with teacher-directed and student-initiated activities; it shall be planned to meet the developmental needs of young students.

1. The following minimum time requirements shall be flexibly scheduled to meet the developmental needs of young students.

Teacher directed activities (indoor and outdoor whole and small group)	40%
Child initiated activities (indoor and outdoor learning centers)	35%
Lunch	
Snack and restroom time	10%
Rest Periods	15%

D. Elementary Minimum Time Requirements

1. The elementary grades shall provide a foundation in fundamentals of the language arts, mathematics, social studies, science, health, physical education, and cultural arts.

2. Each grade level, grades one through eight, shall teach the following content subject areas, ensuring strict adherence to the Louisiana Content Standards and grade-level expectations, and locally developed curricula.

3. Elementary schools shall offer an articulated foreign language program for 30 minutes daily in grades four through six, and 150 minutes per week in grades seven and eight.

NOTE: Refer to A Guide for Administrators of Elementary Level Second Language and Immersion Programs in Louisiana Schools.

a. If an LEA does not have a program for foreign language instruction in grades 1-12, a program shall be required upon presentation of a petition requesting the instruction of a particular foreign language. The superintendent of the LEA shall determine the required number of signatures needed.

b. For identified special education students, the IEP Committee shall determine the student's eligibility to receive foreign language instruction.

E. Each public elementary school that includes any of the grades kindertarten through six shall provide at least 30 minutes of quality, moderate to vigorous, organized physical activity each day for all students.

1. No later than September 1 of each year, each elementary school shall report to its school board on compliance with this requirement.

2. The LEA shall report to BESE on compliance no later than October 1.

F. The following are suggested and required minimum minutes for elementary grades.

Grades 1, 2, and 3	
	Suggested Minimum Minutes Per Week
English Language Arts	825
Mathematics	300
Science and Social Studies	225
Foreign Language	150
	Required Minimum Minutes Per Week
Physical Education	150
Health, Music, Arts and Crafts	150

Grades 4, 5, and 6	
	Suggested Minimum Minutes Per Week
English Language Arts	600
Mathematics	300
Science	225
Social Studies	225
Foreign Language	150
	Required Minimum Minutes Per Week
Physical Education	150
Health, Music, Arts and Crafts	150

Grades 7 and 8 (Six Period Day Option)	
	Suggested Minimum Minutes Per Week
English Language Arts	550
Mathematics	275
Science	275
Social Studies Grade 7—American Studies Grade 8—Louisiana Studies	275
Foreign Language	150
	Required Minimum Minutes Per Week
Physical Education	150
Health, Music, Arts and Crafts	125
Grades 7 and 8 (Seven Period Day Option)	
	Suggested Minimum Minutes Per Week
English Language Arts	500
Mathematics	250
Science	250
Social Studies Grade 7—American Studies Grade 8—Louisiana Studies	250
Foreign Language	150
	Required Minimum Minutes Per Week
Physical Education	150
Health, Music, Arts and Crafts	250

1. It is strongly recommended that teachers integrate reading (skills and comprehension) throughout all content areas.

2. For students in grades 1 through 4 who have been identified as reading below grade level, the minimum time requirements in health, music, and arts and crafts are suggested in lieu of required.

3. For students in grades 5-8 who have scored below the Basic level on LEAP 21 in English language arts or mathematics, the minimum time requirements in health, music, arts and crafts, or electives are suggested in lieu of required.

4. English as a Second Language may be offered as a part of English language arts.

5. For students with specific needs, teachers may increase the weekly time in English language arts or mathematics by reducing instructional time in other subjects, subject to the review and approval of the principal.

6. Grade 6 may adhere to the same schedule as grades seven and eight only in organizational patterns that include grades seven and eight.

7. Grades 7 and 8 (and grade 6 when grouped with grades 7 and 8) may offer electives from the following.

Mathematics	Exploratory Agriscience
Reading	Exploratory Family and Consumer Sciences
Writing	Exploratory Keyboarding
Science	
Social Studies	Exploratory Technology Education:
Art	Communication/Middle School
Speech	Modular Technology/Middle School
Instrumental or Vocal Music	Construction/Middle School
Foreign Languages	Manufacturing Technology/Middle School
Computer/ Technology Education	Transportation Technology/Middle School

a. In Exploratory Technology Education, the minimum time for any cluster is six weeks. The maximum time allowed in a cluster is 36 weeks. All areas in each cluster should be taught.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:17.1; R.S. 17: 24.8; R.S. 17:154-154.1; R.S. 17:261 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1289 (June 2005).

§2315. Adding Electives to the Program of Studies- Middle and Secondary

A. An LEA choosing to add an elective course to its program of studies shall establish a policy and procedures for reviewing and approving courses that meet the following Standards for Locally Initiated Electives.

1. Locally initiated electives shall support the standards-based initiatives and shall include the key components addressed in the content standards documents.

2. Electives shall support the mission of the standards-based initiatives: "to develop rigorous and challenging standards that will enable all Louisiana students to become lifelong learners and productive citizens for the 21st century."

3. Electives shall incorporate the Foundation Skills of the State Content Standards (Communication, Problem-Solving, Resource Access and Utilization, Linking and Generating Knowledge, and Citizenship).

4. Electives shall expand, enhance, and/or refine the Mathematics, Science, Social Studies, English/Language Arts, Foreign Languages, Arts, Agricultural Education, and Business Education Standards and grade-level expectations and those standards approved by BESE for other content areas.

5. Electives shall comply with all policies set forth by BESE as stated in this bulletin.

6. An LEA shall develop a process for approving elective courses. This process shall ensure alignment with the standards-based initiatives, compliance with current BESE policy, and all laws and regulations pertaining to students with disabilities.

a. Electives shall enhance, expand, and/or refine the core curriculum. Elective courses shall not replace, duplicate, or significantly overlap the content of core curriculum or other approved electives.

b. Electives shall meet specific curricular goals of the districts.

c. Electives shall include challenging content that require students to extend the knowledge and skills acquired through the core curriculum.

d. Electives shall provide a variety of activities and hands-on learning experiences that accommodate different learning styles.

e. Electives shall include appropriate accommodations for addressing specific instructional and assessment needs of students with disabilities, students who are linguistically and/or culturally diverse, and students who are gifted and talented.

f. Electives shall incorporate assessment strategies that support statewide assessments.

7. Each LEA shall maintain records of all approved electives and shall submit annual reports to the department.

a. All approved electives shall be submitted electronically to the DOE 30 days prior to their implementation.

b. Each LEA shall submit a statement of assurance that approved electives meet State Standards for Locally Initiated Electives as established by BESE.

c. Each LEA shall maintain records of electives that include a rationale for the course, a detailed content outline, certification of the instructor, Carnegie unit credit, prerequisites for the course, a plan for assessing students, a plan for assessing the course, and the dates of implementation.

8. Each LEA shall ensure that electives in the core content areas of English, mathematics, science, social studies, foreign language and art are taught by teachers meeting the highly qualified requirements with regard to NCLB (No Child Left Behind).

9. Electives shall comply with all state and federal constitutional, statutory, and regulatory guidelines and requirements.

a. Each LEA shall be responsible for seeking legal counsel to ensure that elective course content meets the standards set herein.

10. BESE reserves the authority to require LEAs to submit documentation regarding the course content, approval process and/or course evaluation of any approved elective. BESE further reserves the right to rescind local authority to approve electives for an LEA not in compliance with Standards for Locally Initiated Electives.

B. Elective courses designed specifically for special education students shall also be approved by the Division of Special Populations.

C. The DOE will provide BESE with a listing of any new electives.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:7; R.S. 17:281 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1291 (June 2005).

§2317. High Schools

A. High schools shall adhere to the curricular and time requirements established by the DOE and approved by BESE.

B. Exceptional students shall be afforded meaningful opportunities to participate in all areas of study as determined by the IEP Team during the development of the IEP.

C. The basic unit of credit shall be the Carnegie unit.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:7; R.S. 17:154; R.S. 17:1944; R.S. 17:1945.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1291 (June 2005).

§2319. High School Graduation Requirements

A. Standard Diploma

1. The 23 units required for graduation shall include 15 required units and 8 elective units; the elective units can be earned at technical colleges as provided in §2389.

B. In addition to completing a minimum of 23 Carnegie credits, students must pass the English language arts and mathematics components of the GEE 21 and either the science or social studies portions of GEE 21 to earn a standard high school diploma.

1. The English language arts and mathematics components of GEE 21 shall first be administered to students in the 10th grade.

2. The science and social studies components of the graduation test shall first be administered to students in the 11th grade.

3. Remediation and retake opportunities will be provided for students that do not pass the test. Students shall be offered 50 hours of remediation each year in each content area they do not pass. Refer to Bulletin 1566—Guidelines for Pupil Progression, and the addendum to Bulletin 1566—Regulations for the Implementation of Remedial Education Programs Related to the LEAP/CRT Program, Regular School Year.

4. Students may apply a maximum of two Carnegie units of elective credit toward high school graduation by successfully completing specially designed courses for remediation.

a. A maximum of one Carnegie unit of elective credit may be applied toward meeting high school graduation requirements by an eighth grade student who has scored at the Unsatisfactory achievement level on either the English language arts and/or the mathematics component(s) of the eighth grade LEAP 21 provided the student:

- i. successfully completed specially designed elective(s) for LEAP 21 remediation;
- ii. scored at or above the basic achievement level on those component(s) of the eighth grade LEAP 21 for which the student previously scored at the Unsatisfactory achievement level.

C. Prior to or upon the student's entering the tenth grade, all LEAs shall notify each student and his/her parents or guardians of the requirement of passing GEE 21.

1. Upon their entering a school system, students transferring to any high school of an LEA shall be notified by that system of the requirement of passing GEE 21.

D. The Certificate of Achievement is an exit document issued to a student with a disability after he or she has achieved certain competencies and has met certain conditions. Refer to Bulletin 1706—Regulations for the Implementation of the Children with Exceptionalities Act.

E. Minimum Course Requirements for High School Graduation

English	4 units
Shall be English I, II, and III, in consecutive order; and English IV or Business English.	
Mathematics	3 units
(Effective for incoming freshmen 2005-2006 and beyond.) All students must complete one of the following:	
<ul style="list-style-type: none"> • Algebra I (1 unit) or • Algebra I-Pt. 1 and Algebra I-Pt. 2 (2 units) or • Integrated Mathematics I (1 unit) 	
The remaining unit(s) shall come from the following: Integrated Mathematics II, Integrated Mathematics III, Geometry, Algebra II, Financial Mathematics, Advanced Mathematics I, Advanced Mathematics II, Pre-Calculus, Calculus, Probability and Statistics, and Discrete Mathematics.	
(Effective for incoming freshmen 1997-98 through 2004-2005) Shall be selected from the following courses and may include a maximum of 2 entry level courses (designated by E): Introductory Algebra/Geometry (E), Algebra I-Part 1 (E), Algebra I-Part 2, Integrated Mathematics I (E), Integrated Mathematics II, Integrated Mathematics III, Applied Mathematics I (E), Applied Mathematics II, Applied Mathematics III, Algebra I (E), Geometry, Algebra II, Financial Mathematics, Advanced Mathematics I, Advanced Mathematics II, Pre-Calculus, Calculus, Probability and Statistics, and Discrete Mathematics	

Science	3 units
Shall be the following: 1 unit of Biology 1 unit from the following physical science cluster: Physical Science, Integrated Science, Chemistry I, Physics I, Physics of Technology I 1 unit from the following courses: Aerospace Science, Biology II, Chemistry II, Earth Science, Environmental Science, Physics II, Physics of Technology II, Agriscience II, an additional course from the physical science cluster, or a locally initiated science elective.	
<ul style="list-style-type: none"> • Students may not take both Integrated Science and Physical Science • Agriscience I is a prerequisite for Agriscience II and is an elective course. 	
Social Studies	3 units
Shall be American History, one-half unit of Civics, one-half unit of Free Enterprise; and one of the following: World History, World Geography, or Western Civilization	
Health Education	1/2 unit
Physical Education	1 1/2 units
Shall be Physical Education I and Physical Education II, or Adapted Physical Education for eligible special education students. A maximum of four units of Physical Education may be used toward graduation. NOTE: The substitution of JROTC is permissible.	
Electives	8 units
TOTAL	23 units

F. High School Area of Concentration

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

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

b. To complete a career area of concentration, students shall meet the minimum requirements for graduation including four elective primary credits in the area of concentration and two related elective credits, including one computer/technology course. The following computer/technology courses can be used to meet this requirement.

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

G. Academic Endorsement

1. Graduating seniors in 2005 and thereafter who meet the requirements for a standard diploma and satisfy the

following performance indicators shall be eligible for an academic endorsement to the standard diploma:

a. Students shall complete the academic area of concentration.

b. Students shall pass all four components of GEE 21 with a score of basic or above, or one of the following combinations of scores with the English language arts score at basic or above:

i. one approaching basic, one mastery or advanced, basic or above in the remaining two; or

ii. two approaching basic, two mastery or above.

c. Students shall complete one of the following requirements:

i. senior project;

ii. one Carnegie unit in an AP course with a score of three or higher on the AP exam;

iii. one Carnegie unit in an IB course with a score of four or higher on the IB exam; or

iv. three college hours of non-remedial, articulated credit in mathematics, social studies, science, foreign language, or English language arts.

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

e. Students shall achieve an ACT Composite Score of at least 23.

H. Career/Technical Endorsement

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

a. Students shall meet the current course requirements for the TOPS Opportunity Award or the TOPS Tech Award.

b. Students shall complete the career area of concentration.

c. Students shall pass the English language arts, mathematics, science, and social studies components of the GEE 21 at the Approaching Basic level or above.

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

i. industry-based certification from the list of industry-based certifications approved by BESE; or

ii. three college hours in a career/technical area that articulate to a postsecondary institution, either by actually obtaining the credits and/or being waived from having to take such hours.

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

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

I. A Louisiana state high school diploma cannot be denied to a student who meets the state minimum high school graduation requirements; however, in those instances in which BESE authorizes an LEA to impose more stringent academic requirements, a school system diploma may be denied.

J. Each school shall follow established procedures for special requirements for high school graduation to allow each to address individual differences of all students.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:7; R.S. 17:24.4; R. S. 17:183.2; R.S. 17: 395.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1291 (June 2005).

§2321. Carnegie Credit for Middle School Students

A. Students in the middle grades are eligible to receive Carnegie credit for courses in the high school Program of Studies in mathematics, science, English, social studies, foreign language, keyboarding/keyboarding applications, or computer/technology literacy.

B. Middle school students intending to take a course for Carnegie credit must demonstrate mastery of the eighth grade Grade-Level Expectations in that content area by one of the following means:

1. Successfully complete an accelerated seventh grade course in the content area that addresses both seventh and eighth grade Grade-Level Expectations.

2. Pass an exam developed by the LDE on the eighth grade Grade-Level Expectations in the content area before taking the high school course.

C. Middle school students may receive Carnegie credit for successfully completing the high school course provided that:

1. the time requirement for the awarding of Carnegie credit is met; (§907).

2. the student has mastered the established high school course standards for the course taken;

3. the teacher is certified at the secondary level in the course taught, or the student has passed a credit examination in the subject taken.

a. The credit examination shall be submitted each year for approval to the Division of Student Standards and Assessments or the Division of Family, Career and Technical Education of the DOE.

b. School principals may request the state Algebra I credit examination by notifying the Division of Student Standards and Assessments.

D. The LEA may grant credit on either a letter grade or a Pass or Fail (P/F) basis, provided there is consistency system-wide.

E. The eighth grade LEAP 21 shall be administered in lieu of a required credit exam for students who:

1. scored *unsatisfactory* on the mathematics or English language arts components of eighth grade LEAP 21; and

2. successfully complete a specially designed elective for eighth grade LEAP 21 remediation.

3. students meeting the above criteria who score at or above the *basic* achievement level upon retaking eighth grade LEAP 21 may earn a maximum of one Carnegie unit of elective credit.

F. Students who are repeating the eighth grade because they have failed both the mathematics and English language arts components of LEAP 21 shall not take or receive Carnegie credit for any high school courses other than the required eighth grade remediation courses provided all requirements are met.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:7; R.S. 17:24.4.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1293 (June 2005).

§2323. Proficiency Examinations

A. High school credit shall be granted to a student following the student's passing of a proficiency examination for the eligible course.

B. A proficiency examination shall be made available to a student when a school official believes that a student has mastered eligible subject matter and has reached the same or a higher degree of proficiency as that of a student who successfully completed an equivalent course at the regular high school or college level.

1. The testing instrument and the passing score shall be submitted for approval to the Division of Student Standards and Assessments of the DOE.

2. The course title, year taken, P/F (Pass or Fail) and unit of credit earned shall be entered on the Certificate of High School Credits (transcript). MPS (Minimum Proficiency Standards) must be indicated in the remarks column.

C. Students shall not be allowed to take proficiency examinations in courses previously completed, either successfully or unsuccessfully, in high school or at a level below that which they have completed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:7; R.S. 17:24.4; R.S. 17:391.3.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1294 (June 2005).

§2325. Advanced Placement and Military Service Credit

A. High school credit shall be granted to a student successfully completing an Advanced Placement course or a course designated as Advanced Placement, regardless of his test score on the examination provided by the College Board.

1. Procedures established by the College Board must be followed.

2. Courses listed in the Program of Studies may be designated as Advanced Placement courses on the student's transcript by following procedures established by the DOE.

B. Two units of elective credit toward high school graduation shall be awarded to any member of the United States Armed Forces, their reserve components, the National Guard, or any honorably discharged veteran who has completed his/her basic training, upon presentation of a military record attesting to such completion.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:7.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1294 (June 2005).

§2327. High School Credit for College Courses

A. The following policies apply to students attending colleges or other post secondary institution on a part time basis.

B. The principal of the high school shall approve in advance the course to be pursued by the student in college.

C. The student shall meet the entrance requirements established by the college.

D. The principal of the high school shall verify that the contents of the college course meet the standards and grade-

level expectations of the high school course for which the student is receiving credit.

E. The student shall earn at least two or three college hours of credit per semester. A course consisting of at least two college hours shall be counted as no more than one unit of credit toward high school graduation.

F. The high school administrator shall establish a procedure with the college to receive reports of the student's class attendance and performance at six- or nine-week intervals.

G. College courses shall be counted as high school subjects for students to meet eligibility requirements to participate in extra-curricular activities governed by voluntary state organizations.

H. Students may participate in college courses and special programs during regular or summer sessions.

I. For gifted students, entry into a college course for credit shall be stated in the student's IEP.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:7.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1294 (June 2005).

§2329. Early College Admissions Policy

A. High school students of high ability may be admitted to a college on a full-time basis.

B. A student shall have maintained a "B" or better average on all work pursued during three years (six semesters) of high school.

C. The student shall have earned a minimum composite score of 25 on the ACT or an SAT score of 1050; this score must be submitted to the college.

D. A student shall be recommended by his high school principal.

E. Upon earning a minimum of 24 semester hours at the college level, the student shall be eligible to receive a high school diploma.

1. The high school principal shall submit to the DOE the following:

a. forms provided by the DOE and completed by the college registrar certifying that the student has earned 24 semester hours of college credit; and

b. a Certificate of High School Credits.

F. A student not regularly enrolled in the current school year in the high school shall be automatically eliminated from participation in all high school activities, with the exception of high school graduation ceremonies.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:183.5.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1294 (June 2005).

§2331. High School Program of Studies

A. The high school shall provide a comprehensive, college preparatory, and/or career and technical education curriculum.

B. Each LEA shall adopt a written policy pertaining to the awarding of 1/2 unit of Carnegie credit for all one unit courses listed in the academic and career/technical education course offerings. This policy shall be included in the Pupil Progression Plan of the LEA.

C. One-half unit of credit may be awarded by the school for all one-unit courses, in accordance with the LEA policy.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:7; R.S. 17:24.4; R.S. 17:81; R.S. 17:183.5.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1294 (June 2005).

§2333. Art

A. Art course offerings shall be as follows.

Course Title(s)	Units
Art I, II, III, IV	1 each

B. Art I is a prerequisite to Art II and Art III.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:7; R.S. 17:24.4.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1295 (June 2005).

§2335. Computer/Technology Education

A. Computer/technology course offerings shall be as follows.

Course Title(s)	Units
Computer Applications	1
Computer Architecture	1
Computer Science I	1
Computer Science II	1
Computer Systems and Networking I	1
Computer Systems and Networking II	1
Computer/Technology Literacy	1
Desktop Publishing	1
Digital Graphics and Animation	1/2
Multimedia Productions	1/2 or 1
Web Mastering	1/2
Independent Study in Technology Application	1

B. Computer Science certification is required to teach Computer Science I and II. Teachers who are identified to teach one of the other Computer Education course offerings at the high school level must hold a valid Louisiana Secondary Certificate in any area and demonstrate sufficient technology proficiencies to teach the course. The district and school shall ensure that teachers have appropriated and demonstrated technology knowledge and skills to teach the courses.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:7; R.S. 17:24.4.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1295 (June 2005).

§2337. Dance

A. Dance course offerings shall be as follows.

Course Title(s)	Units
Dance I	1
Advanced Dance	1

B. Advanced Dance is a performance class with new literature each year; it may be repeated more than once.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:7; R.S. 17:24.4.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1295 (June 2005).

§2339. Driver Education

A. Driver education course offerings shall be as follows.

Course Title(s)	Units
Driver Education and Traffic Safety	1/2

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:7; R.S. 17:24.4; R.S. 17:270-271.1.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1295 (June 2005).

§2341. English

A. Four units of English shall be required for graduation. They shall be English I, II, and III, in consecutive order, and English IV or Business English.

B. Students who score at the *Unsatisfactory* achievement level on the English language arts component of grade eight LEAP 21 shall pass a high school remedial course in that content area before enrolling any English course in the Secondary Program of Studies for English meeting graduation requirements.

C. The English course offerings shall be as follows.

Course Title(s)	Units
English I, II, III, and IV	1 each
Business English	1
Reading I	1
Reading II	1
English as a Second Language (ESL) I, II, III, and IV	1 each

D. Only students who have limited English proficiency are permitted to enroll in English as a Second Language (ESL) courses.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:7; R.S. 17:24.4.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1295 (June 2005).

§2343. Fine Arts

A. The Fine Arts course offerings shall be as follows.

Course Title(s)	Units
Fine Arts Survey	1

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:7; R.S. 17:24.4.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1295 (June 2005).

§2345. Foreign Languages

A. The foreign language course offerings shall be as follows.

Course Title(s)	Units
French I, II, III, IV, V	1 each
German I, II, III, IV, V	1 each
Italian I, II, III, IV, V	1 each
Latin I, II, III, IV, V	1 each
Russian I, II, III, IV, V	1 each
Spanish I, II, III, IV, V	1 each
American Sign Language I, II	1 each

B. Teachers of American Sign Language shall have a valid Louisiana teaching certificate and documentation of the following:

1. Provisional Level Certification from the American Sign Language Teachers Association (ASLTA); or
2. Certificate of Interpretation (CI) from the Registry of Interpreters of the Deaf (RID); or
3. Certificate of Transliteration (CT) from the RID; or
4. Certified Deaf Interpreter certification (CDI) from the RID; or

5. Level IV or V Certificate of Competence from the National Association of the Deaf (NAD); or

6. Level IV or V Official Documentation of the videotaped version of the Educational Interpreter Performance Assessment (EIPA).

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:7; R.S. 17:24.4; R.S. 273; R.S. 17:284.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1295 (June 2005).

§2347. Health Education

A. The health education course offerings shall be as follows.

Course Title(s)	Units
Health Education	1/2

B. Cardiopulmonary resuscitation (CPR) shall be taught.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:7; R.S. 17:24.4.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1296 (June 2005).

§2349. Jobs for Louisiana's Graduates

A. Jobs for Louisiana's Graduates elective course credit toward high school graduation shall be awarded to any student who successfully masters the Jobs for Louisiana's Graduates core competencies and other additional competencies in the model curriculum.

B. The Jobs for Louisiana's Graduates course offerings shall be as follows.

Course Title(s)	Units
Job's for Louisiana's Graduates I, II, III, IV	1-3 each

C. Teachers shall be certified in any secondary certification or Jobs for Louisiana's Graduates VTIE certification.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:7; R.S. 17:24.4.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1296 (June 2005).

§2351. Journalism

A. The journalism course offerings shall be as follows.

Course Title(s)	Units
Journalism I, II	1 each
Publications I, II (Yearbook)	1 each
Publications I, II (Newspaper)	1 each

B. Teachers must be certified in journalism to teach Journalism.

C. Teachers certified in the area of journalism, English, and/or business education are qualified to teach Publications I and II (Yearbook).

D. Teachers certified in the areas of journalism, and/or English are qualified to teach Publications I and II (Newspaper).

E. Publications I is a prerequisite to Publications II.

F. A maximum of two Carnegie units within the 23 required for graduation may be earned from the six courses listed under journalism.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:7; R.S. 17:24.4.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1296 (June 2005).

§2353. Mathematics

A.1. Effective for 2005-2006 incoming freshmen and thereafter, three units of mathematics shall be required for graduation. All students must complete one of the following:

- a. Algebra I (1 unit); or
- b. Algebra I-Pt. 1 and Algebra I-Pt. 2 (2 units); or
- c. Integrated Mathematics I (1 unit).

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

B. For incoming freshmen 1997-98 to 2004-2005, the three required mathematics courses shall be selected from the following courses and may include a maximum of two entry level courses (designated by E): Introductory Algebra/Geometry (E), Algebra I-Part 1 (E), Algebra I-Part 2, Integrated Mathematics I (E), Integrated Mathematics II, Integrated Mathematics III, Applied Mathematics I (E), Applied Mathematics II, Applied Mathematics III, Algebra I (E), Geometry, Algebra II, Financial Mathematics, Advanced Mathematics I, Advanced Mathematics II, Pre-Calculus, Calculus, Probability and Statistics, and Discrete Mathematics.

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

1. Introductory Algebra/Geometry may be used as the high school remediation course for students who have been promoted to the ninth grade without having passed the mathematics component of grade eight LEAP 21.

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

E. The Mathematics course offerings shall be as follows.

Course Title(s)	Units
Advanced Mathematics I, II	1 each
Algebra I, II	1 each
Algebra I – Part 1	1
Algebra I – Part 2	1
Calculus	1
Discrete Mathematics	1
Financial Mathematics	1
Geometry	1
Integrated Mathematics I, II, III	1 each
Introductory Algebra/Geometry (Remediation Elective)	1
Pre-Calculus	1
Probability and Statistics	1

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:7; R.S. 17:24.4.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1296 (June 2005).

§2355. Music

A. The music course offerings shall be as follows.

Course Title(s)	Units
Applied Music	1
Beginning Band	1
Beginning Choir	1

Course Title(s)	Units
Sectional Rehearsal	1
Studio Piano I, II, III	1 each
Advanced Band	1
Advanced Choir	1
Advanced Orchestra	1
Small Vocal Ensemble	1
Wind Ensemble	1

B. Advanced Choir, Advanced Band, Advanced Orchestra, Small Vocal Ensemble, Wind Ensemble, Applied Music, Jazz Ensemble, and Studio Piano III are performance classes with new literature each year; they may be repeated more than once.

C. Approval by DOE is required before private piano and studio strings instruction can be given for credit.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:7; R.S. 17:24.4.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1296 (June 2005).

§2357. Physical Education

A. One and one-half units of physical education shall be required for graduation. They shall include Physical Education I and II or adapted Physical Education I and II for eligible special education students.

B. The physical education course offerings shall be as follows.

Course Title(s)	Units
Adapted Physical Education I, II, III, IV	1 each
Physical Education I, II, III, IV	1 each

C. It is recommended that Physical Education I and II be taught in the ninth and tenth grades.

D. No more than four units of physical education shall be allowed for meeting high school graduation requirements.

E. In schools having approved Junior Reserve Officer Training Corps (JROTC) training, credits may, at the option of the local school board, be substituted for the required credits in health and physical education.

F. Extra-curricular activities such as intramural sports, athletics, band, majorettes, drill team, dance team, cheerleaders, or any other type of extra activities shall not be counted for credit toward the required physical education.

G. Students shall be exempted from the requirements in physical education for medical reasons only; however, the minimum number of credits required for graduation shall remain 23.

H. Each LEA shall offer, as part of the high school physical education program, sexually segregated contact sports and sexually integrated noncontact sports. Students shall have the option of enrolling in either or both.

I. Any high school student not enrolled in a physical education course is encouraged to participate in moderate to vigorous physical activity commensurate with the ability of the student for a minimum of 30 minutes per day to develop good health, physical fitness, and improve motor coordination and physical skills.

J. Off-campus athletic training programs may substitute for Physical Education I and Physical Education II if the following conditions are met:

1. permission of the principal;

2. the principal's approval of the content and execution of the athletic program;
3. a reporting system for attendance and grading;
4. approval of the local school board;
5. approval by the DOE; and
6. a hold harmless agreement signed by the parent or guardian of the student who would be participating in the off-campus athletic program.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:7; R.S. 17:17.1; R.S. 17:24.4; R.S. 17:276.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1297 (June 2005).

§2359. Reserve Officer Training

A. The Reserve Officer Training course offerings shall be as follows.

Course Title(s)	Units
JROTC I, II, III, IV	1 each

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:7; R.S. 17:24.4.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1297 (June 2005).

§2361. Science

A. Effective for incoming freshmen 1999-2000 and thereafter, the science graduation requirements shall be as follows.

1. 1 unit of Biology
 2. 1 unit from the following physical science cluster:
 - a. Physical Science;
 - b. Integrated Science;
 - c. Chemistry I;
 - d. Physics I;
 - e. Physics of Technology I.
 3. 1 unit from the following courses:
 - a. Aerospace Science;
 - b. Biology II;
 - c. Chemistry II;
 - d. Earth Science;
 - e. Environmental Science;
 - f. Physics II;
 - g. Physics of Technology II;
 - h. Agriscience II (See paragraph (C) below);
 - i. an additional course from the physical science cluster, or
 - j. a locally initiated science elective.
- B. Students may not take both Integrated Science and Physical Science.
- C. Agriscience I is a prerequisite for Agriscience II and is an elective course.
- D. The Science course offerings shall be as follows.

Course Title(s)	Units
Aerospace Science	1
Agriscience II	1
Biology I, II	1 each
Chemistry I, II	1 each
Earth Science	1
Environmental Science	1
Integrated Science	1
Physical Science	1
Physics I, II	1 each
Physics of Technology I, II	1 each

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:7; R.S. 17:24.4.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1297 (June 2005).

§2363. Social Studies

A. Three units of social studies shall be required for graduation. They shall be American History; 1/2 unit of Civics and 1/2 unit of Free Enterprise; and one of the following: World History, World Geography, or Western Civilization.

B. The Social Studies course offerings shall be as follows.

Course Title(s)	Units
American Government	1
American History	1
Civics	1
Economics	1
Free Enterprise	1/2
Law Studies	1
Psychology	1
Sociology	1

C. Economics may be taught by a teacher certified in business education.

D. Free Enterprise shall include instruction in personal finance. Such instruction shall included but shall not be limited to the following components:

1. income;
2. money management;
3. spending and credit;
4. savings and investing.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:7; R.S. 17:24.4; R.S. 17:274-274.1.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1298 (June 2005).

§2365. Speech

A. The speech course offerings shall be as follows.

Course Title(s)	Units
Speech I, II, III, IV	1 each

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:7; R.S. 17:24.4.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1298 (June 2005).

§2367. Religion

A. A maximum of four units in religion shall be granted to students transferring from state-approved private and sectarian high schools who have completed such coursework. Those credits shall be accepted in meeting the requirements for high school graduation.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:7; R.S. 17:24.4.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1298 (June 2005).

§2369. Theatre Arts

A. The theatre arts course offerings shall be as follows.

Course Title(s)	Units
Theatre I	1
Advanced Theatre	1

B. Advanced Theatre is a performance class with new literature each year; it may be repeated more than once.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:7; R.S. 17:24.4.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1298 (June 2005).

§2371. Career and Technical Education Course Offerings

A. Administrative procedures for the operation of program areas in Career and Technical Education are found in §§3101-3109.

B. Safety must be taught in all courses. Refer to Bulletin 1674—Career and Technical Education Safety and Health Manual (1992), for safety information.

NOTE: Refer to Career and Technical Education Course Descriptions and Programs of Study for the required prerequisites.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:7; R.S. 17:24.4.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1298 (June 2005).

§2373. Agricultural Education

A. The Agricultural Education course offerings shall be as follows.

Course Title(s)	Recommended Grade Level	Units
Exploratory Agriscience	7-8	-
Agribusiness	11-12	1/2
Agricultural Education Elective I, II	9-12	1/2-3
Agriscience I	9-12	1
Agriscience II	10-12	1
Agriscience III	11-12	1
Agriscience IV	12	1
Agriscience III Laboratory	11-12	1
Agriscience IV Laboratory	12	1
Agriscience-Construction	11-12	1/2
Agriscience Elective	9-12	1
Agriscience-Entrepreneurship	11-12	1/2
Agriscience Internship I	11-12	2
Agriscience Internship II	12	2
Agriscience-Leadership Development	11-12	1/2
Agriscience-Welding Systems I	11-12	1/2
Agriscience-Welding Systems II	11-12	1/2
Animal Systems	11-12	1/2
Aquaculture	11-12	1/2
Biotechnology	11-12	1
Care and Management of Small Animals I	11-12	1/2
Care and Management of Small Animals II	11-12	1/2
Cooperative Agriscience Education I	11-12	3
Cooperative Agriscience Education II	12	3
Crop Systems	11-12	1/2
Environmental Applications	11-12	1/2
Equine Science	11-12	1/2
Food and Fiber	11-12	1/2
Forestry	11-12	1/2
Horticulture I	11-12	1/2
Horticulture II	11-12	1/2
Precision Agriculture	11-12	1
Small Engines (Applications)	11-12	1/2
Industry-Based Certifications		
ABC Welding in Agriscience	11-12	1-3
ABC Carpentry in Agriscience	11-12	1-3
ABC Electricity in Agriscience	11-12	1-3
ABC Pipefitting in Agriscience	11-12	1-3

B. Agriscience III and IV Laboratory, Agriscience Internship I and II, and Cooperative Agriscience Education I and II are offered only to students who are also enrolled in

Agriscience III or Agriscience IV for two consecutive semester courses during the year.

C. Semester courses are designed to be offered in the place of, or in addition to, Agriscience III and/or IV.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:7; R.S. 17:24.4.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1298 (June 2005).

§2375. Business Education

A. The Business Education course offerings shall be as follows.

Course Title(s)	Recommended Grade Level	Units
Exploratory Keyboarding (Middle School)	6-8	-
Accounting I	10-12	1
Accounting II	11-12	1
Administrative Support Occupations	11-12	1
Business Communications	10-12	1
Business Computer Applications	10-12	1
Business Education Elective I, II	9-12	1/2-3
Business English	12	1
Business Internship I	11-12	2
Business Internship II	12	2
Business Law	11-12	1/2
Computer Technology Literacy	9-12	1
Computer Multimedia Presentations	11-12	1/2
Cooperative Office Education (COE)	12	3
Desktop Publishing	11-12	1
Economics	11-12	1
Entrepreneurship	11-12	1
Financial Mathematics	10-12	1
Introduction to Business Computer Applications	9-12	1
Keyboarding	9-12	1/2
Keyboarding Applications	9-12	1/2
Lodging Management I	10-12	1-3
Lodging Management II	11-12	1-3
Principles of Business	9-12	1
Telecommunications	10-12	1/2
Web Design	10-12	1/2
Word Processing	11-12	1

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

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:7; R.S. 17:24.4.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1299 (June 2005).

§2377. General Career and Technical Education

A. General Career and Technical Education course offerings shall be as follows.

Course Title(s)	Recommended Grade Level	Units
CTE Internship I	11-12	2
CTE Internship II	12	2
General Cooperative Education I	11-12	3
General Cooperative Education II	12	3
Education for Careers	9-12	1/2-1
Teacher Cadet I	11-12	1

Course Title(s)	Recommended Grade Level	Units
Teacher Cadet II	12	1
Advanced Television Broadcasting I	10-12	1-3
Advanced Television Broadcasting II	11-12	1-3
Digital Media I	10-12	1-3
Digital Media II	11-12	1-3
Oracle Internet Academy		
Data Modeling and Relational Database Design	11-12	1/2
Introduction to SQL	11-12	1/2
Introduction to Java	11-12	1/2
Java Programming	11-12	1/2
Finance Academy		
Economics and the World of Finance	11-12	1/2
Banking and Credit	11-12	1/2
Financial Planning	11-12	1/2
Securities	11-12	1/2
Insurance	11-12	1/2
International Finance	11-12	1/2
Introduction to Financial Services	11-12	1/2-1
Hospitality and Tourism Academy		
Introduction to Travel and Tourism	11-12	1/2
Travel and Tourism II	11-12	1/2
Travel Destinations I, II	11-12	1/2
Systems Applications	11-12	1/2
Economics for Travel and Tourism	11-12	1/2
Information Technology Academy		
Introduction to Information Technology	11-12	1/2
Digital Networks	11-12	1/2
Advanced Web Tools	11-12	1/2
Databases	11-12	1/2

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

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:7; R.S. 17:24.4.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1299 (June 2005).

§2379. Family and Consumer Sciences Education

A. The Family and Consumer Sciences (FACS) Education course offerings shall be as follows.

Course Title(s)	Recommended Grade Level	Units
Exploratory FACS	7-8	-
Family and Consumer Sciences I	9-12	1
Family and Consumer Sciences II	10-12	1
Food Science	10-12	1
Adult Responsibilities	11-12	1/2
Child Development	10-12	1/2
Personal and Family Finance	10-12	1/2
Family Life Education	10-12	1/2
Clothing and Textiles	10-12	1/2
Housing and Interior Design	10-12	1/2
Nutrition and Food	10-12	1/2
Parenthood Education	11-12	1/2
Advanced Child Development*	10-12	1/2
Advanced Clothing and Textiles*	10-12	1/2
Advanced Nutrition and Food*	10-12	1/2
FACS Elective I, II	9-12	1/2-3
*The related beginning semester course is prerequisite to the advanced semester course		
Occupational Courses		
Clothing and Textile Occupations I	11-12	1-3
Clothing and Textile Occupations II	12	1-3

Course Title(s)	Recommended Grade Level	Units
Early Childhood Education I	11-12	1-3
Early Childhood Education II	12	1-3
FACS Internship I	11-12	2
FACS Internship II	12	2
Food Services I	11-12	1-3
Food Services II	11-12	1-3
Food Service Technician	11-12	1
Housing & Interior Design Occupations	11-12	1-3
ProStart I	11-12	1-3
ProStart II	12	1-3
Cooperative FACS Education	12	3

AUTHORITY NOTE: Promulgated in accordance R.S. 17:7; R.S. 17:24.4; R.S. 17:279.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1299 (June 2005).

§2381. Health Occupations

A. Health Occupations course offerings shall be as follows.

Course Title(s)	Recommended Grade Level	Units
AHEC of a Summer Career Exploration	9-12	1/2
Allied Health Services I	10-12	1-2
Allied Health Services II	10-12	1-2
Cooperative Health Occupations	11-12	3
Dental Assistant I	10-12	1-2
Dental Assistant II	11-12	2-3
Emergency Medical Technician—Basic	10-12	2
First Responder	9-12	1/2-2
Health Occupations Elective I, II	9-12	1/2-3
Health Occupations Internship I	11-12	2
Health Occupations Internship II	12	2
Health Science I	11-12	1-2
Health Science II	12	1-2
Introduction to Emergency Medical Technology	10-12	2
Introduction to Health Occupations	9-12	1
Introduction to Pharmacy Assistant	10-12	1-2
Medical Assistant I	10-12	1-2
Medical Assistant II	11-12	1-2
Medical Assistant III	12	1-2
Medical Terminology	9-12	1
Nursing Assistant I	10-12	1-3
Nursing Assistant II	11-12	1-3
Pharmacy Technician	12	1-2
Sports Medicine I	10-12	1-2
Sports Medicine II	11-12	1-2

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:7; R.S. 17:24.4.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1300 (June 2005).

§2383. Marketing Education

A. Marketing Education course offerings shall be as follows.

Course Title(s)	Recommended Grade Level	Units
Advertising and Sales Promotion	11-12	1
Cooperative Marketing Education I	11-12	3
Cooperative Marketing Education II	12	3
Entrepreneurship	11-12	1
Marketing Education Elective I, II	9-12	1/2-3

Course Title(s)	Recommended Grade Level	Units
Marketing Internship I	11-12	2
Marketing Internship II	12	2
Marketing Management	11-12	1
Marketing Research	11-12	1
Principles of Marketing I	9-12	1
Principles of Marketing II	12	1
Retail Marketing	11-12	1
Tourism Marketing	11-12	1

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:7; R.S. 17:24.4.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1300 (June 2005).

§2385. Technology Education

A. Technology Education (formerly industrial arts) course offerings shall be as follows.

Course Title(s)	Recommended Grade Level	Units
Communication/Middle School	6-8	-
Construction/Middle School	6-8	-
Manufacturing Technology/Middle School	6-8	-
Modular Technology/Middle School	6-8	-
Transportation Technology/Middle School	6-8	-
Advanced Electricity/Electronics	10-12	1
Advanced Metal Technology	10-12	1
Advanced Technical Drafting	10-12	1
Advanced Wood Technology	10-12	1
Architectural Drafting	10-12	1
Basic Electricity/Electronics	9-12	1
Basic Metal Technology	9-12	1
Basic Technical Drafting	9-12	1
Basic Wood Technology	9-12	1
Communication Technology	9-12	1
Construction Technology	10-12	1
Cooperative Technology Education	10-12	3
Energy, Power, and Transportation Technology	9-12	1
General Technology Education	9-12	1
Manufacturing Technology	9-12	1
Materials and Processes	10-12	1
Physics of Technology I	10-12	1
Physics of Technology II	11-12	1
Power Mechanics	9-12	1
Technology Education Computer Applications	9-12	1
Technology Education Elective I, II	9-12	1/2-3
Technology Education Internship I	11-12	2
Technology Education Internship II	12	2
Welding Technology	10-12	1
Industry-Based Certifications		
Process Technician I, II	11-12	1
ABC Carpentry I, II TE	11-12	1-3
ABC Electrical I, II TE	11-12	1-3
ABC Instrumentation Control Mechanic I, II	11-12	1-3
ABC Pipe Fitter I, II TE	11-12	1-3
ABC Welding Technology I, II TE	11-12	1-3

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:7; R.S. 17:24.4.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1300 (June 2005).

§2387. Trade and Industrial Education

A. Trade and Industrial Education course offerings shall be as follows.

Course Title(s)	Recommended Grade Level	Units
Air Conditioning/ Refrigeration I, II	11-12	1-3
Air Conditioning/ Refrigeration III, IV	11-12	2-3
Auto Body Repair I, II	11-12	1-3
Auto Body Repair III, IV	11-12	2-3
Automotive Technician I, II	11-12	1-3
Automotive Technician III, IV, V, VI	11-12	3
General Automotive Maintenance	11-12	1-3
G. M. Technician I, II	11-12	1-3
ABC Carpentry I, II	11-12	1-3
ABC Electrical I, II	11-12	1-3
ABC Instrumentation Control Mechanic I, II	11-12	1-3
ABC Pipe Fitter I, II	11-12	1-3
ABC Welding Technology I, II	11-12	1-3
Masonry I, II	11-12	1-3
Cabinetmaking I, II	11-12	1-3
Carpentry I, II	11-12	1-3
Carpentry III, IV	11-12	2-3
Culinary Occupations I, II	11-12	1-3
Culinary Occupations III, IV	11-12	2-3
Custom Sewing I, II	11-12	1-3
Computer Electronics I, II	11-12	1-3
Commercial Art I, II	11-12	1-3
T & I Cooperative Education (TICE) I	11-12	1-3
T & I Cooperative Education (TICE) II	12	1-3
T & I Elective	11-12	1-3
Cosmetology I, II	11-12	1-3
Cosmetology III, IV	11-12	2-3
Diesel Mechanics I, II	11-12	1-3
Diesel Mechanics III, IV	11-12	2-3
Drafting and Design Technology I, II	11-12	1-3
Drafting and Design Technology III, IV	11-12	2-3
Basic Electricity I, II	11-12	1-3
Electronics I, II	11-12	1-3
Industrial Electronics I, II	11-12	1-3
Electrician I, II	11-12	1-3
Electrician III, IV	11-12	2-3
Graphic Arts I, II	11-12	1-3
Graphic Arts III, IV	11-12	2-3
Horticulture I, II	11-12	1-3
Industrial Engines I, II	11-12	1-3
Laboratory Technology I, II	11-12	1-3
Industrial Machine Shop I, II	11-12	1-3
Industrial Machine Shop III, IV	11-12	2-3
Marine Operations I, II	11-12	1-3
Photography I, II	11-12	1-3
Plumbing I, II	11-12	1-3
Printing I, II	11-12	1-3
Sheet Metal I, II	11-12	1-3
Outdoor Power Equipment Technician I, II	11-12	1-3
Outdoor Power Equipment Technician III, IV	11-12	2-3
Television Production I, II	11-12	1-3
Upholstery I, II	11-12	1-3
Welding I, II	11-12	1-3
Welding III, IV	11-12	2-3

B. Trade and industrial education programs may be offered in two consecutive class periods, five days per week, for 36 weeks each year for two units of credit, or may be offered with three consecutive class periods for three units of credit in the selected Trade and Industrial Education program.

C. Each LEA that operates a career/technical center or comprehensive high school may award 1 1/2 units of credit to students enrolled in a two-hour block for 36 weeks, or 2 1/2 units of credit to students enrolled in a three-hour block

for 36 weeks in approved trade and industrial education programs. This scheduling allows students to be excused from class for one hour each day for one semester to take the required course in Free Enterprise at either the tenth, eleventh, or twelfth grade level.

D. An LEA may offer a one-hour trade and industrial education program for one unit of credit at the ninth or tenth grade level as a prerequisite to enrollment in a related trade and industrial education program at the tenth, eleventh, or twelfth grade level. The course shall be in the programmatic area in which the trade and industrial education instructor is certified to teach.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:7; R.S. 17:24.4.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1300 (June 2005).

§2389. Credit for Career and Technical Education Courses

A. Credits for partial completion of two- or three-hour blocks of career and technical education courses shall be granted for unusual or extenuating circumstances only.

1. Requests for partial credit because of unusual or extenuating circumstances shall be made as follows:

a. written requests from the local school principal and approval by the local superintendent shall be made to the Division of Family, Career and Technical Education, Louisiana Department of Education (DOE);

b. a copy of the written response shall accompany the student's transcript when it is sent to the Division of School Standards, Accountability and Assessment prior to his/her graduation if the request for partial credit has been granted.

B. A secondary student attending a postsecondary technical college during the regular school year may receive credit for instruction in any program area offered in the postsecondary technical college if time requirements for Carnegie units are met and if an equivalent course is not offered at the student's local school.

C. A secondary student attending a postsecondary technical college summer program may receive credit for instruction in any program area offered in the postsecondary technical college if time requirements for Carnegie units are met even if an equivalent course is offered at the student's local school during the regular school year.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:183.1 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1301 (June 2005).

§2391. Secondary Students Attending a Private Cosmetology School

A. A secondary student attending an approved cosmetology school, licensed by the Louisiana State Board of Cosmetology, may receive trade and industrial education credit if time requirements for Carnegie units are met and if an equivalent course is not offered at the student's local school.

B. A copy of the written agreement between the LEA and the private cosmetology school shall be on file in the central office.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1301 (June 2005).

§2393. Approval for Experimental Programs

A. Experimental programs are programs that deviate from established standards. Such programs shall be approved by the DOE and carried out under controlled conditions.

B. Approval of experimental programs shall be granted on a yearly basis not to exceed three years, after which time permanent approval shall be considered using the procedures listed below.

1. A letter of intent containing the following information shall be submitted to the Division of Student Standards and Assessments, DOE, at least 90 days prior to the anticipated date of implementation:

- a. proposed title of program;
- b. name and address of school;
- c. name and signature of superintendent;
- d. name, title, address, and telephone number of person submitting proposal;
- e. units of credit to be granted; and
- f. source of funding.

2. In addition, a brief narrative report stating the intent of the program and the procedures by which the program will be conducted and evaluated, and the following shall be submitted:

- a. a statement documenting support for the intended program;
- b. a statement outlining the exact guideline deviations necessary to implement the program;
- c. a statement outlining specific timelines for the planning and implementing phases of the program, including intended procedures;
- d. a statement of the evaluation procedures to be used in determining the program's effectiveness (These procedures should spell out specific objectives to be accomplished.);
- e. a statement indicating approximate number of students to be involved in the project;
- f. a statement of qualifications or certification of instructional personnel; and
- g. a statement stipulating that applicable local, state, and federal regulations will be followed.

3. An evaluation by the local governing authority shall be submitted annually at the close of the school year to the Division of Student Standards and Assessment until permanent status is granted.

4. Southern Association of Colleges and Schools member schools should comply with appropriate Southern Association standards.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:7; R.S. 17:24.4.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1302 (June 2005).

§2395. Distance Education

A. An LEA choosing to implement a distance education program shall establish policy and procedures for reviewing and approving programs that meet the following Standards for Distance Education as established by BESE.

1. Local Distance Education Programs shall support the State Content Standards Initiatives.

a. Distance education programs shall support the mission of the standards-based initiatives: "to develop rigorous and challenging standards that will enable all

Louisiana students to become lifelong learners and productive citizens for the 21st century."

b. Distance education courses shall incorporate the Foundation Skills of the State Content Standards (Communication, Problem Solving, Resource Access and Utilization, Linking and Generating Knowledge, and Citizenship).

2. Distance education shall comply with all policies set forth by BESE.

3. Development of Standards-Based Distance Education Program

a. The LEA shall ensure that each distance education course is provided by an institution accredited by a nationally recognized accrediting body or is authorized by the LEA or the DOE.

b. The LEA shall ensure that the content, instruction and assessment of each distance education course are comparable in rigor and breadth to a traditionally delivered course.

c. The providing LEA, school or agency shall define minimum prerequisite technology competencies for student participation in distance education courses if such competencies are required for course access.

d. The providing LEA, school or agency and the LEA or school receiving distance education courses shall provide necessary and relevant resources, including, but not limited to research information, periodicals, supplemental materials and/or extension resources.

e. The providing LEA, school or agency shall ensure that teachers delivering instruction in distance education courses use a variety of methods to assess student mastery of the content as reflected in the Louisiana Content Standards.

f. The providing LEA, school or agency shall ensure that teachers delivering instruction in distance education courses provide timely and informative feedback for support and remediation.

g. The receiving LEA or school shall ensure that instruction is provided by certified teachers with appropriate credentials.

h. The providing LEA, school or agency shall provide a complete syllabus prior to course implementation.

i. The providing LEA, school or agency shall provide course content that is systematically designed, clearly written and revised based on student performance and feedback.

j. The providing LEA, school or agency shall provide courses which are designed to engage students in learning activities based on various learning styles and to accommodate individual differences, including student disabilities.

k. The LEA shall evaluate the effectiveness of each distance education course received in the district.

l. The providing LEA, school or agency shall ensure that all course content complies with copyright fair use laws and policies.

m. The providing LEA, school or agency shall ensure that instruction provides opportunities for student-to-teacher and student-to-student interaction.

4. Management and Administration

a. The providing and receiving LEA, school, or agency shall judiciously address issues relative to course

load and student-teacher ratio as appropriate for the particular method of delivery and particular course content and as recommended in the Louisiana Distance Education Handbook.

b. The receiving district shall ensure that a facilitator who is a qualified teacher is assigned fulltime to each class participating in distance education courses.

c. The providing and receiving LEA, school or agency shall ensure that the teacher providing instruction and the facilitator adhere to guidelines stated in the Louisiana Distance Education Handbook.

d. The receiving LEA shall award credit for distance education courses.

e. The providing and receiving LEA, school or agency shall ensure that the teacher providing instruction and the facilitator are provided adequate technical support to ensure ease of use for faculty and students.

f. The teacher delivering instruction and the facilitator shall be responsible for verifying student participation and performance.

g. The providing LEA, school or agency shall provide training and/or support in designing course content to fit the delivery methods proposed for distance education courses.

h. The receiving LEA shall provide adequate and appropriate technical support to students and facilitator.

i. The teacher delivering instruction shall provide alternate course procedures and activities for use in case of technical problems when the technical problems prevent normal course delivery.

j. The teacher delivering instruction shall maintain a secure environment which includes, but is not limited to monitoring online discussions and other instructional activities.

k. The teacher delivering instruction and the facilitator shall practice ethical and legal use of equipment.

l. The receiving LEA shall provide the facilitator ongoing staff development to support distance education courses technically and instructionally.

m. The facilitator shall implement alternate course procedures and activities when technical problems prevent normal course delivery.

n. The facilitator shall maintain secure environments, including, but not limited to monitoring online discussions and other instructional activities as they occur in the classroom as directed by the teacher delivering instruction.

o. The receiving LEA shall ensure that students have appropriate and adequate access to equipment required for course participation.

5. Specifications

a. The receiving LEA shall provide students enrolled in distance education courses technical access which meets specifications in the Louisiana Distance Education Handbook.

b. The receiving LEA shall provide instructional and communication hardware which meets current industry standards.

c. The receiving LEA shall provide adequate funding for hardware maintenance.

d. The receiving LEA shall provide immediate and sustained technical support.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:7; R.S. 17:24.4; R.S. 17:183.3.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1302 (June 2005).

§2397. Career Options

A. Preparation for Choosing an Area of Concentration

1. To prepare students for choosing a career option at the high school level, at least six activities which expose students to career and technical and academic fields of study shall be conducted at each grade level in grades six through eight during each school year. Such activities may include field trips, guest speakers, community service activities, and uses of technology such as word processing, desktop production, computer-assisted drafting and graphics. Each school with grades six through eight shall maintain records of such activities.

2. By the end of the eighth grade, each student shall develop, with the input of his family, a Five Year Educational Plan. Such a plan shall include a sequence of courses which is consistent with the student's stated goals for one year after graduation. Each student's Five Year Educational Plan shall be reviewed annually thereafter by the student, parents, and school advisor and revised as needed. Every middle, junior, or high school shall require that the parent/guardian/legal custodian sign his/her child's schedule form and the Five Year Educational Plan for students in grades 8-12. Students shall be able to change from one major (area of concentration) to the other at the end of any school year.

3. School counselors or others designated by the school principal, or both, shall be responsible for the completion of the Five Year Educational Plan of each eighth grade student. The school counselors and others shall counsel each student with regard to high school graduation requirements and shall assist the student in developing his plan. The school counselors and others shall forward such plans to the appropriate high schools where such students shall attend.

4. During the ninth and tenth grades, each student shall pursue the rigorous core curriculum required by his school for his chosen major. The core curriculum shall include required coursework as established by BESE and appropriate elective courses.

B. Career Major (Area of Concentration)

1. A career major shall provide a student with greater technical skill and a strong academic core and shall be offered to each high school student. Such a major shall be linked to postsecondary options and shall prepare students to pursue either a degree or certification from a postsecondary institution, an industry-based training or certification, an apprenticeship, the military, or immediate entrance into a career field.

2. Each high school shall offer at least one career major program. Schools shall review majors offered each year and expand offerings as appropriate, including courses offered through articulation, correspondence, and technological methods such as distance learning through the Internet and compressed video.

3. The career major shall consist of at least six or more credits consisting of four credits in an area of concentration and two related credits, including one credit in a computer technology course. Courses shall be selected to prepare a student for postsecondary education or a career.

C. Curricula Design Team

1. Career major programs in each school system, high school, or consortia of schools shall be designed by a curriculum design team.

2. Each superintendent, or his designee, shall be responsible for establishing the agenda, scheduling meetings, and presiding over each meeting of the curriculum design team.

D. Program Approval and Evaluation Process

1. Each curriculum design team shall submit any proposed career major program curriculum to the appropriate school board for approval. The approved curriculum shall then be submitted not later than October 1 of each school year to the DOE for BESE approval.

2. Each LEA shall compile a report summarizing their year-end evaluations and shall submit such report by August 1 of each school year to the DOE. The DOE shall use such evaluations to prepare a comprehensive report regarding the career major program, to be submitted to the Committees on Education of the Senate and House of Representatives by no later than December 1 of each year.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:183.1 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1303 (June 2005).

Chapter 25. Summer Schools, Special Ed Extended School Year Programs

§2501. Elementary Summer Schools

A. Approved schools may offer a summer school program to enable students who have failed in subjects to remove deficiencies and be considered for promotion to the next grade. All LEAs that offer summer school for promotional purposes shall adhere to the standards below.

B. Summer schools shall be organized and operated under the administration and supervisory control of the superintendent of the LEA.

C. The LEA or school principal shall apply to the DOE for approval of each summer school program.

1. An application for approval for each summer school's offering shall be filed no later than the end of the first week after the summer session begins.

2. The application forms, provided by the DOE, shall be submitted to the Director of Student Standards and Assessments.

3. The application shall be approved by the superintendent of the LEA and the principal of the summer school, if applicable.

D. An on-site evaluation of each summer school program shall be made by personnel from the DOE to verify information submitted on the report, to evaluate the quality of the instructional program, and to approve its acceptance by the DOE.

E. Summer schools shall be conducted in approved school buildings.

F. Summer schools having seven or more teachers shall have a certified principal.

G. Teachers employed to teach summer school shall hold a standard A, B, or C teaching certificate in the subject area or areas of teaching.

1. Teachers employed on a "TAT" and "OFAT" certificate for the regular school year may be employed during the summer session in the same area(s) taught during the regular school year, provided the superintendent verifies

that no regularly certified teacher was available for the summer session.

H. The class size shall not exceed 20 students per teacher per subject in a regular summer school.

I. Each teacher shall teach only one subject for removal of deficiencies during a single period.

J. A student attending summer school for promotional purposes shall not enroll for more than two subjects.

K. The library/media center or library books as well as all regular teaching aids and equipment shall be available for summer school use.

L. Textbooks, supplementary materials, and supplies adequate for effective instruction shall be provided.

1. Textbooks used during the summer school shall be chosen from the state-approved list.

2. No fee shall be charged for textbooks used during summer school.

M. The minimum attendance for all elementary students to receive credit or pass a subject shall be 60 hours for one subject unless the LEA imposes a stricter attendance policy.

N. Students attending summer school for promotional purposes shall have written consent by the principal of the last school they attended.

O. Elementary summer schools shall offer a minimum of 70 hours of instruction per subject for removal of deficiencies.

P. Summer schools shall be given one of the following classification categories:

1. Approved—meets all summer school standards.

2. Unapproved—deviates from one or more of the summer school standards.

Q. Any unapproved summer school shall not operate a summer school program the following year.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1304 (June 2005).

§2503. Secondary Summer Schools

A. Approved schools may offer summer school to enable students to schedule courses to enrich their experiences, to take new subjects, and to enable students who have failed in subjects to remove deficiencies. Each LEA that offers summer school shall adhere to the standards below.

B. Summer schools shall be organized and operated under the administrative and supervisory control of the superintendent of the LEA.

C. Summer schools shall be conducted in approved school buildings.

D. Summer schools with seven or more teachers shall have a principal holding certification in principalship.

1. In an LEA in which there are several summer schools with fewer than seven teachers, the schools shall be supervised collectively by an individual holding certification in principalship.

E. The summer school administration shall have written permission from the principal of the student's home school for the student to attend summer school if high school credit is to be awarded or if an elementary student is to be promoted.

F. Any summer school operated for the purpose of awarding high school credits or for promotional purposes at the elementary level shall apply to the DOE for an approval classification.

1. An application for approval for each summer school's offering shall be filed no later than the end of the first week after the summer session begins.

2. The application forms, provided by the DOE, shall be submitted to the Director of Student Standards and Assessments.

3. The application shall be approved by the superintendent of the LEA and the principal of the summer school, if applicable.

G. An on-site evaluation of each summer school program shall be made by personnel from the DOE to verify information submitted on the report, to evaluate the quality of the instructional program, and to approve its acceptance by the DOE.

H. Summer schools having both elementary and secondary students are required to follow elementary standards for elementary students and secondary standards for secondary students.

I. Teachers in summer school shall hold a standard A, B, or C teaching certificate in the subject area or areas teaching.

1. Teachers employed on a "TAT" and "OFAT" certificate for the regular school year may be employed during the summer session in the area(s) taught during the regular school year, provided the superintendent verifies that no regularly certified teacher was available for the summer session.

J. The teaching load and class size shall not exceed that of the regular session.

K. No teacher shall be allowed to teach more than two subjects during one period of time.

L. Library/media center, laboratory, and audiovisual aids shall be available in the facilities used for summer school.

M. Textbooks, supplementary materials, and supplies adequate for effective instruction shall be provided.

1. Textbooks used during the summer school shall be chosen from the DOE-approved list.

2. No fee shall be charged for textbooks used during summer school.

N. Summer schools shall offer 90 hours of instruction for 1/2 unit of new credit, 180 hours for one unit of new credit, 60 hours of instruction for 1/2 unit of repeat credit, 120 hours for one unit of repeat credit, and 50 or more hours for 1/2 unit for GEE 21 Remediation.

O. In order to be eligible to receive credit, summer school students shall be in attendance a minimum of 70 hours for 1/2 unit of new credit, 140 hours for 1 unit of new credit, 47 hours for 1/2 unit of repeat credit or credit for GEE 21 Remediation, and 94 hours for one unit of repeat credit.

P. Summer schools shall be given one of the following classification categories:

1. Approved—meets all summer school standards
2. Unapproved—deviates from one or more of the summer school standards.

Q. Any unapproved summer school shall not operate a summer school program the following year.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1304 (June 2005).

§2505. Extended School Year Program for Eligible Exceptional Students

A. Each LEA shall provide eligible exceptional students special educational and related services in excess of the normal school cycle when stated in the IEP.

B. The determination concerning the need or lack of need for an educational program beyond the normal school cycle made by the participants in an IEP meeting shall be reviewed annually to ascertain any changes in the student's needs.

C. The IEP shall include special educational and related services in excess of the normal school cycle when the multi-source data indicate that, without such instruction, a significant loss of educational skills shall occur.

D. The type and length of the extended program shall be determined on an individual basis.

AUTHORITY NOTE: Promulgated in accordance with 20 USCS 1412 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1305 (June 2005).

Chapter 27. Adult Education Programs

§2701. Program Administration

A. The Adult Education Program shall be administered by the DOE and operated by eligible entities as stipulated in the authorizing federal legislation. The DOE shall certify adult education sites of instruction using procedures as approved by BESE.

B. Data quality policies and procedures aligned to the National Reporting System (NRS) for Adult Education are applicable to all programs administered by the DOE and operated by eligible entities as stipulated in the authorizing legislation.

1. Approved assessments for Adult Basic Education, Adult Secondary Education, and English-as-a-Second Language students to determine placement upon student intake or to demonstrate educational growth are as follows:

a. Assessments for Adult Basic Education and Adult Secondary Students:

- i. Test of Adult Basic Education (TABE);
- ii. Adult Measure of Essential Skills (AMES);
- iii. Comprehensive Adult Student Assessment System (CASAS);
- iv. WorkKeys (May be used only at the Adult Secondary Education Educational Functioning Level).

b. Assessments for English-as-a-Second Language Students:

- i. Basic English Skills Test (BEST) and BEST Plus;
- ii. Comprehensive Adult Student Assessment System (CASAS);
- iii. Student Performance Levels (SPL).

2. Data will be reported quarterly, on the 26th day of October, January, April, and July, or the first business day following the 26th of the month.

3. Adult education sites of instruction are required to post-test adult education students to demonstrate educational growth. Post-tests are to be administered to adult education students after the student has:

- a. attended for 50 hours; or
- b. enrolled for 90 days; or

c. completed an Individualized Prescription of Instruction for the area being used for NRS reporting purposes.

NOTE: Refer to the Louisiana State Plan for Adult Education and R.S. 17:14 for administration of the program.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:14.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1305 (June 2005).

§2703. Requirements for Students

A. Students must be 17 years of age or older to enroll in an adult education program.

B. The parent, tutor, or other person responsible for the school attendance of a child who is under the age of 18 and who is enrolled in school beyond his sixteenth birthday may request a waiver from the local superintendent for the child to exit school to enroll and attend an adult education program approved by BESE.

1. In the case of a child with no parent, tutor, or other person responsible for his school attendance, the local school superintendent may act on behalf of the student in making such a request if one or more of the following hardships exist and if the following appropriate documentation is on file at the local school board office:

- a. pregnant or actively parenting;
- b. incarcerated or adjudicated;
- c. institutionalized or living in a residential facility;
- d. chronic physical or mental illness;
- e. family and/or economic hardships.

2. The local school superintendent or his/her designee may approve the request without requesting action from BESE. If the request to exit school to enroll in a BESE-approved adult education program is denied at the local level, a student may request the waiver from the DOE for approval by BESE with documentation of reason for denial at the local level. Students seeking to exit school to enroll in adult education, who are enrolled in a formal education setting other than a public K-12 institution, may request a waiver from the DOE.

3. State or federally funded entities operating an adult education program or activity shall not exclude exceptional persons.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:14.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1306 (June 2005).

§2705. Requirements for Taking the GED Test

A. Age Requirements

1. A student shall be 17 years of age or older in order to be authorized to be administered the GED Test.

2. A married or emancipated individual may be permitted to take the GED Test at 16 years of age and above.

3. 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 superintendent if one or more of the following hardships exist and if appropriate documentation is on file at the local school board office:

- a. pregnant or actively parenting;
- b. incarcerated or adjudicated;
- c. institutionalized or living in a residential facility;
- d. chronic physical or mental illness;
- e. family and/or economic hardships.

4. All other requests for age waivers, because of hardships not listed above, must be approved by the BESE prior to the students' taking the GED Test.

5. Individuals 15 years of age and below shall not be permitted to take the GED test under any circumstances.

B. Qualifying Requirements

1. Individuals 19 years of age or above do not have to qualify for the GED by taking the Official Half-Length GED Practice Test.

2. Individuals between 17-18 years of age or 16 years of age with an approved age waiver may qualify for the GED Test by taking the Official Half-Length GED Practice Test and scoring a minimum of 40 on each part, with an average score of 45.

3. Qualifying scores on the Official Half-Length GED Practice Test shall be certified by State-approved adult education sites of instruction. Any state-approved adult education site of instruction may recommend an individual to take the GED Test.

4. The GED Test may not be administered to candidates who are enrolled in an accredited high school unless they are enrolled in the PreGED/Skills Option Program (The Options Program).

5. The GED Test may not be administered to candidates who have graduated from an accredited high school.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:14.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1306 (June 2005).

§2707. Requirements for Passing the GED Test

A. To complete the GED Test successfully, a student must earn the minimum standard score approved by the governing bodies of the American Council of Education.

B. The same form shall be used on all five tests when a student is being administered the GED Test.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:14.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1306 (June 2005).

§2709. Requirements for GED Retesting

A. A student other than a veteran or member of the Armed Forces shall receive instruction in the area(s) of deficiency until such time as the instructor certifies the student to be proficient in the failed section(s). A veteran or member of the Armed Forces may receive instruction if the individual desires.

B. A student may not be retested before 30 days have elapsed since the student last tested.

C. Retesting shall be performed on a form of the test different from the one originally used in testing. No form may be used a second time. If more than one test is being repeated by a student, all retests shall be on the same form.

D. The DOE will retain records of a student's unsuccessful attempts to pass the GED Test for only five years following the individual's last attempt to pass the test according to the regulations approved by the governing bodies of the American Council on Education. The student must retest on all five sections of the GED Test, should the five years elapse.

E. The student shall score a minimum of 410 on each of the retested sections.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:14.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1306 (June 2005).

§2711. Issuance of Equivalency Diplomas

A. A high school equivalency diploma will be issued from the DOE after the student has successfully completed the GED Test.

B. A Louisiana resident who successfully completes the GED Test at an official out-of-state GED testing center may be entitled to receive an equivalency diploma, provided that an official copy of the GED Test results are submitted for review to the Division of Family, Career and Technical Education in the DOE and provided that the student meets all other qualifications to receive an equivalency diploma.

C. Veterans do not need to submit qualifying scores.

D. To be eligible for an equivalency diploma based on results of the GED Test, a veteran or member of the Armed Forces shall be a legal resident of Louisiana for six consecutive months or shall have formerly attended a Louisiana school.

E. A student who has earned a Louisiana High School Equivalency Diploma issued by the DOE is considered a Louisiana high school graduate in every respect.

F. A student who has received a high school equivalency diploma may return to a regular high school program but will not be allowed to participate in athletic activities.

G. Public high school equivalency diplomas shall be signed by the State Superintendent of Education and the President of BESE.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:14; R.S. 17:7(5)(C).

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1307 (June 2005).

§2713. Regular High School Diploma for Veterans or Members of the United States Armed Forces

A. Veterans or members of the United States Armed Forces shall be eligible to pursue a regular high school diploma.

1. A person is considered a veteran if he/she has served at least 90 days in active military service and has been honorably discharged from such service.

2. A person is considered a member of the armed forces if he or she is engaged in active military duty in the Army, Navy, Air Force, Marine Corps, or Coast Guard. A member of the National Guard is not considered a "member of the Armed Forces" unless his unit has been federalized by the U.S. Government.

B. Any person who served honorably in the United States Armed Forces and has made satisfactory scores on the GED Test shall be awarded a regular diploma if he or she has earned a minimum of eight resident units of credit from a State-approved high school, regardless of the requirements for regular high school graduates.

C. A member of the United States Armed Forces or an honorably discharged veteran shall be awarded a regular high school diploma upon completion of 20 or 22 or 23 units of work, depending upon the graduation requirements in effect upon his or her entry in high school, regardless of the requirements for regular graduates.

D. To be eligible for a regular diploma based on results of the GED Test, a member of the armed forces, or an

honorably discharged veteran, shall be a legal resident of Louisiana, or shall have formerly attended an approved Louisiana school.

E. A veteran who formerly attended an approved Louisiana school shall submit his/her application for a regular diploma to the principal of the last school he or she attended in Louisiana.

F. An applicant who now lives in Louisiana and never enrolled in a Louisiana school, but who attended an approved high school or elementary school in another state, shall submit his application for a regular diploma to the principal of the nearest high school.

G. A certified copy of the record of the GED Test shall accompany the Certificate of High School Credits if administered by an official GED testing center other than one approved by the State Department of Education.

1. A statement giving the date of the applicant's entrance into the United States Armed Forces shall be made in the "remarks" column of the Certificate of High School Credits.

H. Service Credit

1. Two units of elective credit toward high school graduation shall be awarded to any member of the United States Armed Forces, their reserve components, the National Guard, or any honorably discharged veteran who has completed his/her basic training, upon presentation of a military record attesting to such completion.

2. Veterans shall receive credit, up to a maximum of two units, for special training obtained while in the armed forces comparable with courses offered in civilian secondary schools.

3. All subjects completed by a member of the armed forces, or by an honorably discharged veteran, through the United States Armed Forces Institute, the Marine Corps Institute, or the Coast Guard Institute, shall be credited at face value.

4. The following procedure shall be followed for veterans who have attended school in any state but do not have records:

a. The principal shall indicate on the Certificate of High School Credits:

- i. the name of the veteran; and
- ii. the name of the school last attended;

b. Official records attesting to this fact shall be on file in the principal's office.

5. If a diploma is to be granted on the basis of completion of 20 or 22 or 23 units, a complete record of all high school units earned shall be listed.

6. Only resident units completed shall be listed if a diploma is to be issued on the basis of a minimum of eight units of high school work and successful completion of the GED Test.

7. Work completed in residence at fully accredited high schools from other states shall be accepted and applied toward meeting graduation requirements.

8. Official records of high school work being applied toward meeting the requirements for graduation shall be in the files of the school issuing the diploma.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:14.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1307 (June 2005).

§2715. Evening Schools for Adults

A. All DOE-approved high schools may offer courses for adults in the evenings or at such times as necessary apart from the regular daily school schedules.

1. Before being assigned adult education courses, a high school shall submit a report in the form of an amendment to the Annual School Report to the DOE.

2. High school credit may be granted only in those courses listed in the program of studies.

3. The minimum aggregate time allotment for one unit in a course shall not be less than 180 clock hours of instruction, with no limitation on the length of class periods.

B. Standards required of DOE-approved high schools shall be the same for evening schools for adults in which high school credit is granted.

1. In those cases in which credit is allowed for successful completion of the courses, such credit may be considered as having been earned in residence.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:14.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1308 (June 2005).

Chapter 29. Alternative Schools and Programs

§2901. Philosophy And Need For Alternative Schools/Programs

A. Alternative schools shall provide for:

1. identifying the needs of students;
2. using group and individualized courses of study;
3. providing assistance with social skills and work habits; and
4. using alternative teaching methods.

B. Alternative schools shall respond to particular educational needs within the community.

C. The local educational governing authority shall pass a resolution establishing the need for the alternative school/program and setting forth its goals and objectives.

D. Each alternative school/program shall develop and maintain a written statement of its philosophy and the major purposes to be served by the school/program. The statement shall reflect the individual character of the school/program and the characteristics and needs of the students it serves.

E. The educational school/program shall be designed to implement the stated goals and objectives, which shall be directly related to the unique educational requirements of its student body.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:100.5.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1308 (June 2005).

§2903. Approval For Alternative School/Programs

A. Alternative schools/programs shall comply with prescribed policies and standards for regular schools except for those deviations granted by BESE.

B. Approval to operate an Alternative School/Program shall rest with the LEA.

1. An LEA choosing to implement an Alternative School/Program shall submit to the Division of Family, Career and Technical Education by September 1st of each school year a list of its approved Alternative Schools/Programs.

2. The DOE will provide BESE with a listing of approved alternative schools/programs in October of each year.

C. An approved alternative school/program shall be described in the LEA's Pupil Progression Plan.

D. An annual school report based upon the standards for approval of alternative schools shall be made to the DOE on or before the date prescribed by the DOE.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:100.5.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1308 (June 2005).

§2905. Evaluation of Alternative School/Programs

A. Each LEA operating an alternative school annually shall evaluate such school. The evaluation shall include testing of basic skills for student participants. The process of evaluation shall also include teacher, parent, and student input from the alternative school.

NOTE: Refer to the Alternative Education Handbook for program operation guidelines.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:100.5.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1308 (June 2005).

§2907. PreGED/Skills Option Program

A. A school system shall implement the PreGED/Skills Option Program and shall obtain approval from the DOE at least 60 days prior to the establishment of the program.

NOTE: Refer to High Stakes Testing Policy in *Bulletin 1566—Guidelines for Pupil Progression Plans*.

B. A program application describing the PreGED/Skills Option Program shall be submitted and shall address the following program requirements.

1. Students who shall be 16 years of age or older or who shall turn 16 years of age during the year they are to enroll into the program and meet one or more of the following criteria:

- a. shall have failed LEAP 21 English language arts and/or math eighth grade test for one or two years;
- b. shall have failed English language arts, math, science and/or social studies portion of the GEE 21;
- c. shall have participated in alternate assessment;
- d. shall have earned not more than 5 Carnegie units by age 17, not more than 10 Carnegie units by age 18, or not more than 15 Carnegie units by age 19;

e. students with Limited English Proficiency shall be considered eligible for the PreGED/Skills Option Program.

2. Enrollment is voluntary and requires parent/guardian consent.

3. Counseling is a required component of the program.

4. The program shall have both a PreGED/academic component and a skills/job training component. Traditional Carnegie credit course work may be offered but is not required. Districts are encouraged to work with local postsecondary institutions, youth-serving entities, and/or businesses in developing the skills component.

5. The PreGED/Skills Options Program shall be operated on a separate site from the regular high school program. Exceptions will be considered based on space availability, transportation or a unique issue.

6. Students who complete only the skills section will be given a Certificate of Skills Completion.

7. Students will count in the October 1 MFP count.

8. Students will be included in School Accountability.

While enrolled, they shall be required to take the ninth grade Iowa Test or alternate assessment. All programs will be considered Option 1 in accountability for alternative education purposes, and the score for every alternative education student at a given alternative school shall be returned to ("sent back") and included in the home-based school's School Performance Score (SPS).

NOTE: Refer to the Guidelines and Application Packet provided by the DOE for the requirements to establish a PreGED/Skills Option Program.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:100.5.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1308 (June 2005).

§2909. The Earning of Carnegie Units

A. Students enrolled in an alternative school/program shall be allowed to earn Carnegie credits when possible.

B. The integrity of the Carnegie credit shall not be diminished by any alternative school/program.

C. The Carnegie credits shall be granted by regular or special education teachers certified in the subject matter areas in which they are teaching.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:100.5.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1309 (June 2005).

Chapter 31. Career and Technical Education (CTE)

§3101. Physical Environment and Equipment

A. The LEA shall provide appropriate physical environments for the instructional programs in Career and Technical Education (CTE) and maintain conditions that ensure the safety and health of students.

1. Heavy equipment laboratories, such as woodworking, metal working, multipurpose, automotive, and most machine laboratories, should have a minimum area of 75 square feet per student.

2. Light equipment laboratories, such as those used for teaching electricity, electronics, drafting, manufacturing, communications, etc., should have a minimum area of 50 square feet per student.

B. The LEA shall provide and maintain modern equipment for CTE programs.

1. An accurate inventory of equipment purchased with federal funds shall be maintained and shall include the funding source.

2. The use of this equipment shall be limited to the appropriate career and technical education program in accordance with regulations and codes found in state and federal guidelines.

3. Machines and tools shall be labeled, identifying the funding source, organized, guarded, color-coded, and ventilated in accordance with regulations and codes found in state and federal guidelines.

NOTE: Refer to Bulletin 1674 for safety and health requirements and EDGAR guidelines relative to CTE.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:7.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1309 (June 2005).

§3103. Requirements for Teachers

A. The CTE teacher shall hold a valid Louisiana teaching certificate or valid Career and Technical Trade and Industrial Education (CTTIE) Certificate that entitles the holder to teach in the career area of the actual teaching assignment.

B. CTE instruction shall integrate basic academic skills essential for students to achieve the desired CTE competencies that will enable the student to be successful on the job or at the postsecondary level.

C. CTE teachers and school counselors shall actively participate in the in-service programs contributing to professional improvement in their program area.

D. All agriculture teachers employed by an LEA shall teach a 12-month program for a 12-month budget period and shall be paid a salary at the same monthly rate as provided in the minimum salary schedule contained in R.S. 17:421.3. The agriculture program shall include, but not be limited to recognized co-curricular activities, to be supervised by agriculture teachers during the summer months such as those offered by the National Future Farmers of America (FFA) Organization or other appropriate organizations that provide summer occupational experiences, leadership programs, statewide judging contests, and youth conventions.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17: 422.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1309 (June 2005).

§3105. Scheduling Career and Technical Courses

A. Where safety hazards exist, only one course shall be scheduled during a single class period under one CTE teacher.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:7.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1309 (June 2005).

§3107. Instructional Programs

A. For each CTE course, the teacher shall follow the BESE-approved minimum instructional content to be taught.

B. Instructional content of each course shall meet state and federal guidelines relative to unbiased treatment of race, sex roles, and religious and political beliefs.

C. Secondary students who are in the ninth through the twelfth grade shall be eligible for enrollment in CTE programs.

D. Junior high/middle (grades seven through eight) career and technical education programs shall meet the generic standards for senior high CTE programs, as well as specific standards for junior high approval in the CTE program area(s). Junior High School/Middle School CTE programs shall be coordinated with the CTE program at the senior high school.

E. Both male and female students as well as students with disabilities shall be encouraged to participate in traditional and nontraditional CTE training to assist in eliminating bias and stereotyping CTE programs

F. The local governing authority of each LEA shall allocate annually to each secondary school in the LEA, in addition to any other funding, not less than \$50 per student enrolled at the school in an agricultural education program for use in providing adequate instructional materials and supplies for such students.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:181.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1309 (June 2005).

§3109. Carnegie Credit

A. Credit shall be awarded for successful completion of one-half to three Carnegie credits of career and technical education courses.

1. Credit for partial completion of two- or three-hour career and technical education courses may be granted for unusual or extenuating circumstances.

2. Request for partial credit because of unusual or extenuating circumstances shall be made in writing by the principal through the local superintendent to the Division of Family, Career and Technical Education of the DOE.

3. If granted, a copy of the written response shall accompany the student's transcript when it is sent to the Division of School Standards, Accountability and Assessment prior to graduation.

B. No career and technical education or contract course shall be offered for credit in any secondary school if it requires a license to practice the job, until the course has been approved by the licensing board designated to regulate that vocation.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:7.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1310 (June 2005).

§3111. Career and Technical Education Student Organizations (CTSOs)

A. Activities of CTSOs should be offered as an integral part of the CTE instruction and be under the supervision of the instructional staff. The CTSOs for the respective CTE program areas are as follows.

1. Agriscience—National FFA Organization (FFA)

2. Business Education—Future Business Leaders of America (FBLA)

3. Health Occupations—Health Occupations Students of America (HOSA)

4. Family and Consumer Sciences—Family, Career, and Community Leaders of America (FCCLA)

5. Marketing Education—Association of Marketing Students (DECA)

6. Technology Education—Technology Student Association (TSA)

7. Trade and Industrial Education—SkillsUSA-VICA

B. Each local school governing authority shall develop procedures and policies for the approval of travel.

C. The LEA shall provide information and prepare necessary reports for each CTE program as required by the Division of Family, Career and Technical Education and shall cooperate with the DOE in the evaluation of career and technical education programs.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:7.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1310 (June 2005).

§3113. Work-Based Learning

A. Work-based learning programs shall provide opportunities for CTE students to receive on-the-job training and related classroom instruction in all CTE program areas. Work-based learning may include, but is not limited to, cooperative education and internships.

B. Cooperative education features an agreement between schools and employers to provide paid on-the-job training that relates to the areas of technical study in school and is

based on objectives jointly developed by the school and the employers.

C. Internships are work-based activities where students work with an employer for a specified period of time to learn about a particular occupation or industry. The workplace activities involved with an internship could include special projects, a sample of tasks from different jobs, or tasks from a single occupation. An internship agreement is set up prior to the experience that outlines the expected objectives to be accomplished by the student. This may or may not include financial compensation.

D. Certification Requirements for Teachers

1. The cooperative education teacher-coordinator shall hold a valid teaching certificate entitling the holder to teach cooperative education in the CTE program or a valid CTTIE certificate to teach Trade and Industrial Cooperative Education.

2. The internship teacher-coordinator shall hold a valid teaching certificate in the CTE program that aligns with the student's internship worksite.

E. Scheduling Work-based Learning

1. Cooperative education programs shall incorporate classroom instruction and on-the-job training. The classroom phase shall include a total of five hours each week (one regular period per day) of CTE related classroom instruction. The on-the-job training phase shall include a minimum of 15 hours of job training per week for the entire year spanning from August through May. Teacher-coordinators shall be scheduled for classroom instruction and on-the-job supervision. Teacher-coordinators shall be scheduled for one cooperative education preparatory/supervision period for 10-45 students. Teachers with more than 45 students shall be scheduled for two cooperative education supervision periods.

2. Internships shall incorporate classroom instruction and on-the-job training. The classroom phase shall include a total of one hour each week of CTE related classroom instruction. The on-the-job training phase shall include a minimum of 10 hours of work-based learning per week for the entire year, spanning August through May. Teacher-coordinators shall be scheduled for classroom instruction and on-the-job supervision.

F. Facilities for Work-Based Learning

1. The LEA shall provide use of a telephone for teacher-coordinators of work-based learning education programs to use for placement/coordination/follow-up activities.

G. Teacher-Coordinator for Work-Based Learning

1. Reimbursement of travel expenditures for placement, supervision, and coordination activities of the work-based education programs shall be provided.

2. The teacher-coordinator and the employer shall cooperatively complete a training memorandum for both the classroom phase and the on-the-job training phase. The training memorandum and a list of skill competencies shall be prepared for each student. The list of competencies shall include skills and knowledge to be learned in the classroom and skills to be learned through on-the-job training.

3. Copies of the training memorandum and skills competencies shall be maintained in each work-based education student's folder and provided to the training sponsor (employer). The training memorandum is the

application for an employment certificate for work-based education students. The employment certificate must be applied for on-line through the Department of Labor's website.

4. Each teacher-coordinator for work-based programs must submit a class organization report to the Division of Family, Career and Technical Education of the DOE.

5. The cooperative education teacher-coordinator shall visit each student on the job to observe the student at work, to confer with the employer, and to obtain a written evaluation of the student's progress at least four times during the school year.

6. The internship education teacher-coordinator shall visit each student on the job to observe the student at work, to confer with the employer, and to obtain a written evaluation of the student's progress at least two times during the school year.

7. The teacher-coordinator shall inform the employer of labor laws as they apply to minors engaged in work-based learning.

8. Orientation and pre-employment training, as well as safety training, shall be provided for each student prior to the student's placement with a program training sponsor (employer).

9. It is recommended that funding for extended employment beyond the school year be provided for each teacher-coordinator.

10. The program training sponsor (employer) shall complete a written evaluation of each student's on-the-job performance for each grading period.

11. The teacher-coordinator shall be responsible for determining the student's grade.

H. Work-based Learning Students

1. Cooperative education students shall be placed in appropriate, paid training stations within three weeks of the opening of school. Students not placed shall be rescheduled into non-cooperative courses.

2. Cooperative education students shall receive minimum wage or above for the hours spent in job training.

3. Internship students shall be placed in appropriate, paid or non-paid training stations within three weeks of the opening of school. Students not placed shall be rescheduled into non-internship courses.

4. Students in Cooperative Office Education, Cooperative Technology Education, Health Occupations Cooperative Education, and Family and Consumer Sciences Cooperative Education shall be seniors. Students in Cooperative Agriscience Education, General Cooperative Education, Cooperative Marketing Education, and Trade and Industrial Cooperative Education (TICE) shall be juniors or seniors.

5. Internship students shall be juniors or seniors.

6. Work-based education students must successfully complete both the classroom and the on-the-job training phase to receive any credit. Students enrolled in Cooperative Education course shall not begin a work-based program at midterm.

NOTE: Refer to career and technical education course offerings for prerequisites and requirements for specific work-based programs.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:7.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1310 (June 2005).

§3115. Procedures For Program Approval

A. Any new instructional program in Career and Technical Education, including regular, cooperative, pilot, or alternative, shall obtain approval from the Division of Family, Career and Technical Education before initiation.

B. In order to qualify for funding as an approved program:

1. instruction shall be based on the CTE Standard and Benchmarks and Model Course Guidelines;

2. the teacher shall maintain certification in the CTE program they are assigned to teach;

3. if a school offers an industry-based certification (IBC), the teacher of the IBC course(s) shall hold or work toward obtaining the industry certification. Teachers shall have a maximum of three years to obtain the certification;

4. each program area offered by a high school shall make available at least one area of concentration (sequence of courses) approved by BESE;

5. each program area shall offer courses in that program area for at least 50 percent of the school day;

6. where national program certification exists, the program shall meet or work toward obtaining the program certification. Schools shall have a maximum of three years to obtain the certification;

7. CTE instruction shall integrate career and technical education and academics to strengthen basic academic skills in communication, mathematics, science and social studies and develop critical thinking skills through practical applications in real-life situations;

8. each local educational governing authority should establish and maintain a local advisory council for CTE:

a. the membership of the local advisory council should be composed of representatives of the general public, including at least a representative of business, industry, and labor with appropriate representation of both sexes and racial and ethnic minorities found in the program areas, schools, community, or region that the local advisory council serves;

b. the duties of the local advisory council include advising the local education governing authority on:

i. current job needs; and

ii. the relevancy of programs (courses) being offered to meet the current job needs.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:7.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1311 (June 2005).

§3117. Additional Program Approval Procedures

A. Agriscience/Agribusiness

1. The teacher shall assist each student in planning and developing a Supervised Agriculture Experience (SAE) program of one or more of the following types:

a. ownership at the student's home, farm or business;

b. placement at a farm or agribusiness other than that owned by the student;

c. directed laboratory at a school facility such as school farm, greenhouse, garden, shop, forestry plot, food preservation center, etc.

2. The teacher shall supervise on a regular and periodic basis all SAE programs and shall assist the students in maintaining accurate records of their SAE programs.

3. The teacher shall participate in inservice activities by attending and taking part in the annual summer inservice held in conjunction with the area FFA leadership camp and any other DOE-sponsored inservice required of all agriculture teachers in the state.

4. The teacher shall organize and maintain an active chapter of the National FFA Organization, serving as its advisor, and will attend with two or more members the state convention and area leadership camp. Dues and special fees and reports will be submitted by the deadline set by the Louisiana Association of FFA. Each FFA chapter will participate in a minimum of four contests at the area or state level and will submit applications for at least three chapter or individual FFA awards. All FFA members will achieve the Greenhand Degree, and 80 percent or more of members enrolled in classes above the Agriscience I level will achieve the Chapter FFA Degree.

5. The teacher shall plan and submit a summer work schedule to the principal, local CTE supervisor, and the CTE section of the DOE. The teacher shall be responsible to the principal and local CTE supervisor for carrying out the schedule and submitting weekly summer activity or district reports documenting daily activities. The DOE shall conduct random monitoring visits to summer agriculture programs.

6. The teacher will submit an annual report to the CTE Section of the DOE documenting the completion of all required activities. The principal and supervisor will sign the report attesting to the fact that all requirements have been met.

B. Health Occupations

1. Health Occupations programs shall meet requirements of appropriate licensing or recognized accrediting agencies.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:7; R.S. 17:185.2.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1311 (June 2005).

Chapter 33. Home Study Programs

§3301. Definition

A. A home study plan for the purposes of these policies is a program in which an approved curriculum can be implemented under the direction and control of a parent or a tutor (i.e., court appointed guardian under Louisiana law).

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:236.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1312 (June 2005).

§3303. Eligibility

A. Any student eligible by Louisiana law to attend Louisiana elementary or secondary schools shall be eligible to participate in a home study plan.

B. The home study plan does not replace the state homebound law.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:236.1.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1312 (June 2005).

§3305. Application Process

A. Initial Application

1. An initial application must be made within 15 days after the beginning of the program to the DOE for review and recommendation to BESE.

2. The initial application shall be accompanied by a certified copy or a photocopy of the birth certificate of the child.

B. Renewal Application

1. A renewal application must be made by the first of October of the school year, or within 12 months of the approval of the initial application, whichever is later.

2. A renewal application shall be approved if the parents submit to BESE satisfactory evidence that the program offered a sustained curriculum of a quality at least equal to that of public schools at the same grade level.

C. Initial and renewal applications shall be approved at the discretion of BESE.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:236.1.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1312 (June 2005).

§3307. Instructor

A. A parent or tutor (i.e., court appointed guardian under Louisiana law) may be permitted to provide instruction in a home study plan.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:236.1.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1312 (June 2005).

§3309. Curriculum

A. The home study program shall have a sustained curriculum of a quality at least equal to that offered by public schools at the same grade level. The sustained curriculum must be substantiated in one of the following ways.

1. A packet of materials which shall be evaluated by the DOE for adequacy and which shall include such documents as:

- a. a complete outline of each of the subjects taught during the previous year;
- b. lists of books/materials used;
- c. copies of the student's work;
- d. copies of the student's standardized test results;
- e. statements by third parties who have observed the child's progress; or
- f. any other evidence of the quality of the program being offered.

2. Verification that the child took the LEAP 21 tests and scored at or above the state performance standards as established by BESE for his/her grade level; or

3. Verification that the child has taken the California Achievement Test or such other standardized examinations as may be approved by BESE, including but not limited to tests approved for the Nonpublic School Testing Program, and the child has scored at or above his/her grade level for each year in home study; or

4. A statement from a teacher certified to teach at the child's grade level stating that the teacher has examined the program being offered and that in his/her professional

opinion this child is being taught in accordance with a sustained curriculum of quality at least equal to that offered by public schools at the grade level, or in the case of children with mental or physical disabilities, at least equal to that offered by public schools to children with similar disabilities. The teacher evaluation is subject to review and approval by BESE.

B. In order to receive a Louisiana State equivalency diploma, the student must pass the GED test. Completion of a home study program does not entitle the student to a regular high school diploma.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:236.1.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1312 (June 2005).

§3311. Testing

A. A parent of a child in home study may request of the LEA superintendent or the State Superintendent, that the child be administered the LEAP 21 tests under the following conditions:

1. date of the test shall be on such dates as determined by the LEA superintendents or State Superintendent;
2. a fee of up to \$35 may be charged to cover actual costs of administering, scoring, and reporting the results of the tests;
3. the examination shall be administered with the same instructions and under similar conditions as provided to students enrolled in public schools;
4. a certified teacher shall administer the test;
5. the parent shall be provided the student's score and whether the student passed the examination by meeting the state performance standard for LEAP 21.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:236.1.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1313 (June 2005).

§3313. Admission or Readmission to the Public School System

A. The LEA shall have a written policy included in the local Pupil Progression Plan for admission or readmission of home study students to public schools. Refer to *Bulletin 1566—Guidelines for Pupil Progression*.

1. The policy shall provide for the screening and evaluation of such students and shall include examinations to determine the grade level at which students should be admitted.

2. The policy shall include the administration of the Louisiana Educational Assessment Program tests for the grades offered or required by BESE. Refer to the Guidelines for Nonpublic and Home Schooled Students Transferring to the Public School Systems: Participation in the LEAP 21.

B. At the grade levels in which state level tests are not available, the LEA will determine the placement and/or credits for the student through screening, evaluations, and/or examinations. These instruments may include any one of the following:

1. locally developed system-wide criterion-referenced test;
2. locally adopted commercial criterion-referenced test; or
3. locally adopted commercial norm-referenced test.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:236.1.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1313 (June 2005).

§3315. Due Process

A. The due process procedures for resolution of disagreements at the local level pertaining to the application and reauthorization of the home study plan shall follow the procedures established by BESE.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:236.1.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1313 (June 2005).

§3317. Cost

A. All reasonable costs directly attributed to the home study program shall be borne by the parents.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:236.1.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1313 (June 2005).

Chapter 35. Montessori Schools

§3501. Approval of Training Courses

A. The Montessori Training course must accept students without regard to race, creed, or national origin.

B. The course, at a minimum, must include the following:

1. required reading of Dr. Montessori's works;
2. Montessori philosophy and theory;
3. child development;
4. practical life;
5. sensorial materials;
5. cultural subjects;
6. academic subjects;
7. twenty hours of observation of a Montessori class;

and

8. supervised practice sessions with Montessori apparatus.

C. The Montessori training course staff must have Montessori certification and five years Montessori classroom experience.

D. Students must pass both a written and practical examination.

E. Students must have worked on training requirements for a minimum of one academic school year.

F. It is desirable for the Montessori training course to have university affiliation.

G. The petitioner's request for approval must be submitted in writing to the president of the Louisiana Montessori Association (LMA) and to the DOE, Office of Quality Educators.

H. The LMA president shall acknowledge receipt in writing within two weeks and ask that a detailed description of the Montessori Training Course, including faculty, location, curriculum, and any pertinent requirements be sent to the LMA. Included with the above acknowledgment shall be a copy of Act 400 of 1982 and "Standards for Approval of Louisiana Montessori School."

I. The LMA president shall notify the LMA Training Approval Committee of the application and send a description of the Montessori Training Course to all committee members. The LMA president will submit a list of committee members and all applicable information to the DOE, Office of Quality Educators.

J. The committee will review the information and make a decision for approval or denial to the president of the LMA within two weeks.

K. The committee's approval or denial shall be brought before the general membership and their recommendation voted on within three months.

L. Notification of LMA approval or denial shall be sent to the DOE, Office of Quality Educators, within two weeks of the LMA decision, and reason for denial, if applicable. The DOE will review the LMA's decision and make recommendations to the Board for approval or denial and notify the petitioner.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3401.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1313 (June 2005).

§3503. Classification Categories

A. Classification categories for Montessori schools are:

1. Approved—the school meets the standards of BESE established for a Montessori school.

2. Provisional Approval—the school has one or more of the following deviations from standards:

a. lack of at least one Type A Montessori certified teacher provided that the school has a Type B certified Montessori teacher earning at least six semester hours per year toward a bachelor's degree;

b. an inadequate amount of proper Montessori instructional materials and equipment; and

c. for junior school, lack of a teacher who possesses a bachelor's degree and is certified in Montessori for the age level in which he serves, provided that such teacher is working toward Montessori junior certification.

3. Probational Approval—the school has one or more of the following deviations from standards:

a. the school does not have at least a Type B certified Montessori teacher earning six semester hours toward a bachelor's degree;

b. lack of a certified Montessori teacher in each class;

c. lack of a teacher or teacher aide with a bachelor's degree in each class;

d. inadequate provision of indoor and/or outdoor space per child; and

e. for junior school and class, the school does not have a teacher possessing a bachelor's degree working toward Montessori certification.

4. Unapproved—

a. any school that has not previously attained an approved classification and fails to comply with BESE standards, and

b. a probationally approved school that has not corrected the stated deficiencies within the time fixed by BESE.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3401; R.S. 17:3402.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1314 (June 2005).

§3505. School Approval Procedures

A. Any Montessori school seeking review by the DOE and approval by BESE must follow these procedures.

1. Application for approval shall be submitted on a Montessori Annual School Report form prescribed by the DOE.

2. One copy of the form shall be sent to the LMA, one copy submitted to the DOE and one copy kept on file in the school office.

3. A letter requesting an initial approval visit should be sent to the LMA and the DOE.

4. The form will be analyzed by both the LMA and the DOE.

5. After ascertaining that the school has met standards according to the written report, a visiting committee consisting of a minimum of five members (at least four Montessori teachers selected by the LMA and one DOE staff member) will be assigned to make an initial approval visit.

6. Montessori teachers shall serve on the visiting committee without compensation or reimbursement of expenses by the DOE.

7. After visitation by the committee, the school will be notified in writing of the recommendation made by the committee to the DOE for further recommendation to the BESE for assignment of a classification category.

8. A school denied approval by BESE shall be entitled to an appeal.

9. No hearing shall be granted unless a written appeal is received by the BESE within 30 days of the date of denial.

10. For continued state approval, Montessori schools shall submit a Montessori Annual School Report to the LMA and to the DOE for analysis and recommendation of a classification category to BESE.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3401.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1314 (June 2005).

§3507. Staff Requirements

A. Each school shall have at least one Type "A" certified Montessori teacher.

B. Each class shall have at least one Louisiana state certified Montessori teacher.

C. Each class shall have a teacher or teacher aide possessing a bachelor's degree.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3401; R.S. 17:3403.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1314 (June 2005).

§3509. Plant and Facilities

A. The physical plant must comply with state and local fire and health regulations and with applicable building codes. It shall be free of health and safety hazards.

B. The school shall be attractive, cheerful, orderly, clean, and in good repair to evoke in the children a positive response to beauty and to life and to satisfy their need for order.

C. Indoor Requirements

1. Low child-accessible shelving shall be in neutral or light colors for placement of materials, with adequate space for placement without crowding. Instructional materials of the same general classification should be placed together.

2. Walls shall be light or neutral colors to emphasize adequately the materials.

3. Lightweight, movable, child-sized furniture (tables, chairs) shall be available.

4. Flooring of a type that can be kept clean and safe shall be installed.

5. Rugs and mats shall be available and accessible to the children and there shall be an orderly place for their storage.

6. Adequate lighting (160 watts fluorescence for every 100 square feet of floor space is recommended) shall be in place.

7. Thirty square feet of working space per child or 35 square feet per child or total usable facilities shall be available to allow each child to move freely without interrupting the activities of others.

8. The environment shall be prepared, arranged, and equipped to structure the child's free movement and responsibility.

9. Child-accessible toilet and hand washing facilities adequate for the number of children shall be available.

D. Outdoor requirements:

1. Seventy-five square feet of outdoor space shall be available for each child in the group at any one time.

2. Outdoor space shall be easily accessible, safe, and protected and shall be fenced.

3. Outdoor equipment shall be safe and provide adequate opportunities for a variety of large muscle activities.

4. The outdoor area shall be pleasant and attractive with some gardening opportunities available.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3402.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1314 (June 2005).

§3511. Programs and Materials

A. Montessori junior school begins at six years of age and continues through the age of 14 years, approximately. Thus, the junior school encompasses the child's learning experiences from kindergarten to high school.

B. Freedom with responsibility leading to independent self-direction shall be a basic consideration of the school's instructional program.

C. The school shall be attractive, cheerful, orderly, clean, and in good repair to evoke in the children a positive response to beauty and to life, and to satisfy their need for order.

D. The school's instructional program shall incorporate the following types of activities:

1. language activities;
2. math activities;
3. cultural activities (geography, history, life science, art, music, dance, dramatics, construction, second language);
4. sensorial activities that sharpen the senses in preparation for accurate observation of the physical world; and
5. practical life activities that cultivate ability to care for self and environment.

E. The school must be equipped with Montessori materials in all basic areas, well maintained, and in good condition.

F. Instructional materials shall be self-teaching so that children can learn from them by self-discovery and voluntary repetition rather than by rote memorization of what someone tells them about the materials.

G. Children shall work independently once the materials are introduced.

H. The materials shall require active participation of the children so that the major part of their learning comes from concrete sensorial experience.

I. Materials shall reflect reality and nature so that children can organize their perceptions of the world accurately.

J. Instructional materials shall be open-ended so that it is possible for the children to learn more than one concept from each piece.

K. The materials shall isolate only one factor of difference to emphasize the particular attribute or concept.

L. The art materials shall be basically structured to allow children to create their own ideas after the teacher has initially demonstrated their use.

M. The Montessori materials shall be introduced sequentially.

N. The materials shall be attractive and of the best quality affordable to provide stimulation for new exploration or imagination.

O. They shall be clean, orderly, and in good repair.

P. The program shall provide annual standardized testing for Montessori junior students six years of age and above.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3402.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1315 (June 2005).

§3513. Scheduling

A. The academic school year shall be 180 days.

B. The class shall meet five days a week for approximately three hours a day or more to provide the necessary learning continuity.

C. Montessori junior classes of students six years of age and above shall meet a minimum of 180 days per year, five days a week, for a minimum of 28 hours per week, excluding lunch and recess.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3402.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1315 (June 2005).

§3515. Admissions and Enrollment

A. All admissions in a Montessori school shall be open to all persons of all races, creeds, or colors.

B. Early enrollment shall be encouraged, starting between the age of 2 1/2 to 3 1/2 years or earlier, to take advantage of early sensitive periods of learning.

C. Placement at the primary or junior level shall be determined by the child's achievement and level of development.

D. The classrooms shall have, if possible, a mixed age group spanning at least three years so that the children will have a variety of models from which to learn.

E. Attendance through kindergarten age shall be encouraged for maximum benefit of the program.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3402.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1315 (June 2005).

§3517. Parent Interaction Requirements

A. The parents shall be allowed to observe the children at work.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3402.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1315 (June 2005).

Chapter 37. Glossary

§3701. Abbreviations/Acronyms

ADA—Americans with Disabilities Act.
AP—Advanced Placement.
BESE—Board of Elementary and Secondary Education.
CPR—Cardiopulmonary Resuscitation.
CTE—Career/Technical Education.
CTSO—Career and Technical Student Organizations.
CTTIE—Career and Technical Trade and Industrial Education.
DECA—An Association of Marketing Students.
DOE—Department of Education.
FBLA—Future Business Leaders of America.
FCCLA—Family, Career, and Community Leaders of America.
FFA—National FFA Organization.
GED—General Educational Development Test.
GEE 21—Graduation Exit Examination for the 21st Century.
GLEs—Grade-Level Expectations.
HOSA—Health Occupations Students of America.
IDEA—Individuals with Disabilities Education Act; The Special Education Law.
IAP—Individualized Accommodation Program.
IB—International Baccalaureate.
IBC—Industry-based Certification.
IEP—Individualized Education Program.
JROTC—Junior Reserve Officer Training Corps.
LEA—Local Education Agency.
LEAP 21—Louisiana Educational Assessment Program for the 21st Century
LHSAA—Louisiana High School Athletic Association
LMA—Louisiana Montessori Association
MFP—Minimum Foundation Program
MPS—Minimum Proficiency Standards
NAEP—National Assessment of Educational Progress.
NCLB—No Child Left Behind.
OFAT—Out-of-Field Authority to Teach.
SAE—Supervised Agriculture Experience.
SAPE—Substance Abuse Prevention Education.
TAT—Temporary Authority to Teach.
TSA—Technology Student Organization.
TOPS—Tuition Opportunity Program for Students.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6; R.S. 17:7.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1316 (June 2005).

§3703. Definitions

Academic Endorsement—recognition for high school graduates who meet requirements listed in §2319.G which are above the requirements of a standard diploma.

Academically Able Student—a student who is functioning at grade level as determined by the local school system. For special education students identified in accordance with Bulletin 1508—Pupil Appraisal Handbook, the IEP Committee shall determine the student's eligibility to receive foreign language instruction, provided the student is performing at grade level.

Accommodation—any technique that alters the academic setting or environment. An accommodation generally does not change the information or amount of information

learned. It enables students to show more accurately what they actually know.

Activity Class—any class such as band, theatre, or chorus for which a large class size is acceptable due to the nature of the instruction.

Adapted Physical Education—specially designed physical education for those exceptional students for whom significant deficits in the psychomotor domain have been identified according to Bulletin 1508—Pupil Appraisal Handbook, and who, if school-aged, are unable to participate in regular physical education programs on a full-time basis.

Adult Education—instruction below the college level for adults who have not been awarded a regular high school diploma and who are not currently required to be enrolled in school.

Advanced Placement Program—the Advanced Placement Program of the College Board gives students the opportunity to pursue college-level studies while still in secondary school and to receive advanced placement and/or credit upon entering college.

Alternative School/Program—an educational school/program that deviates from the standards stated in *Bulletin 741* in order to meet the specific needs of a particular segment of students within the community. There are two types of alternative schools/programs:

1. alternative within Regular Education: the curriculum addresses state standards; and upon graduation, students earn a state-approved diploma;

2. alternative to Regular Education: the curriculum does not address state standards; and upon graduation, students do not earn a state-approved high school diploma.

Alternative to Regular Placement—placement of students in programs that are not required to address BESE performance standards.

Annual School Approval—an approval classification, based on the analysis of the Annual School Report, which is granted by the State Department of Education to each school.

Annual School Report—the report of the implementation by a school of the standards/regulations of this bulletin. It is submitted annually to the DOE by each school.

Annual System Report—the report of the implementation of the standards/regulations of this bulletin applicable to each LEA's central office. This report is submitted to the DOE by each LEA.

Approved School—a public or nonpublic school that has an approval classification based upon a degree of compliance with standards/regulations prescribed by BESE.

Area of Concentration—a coherent sequence of courses or field of study that prepares a student for a first job and/or further education and training. It includes four sequential related credits in a specific area plus two credits in a related field; one must be a basic computer course.

Articulated Credit—promotes a smooth transition from secondary to postsecondary education. It serves as a vehicle for high school students to earn postsecondary credit while enrolled in high school or upon entering postsecondary study.

Assessment—the act or process of gathering data in order to better understand the strengths and weaknesses of a student learning as by observation, testing, interviews, etc.

Attendance (Half-Day)—a student is considered to be in attendance for one-half day when he or she

1. is physically present at a school site or is participating in an authorized school activity; and

2. is under the supervision of authorized personnel for more than 25 percent but more than half (26-50 percent) of the student's instructional day.

Attendance (Whole-Day)—a student is considered to be in attendance for a whole day when he or she:

1. is physically present at a school site or is participating in an authorized school activity; and

2. is under the supervision of authorized personnel for more than 50 percent (51-100 percent) of the student's instructional day.

BESE Policy—a comprehensive statement that has the force and effect of law and that has been adopted by BESE to govern and to bring uniformity in education throughout Louisiana.

Career Major—a coherent sequence of courses or field of study that prepares a student for a first job and/or further education and training. It includes four sequential related credits in a specific area plus two credits in a related field; one must be a basic computer course.

Career Technical Endorsement—an endorsement beyond a regular diploma which has the purposes of enhancing a student's junior/senior years and providing a "credential" for postsecondary work with specific performance indicators that include industry-based certification and/or articulated credit and work-based learning.

Class Size—the maximum enrollment allowed in a class or section.

Co-Curricular Activities—those activities that are relevant and supportive, that are an integral part of the program of studies in which the student is enrolled, and that are under the supervision and/or coordination of the school instructional staff.

Cooperative Education—programs that provide opportunities for career and technical education students to receive on-the-job training and related classroom instruction in the areas of Agriculture, Business, Health, Family and Consumer Science, Marketing, and Trade and Industrial Education programs.

Credit Exam—an examination for the purpose of verifying a student has mastered a course taken under conditions that do meet the requirements for awarding Carnegie credit, such as teacher certification or time requirements.

Cultural Arts—that subject area that includes music, arts and crafts, and the fine arts.

Cumulative Record—a current record of academic, health, and other special types of information maintained for each student throughout his progress in school.

Education Records—

1. those records, files, documents, and other materials which:

a. contain information directly related to a student; and

b. are maintained by an educational agency or institution or by a person acting for such agency or institution.

2. The term *education records* does not include:

a. records of instructional, supervisory, and administrative personnel and educational personnel ancillary thereto which are in the sole possession of the maker thereof and which are not accessible or revealed to any other person except a substitute;

b. records maintained by a law enforcement unit of the educational agency or institution that were created by that law enforcement unit for the purpose of law enforcement;

c. in the case of persons who are employed by an educational agency or institution but who are not in attendance at such agency or institution, records made and maintained in the normal course of business which relate exclusively to such person in that person's capacity as an employee and are not available for use for any other purpose; or

d. records on a student who is 18 years of age or older, or is attending an institution of postsecondary education, which are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in his professional or paraprofessional capacity, or assisting in that capacity, and which are made, maintained, or used only in connection with the provision of treatment to the student, and are not available to anyone other than persons providing such treatment, except that such records can be personally reviewed by a physician or other appropriate professional of the student's choice

Elementary School—a school composed of any span of grades kindergarten through the eighth grade.

Evaluation—the in-depth process of review, examination, and interpretation of intervention efforts, test results, interviews, observations, and other assessment information relative to predetermined criteria.

Exceptional Child—a child who is evaluated in accordance with §430-436 of Bulletin 1706, Regulations for Implementation of Exceptional Children's Act (R.S. 17:1941 et seq.) and who is determined according to Bulletin 1508, Pupil Appraisal Handbook, to have an exceptionality that adversely affects educational performance to the extent that special education is needed.

Extracurricular Activities—those activities which are not directly related to the Program of Studies, which are under the supervision and/or coordination of the school instructional staff, and which are considered valuable for the overall development of the student.

Fine Arts—those arts produced or intended primarily for beauty rather than utility, such as music, dance, drama, and the visual arts (*i.e.*, drawing, painting, sculpture).

Five-Year Educational Plan—the plan developed by each student by the end of the eighth grade with the input of his/her family. The plan shall include a sequence of courses which is consistent with the student's stated goals for one year after graduation. Each student's Five Year Educational Plan shall be reviewed annually thereafter by the student, parents, and school advisor, and revised as needed.

Gifted—children or youth who demonstrate abilities that give evidence of high performance in academic and intellectual aptitude.

Grade-Level Expectations (GLE)—the concepts and skills that students should master at the end of a grade or course.

Homebound Student—a student who is enrolled in regular education and who, as a result of health care treatment, physical illness, accident, or the treatment thereof, is temporarily unable to attend school, and who is provided instructional services in the home or hospital environment

Home Study Program (Approved)—program in which an approved curriculum can be implemented under the direction and control of a parent or a tutor (i.e., court appointed guardian under Louisiana law).

Individualized Education Program (IEP)—a written statement of specially designed instruction developed, reviewed and revised by a group of qualified education personnel and the parent/guardian for each student with a disability.

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

Instructional Time—shall include the scheduled time within the regular school day devoted to teaching courses outlined in the Program of Studies. Instructional time does not include such things as recess, lunch, change of class time, and parent-teacher conferences.

Internship—student internships are situations where students work for an employer for a specified period of time to learn about a particular industry or occupation. Students' workplace activities may include special projects, a sample of tasks from different jobs, or tasks from a single occupation. These may or may not include financial compensation.

Language Arts—a broad subject area which includes reading, literature, speaking, listening, oral and written composition, English grammar, and spelling. (Foreign language may be included as part of the language arts program.)

Least Restrictive Environment—the educational placement of an exceptional child in a manner consistent with the Least Restrictive Rules in 1448 of Bulletin 1706—Regulations for Implementation for the Exceptional Children's Act and R.S. 17:1941 et seq.

Local Educational Agency (LEA)—a public board of education or other public authority legally constituted within the state either to provide administrative control or direction of, or to perform a service function for, public elementary or secondary schools in a city, parish school district, or other political subdivision of the state. The term includes an educational service agency and any other public institution or agency having administrative control and direction of a public elementary or secondary school, including a public charter school that is established as an LEA under state law.

Locally Initiated Elective—an elective course developed and approved by an LEA according to the standards in §2315 and reported to the DOE.

Minimum Standards for Career/Technical Education—requirements that shall be met by local education governing agencies to be eligible for reimbursement in vocational education programs.

Modification—any technique that alters the work product in some way that makes it different from the work required of other students in the same class. A modification generally does change the work format or amount of work required of students. It encourages and facilitates academic success.

Paraprofessional—a person who is at least 18 years of age, possesses a certificate of good health signed by a physician, possesses an appropriate permit, and assists in the delivery of special educational services under the supervision of a special education teacher or other professional who has the responsibility for the delivery of services to exceptional children.

Paraprofessional Training Unit—a setting that may be used for the self-help training (toilet-training, dressing skills, grooming skills, feeding skills, and pre-academic readiness activities) of severely and profoundly handicapped children or preschool children. A school-aged unit may be comprised of no more than six paraprofessionals. A preschool unit may be comprised of no more than four paraprofessionals. All units must be supervised directly by a certified special education teacher. Each paraprofessional must have a full quota of students (three) before an additional paraprofessional can be added to the unit. A paraprofessional training unit must be approved by the Office of Special Educational Services for the DOE in accordance with operational standards established by BESE.

Preschool—no more than one year younger than the age established for kindergarten.

Principal—in a school, the chief administrative officer certified by the State Department of Education, except in the case of Special Schools in which the superintendent may be designated as the chief school administrator.

Procedures—specific actions or steps developed and required by the DOE to implement standards or regulations of BESE.

Proficiency Exam—an examination taken by a student to demonstrate mastery of a course they have not taken.

Public School—a school operated by publicly elected or appointed school officials and supported primarily by public funds.

Public School System Accreditation—an accreditation classification, which is based upon the fifth-year, on-site verification of the Annual System and School Reports, and which is granted by the State Department of Education.

Pupil Appraisal Personnel—professional personnel who meet the certification requirements for school personnel for such positions and who are responsible for delivery of pupil appraisal services included in §410-436 of Bulletin 1706—Regulations for Implementation of the Exceptional Children's Act, and R.S. 17:1941 et seq.

School Building Level Committee—a committee of at least three school level staff members. It shall be comprised of at least the principal/designee, a classroom teacher, and the referring teacher. It is suggested that other persons be included, such as the school counselor, reading specialist, master teacher, nurse, parents, pupil appraisal personnel, etc. This committee is a decision-making group that meets on a scheduled basis to solve problems or address concerns from teachers, parents, or other professionals on individual students who are experiencing difficulty in school because of academic and/or behavior problems. In most cases, for

enrolled students, it is only through the SBLC that a referral can be made to pupil appraisal services for an individual evaluation.

Senior Project—a project that provides high school seniors with an opportunity to conduct in-depth research in an area of interest, and to demonstrate problem-solving, decision-making, and independent learning skills. The project consists of a research paper, a portfolio of project activities, a product, and an oral presentation to a panel of teachers and community leaders. During this process, the student is advised by a teacher serving as a senior project advisor and a product mentor who has experience in the student's field of study.

Special Education—specially designed instruction, at no cost to the parent, to meet the unique needs of the student with an exceptionality.

Talented—children or youth who give evidence of measurable abilities of unique talent in visual and/or performing arts.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6; R.S. 17:7.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1316 (June 2005).

Weegie Peabody
Executive Director

0506#008

RULE

Board of Elementary and Secondary Education

Donation of Immovables (LAC 28:I.1303)

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, the Board of Elementary and Secondary Education has amended Chapter 13 (LAC 28:I). The revision of Title 28 of the *Louisiana Administrative Code* for a new policy regarding donation of immovables is recommended to align the *Louisiana Administrative Code* and Louisiana Department of Education policies with Board Special Schools and Special School District current practice, operation, and law. The revised policy language will overwrite previous policy contained in Section 1303.B.

Title 28 EDUCATION

Part I. Board of Elementary and Secondary Education Chapter 13. Board Special Schools and Special School District

§1303. Common Operational Matters

A. - A.4. ...

B. Donations of Immovables

1. Offers of unrestricted donations of immovables shall be evaluated by the Commissioner of Administration, who shall make a determination of whether or not it is in the best interest of the state to accept the donation.

2. Offers of restricted donations of immovables, not in contravention of the constitution or the law, may be accepted by the Board of Elementary and Secondary Education as deemed appropriate.

3. If property donated by a local school board ceases to be used by the state for any educational purposes whatsoever, then it will revert to the local school board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:4.1; R.S. 17:6; R.S. 17:7; R.S. 17:43; R.S. 17:1951.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 7:625 (December 1981), amended LR 16:297 (April 1990), LR 31:1319 (July 2005), LR 31:1319 (June 2005).

Weegie Peabody
Executive Director

0506#005

RULE

Board of Elementary and Secondary Education

Donation of Movables, Finance and Property (LAC 28:I.1303, 1705, and 1709)

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, the Board of Elementary and Secondary Education has amended Chapters 13 and 17 (LAC 28:I). The revision of Title 28 of the *Louisiana Administrative Code* to update language regarding donation of movables, finance and property is recommended to align the *Louisiana Administrative Code* and Louisiana Department of Education policies with Board Special Schools and Special School District current practice, operation, and law.

Title 28 EDUCATION

Part I. Board of Elementary and Secondary Education Chapter 13. Board Special Schools and Special School District

§1303. Common Operational Practices

A. Donations of Movables

1. Donations of movables and monies, that are made with the specification that the funds are not subject to deposit in the state treasury, and gifts to a Board Special School or to the Special School District appropriate to the students and/or programs may be accepted by the Board Special School Superintendents or the Special School District State Director. These donations are either restricted or unrestricted gifts which are managed in accordance with the following.

a. Restricted gifts are those donations of monies or movables designated for a specific purpose by the donor. Donations of monies or movables with a designated purpose are managed through the Board Special School or the Special School District State Director's office. Approval of acceptance of such gifts in consideration of the current needs of the students, various programs of the Board Special School and the Special School District, and the nature of the gift may be granted by the superintendent/state director.

b. Unrestricted gifts are those donations of movables or monies, that are made with the specification that the funds are not subject to deposit in the state treasury, donated for which no specific or restricted use or purpose is designated by the donor, i.e., for discretionary use by the donee.

i. Cash donations received without a designated purpose are managed through the Board Special School or the Special School District State Director's office. Upon notification/receipt of undesignated cash donations, the Board Special School and the Special School District State Director will consider the amount of the donation, the current needs of the students, various programs of the Board Special School and the Special School District and make a recommendation to the Board of Elementary and Secondary Education for use of the donations. Generally, priority consideration will be given to those needs for which no budgeted funds are available.

ii. Donations of material goods without a designated purpose will also be managed through the Board Special School or the Special School District State Director's office. Upon notification/receipt of undesignated material goods donations, the Board Special School superintendent, or the Special School District State Director, will consider the donation, current needs of the students, various programs of the Board Special Schools or the Special School District, the nature of the gift, and make a recommendation to the Board of Elementary and Secondary Education for use of the donations.

2. All gifts of monies are to be deposited in the appropriate account after approval of use by the Board of Elementary and Secondary Education.

3. All gifts of non-consumable movable property should be included on the appropriate Board Special School or the Special School District inventory in accordance with state property control procedures.

4. All gifts to a Board Special School and to the Special School District are to be officially acknowledged by each superintendent/state director, or designee, and a record of gifts is to be maintained by the Special School and the Special School District.

B. - B.3. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:4.1; R.S. 17:6; R.S. 17:7; R.S. 17:43; R.S. 17: 1951; Article VII, Section 3, of the Louisiana Constitution of 1974; R.S. 17:381.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 7:625 (December 1981), amended LR 16:297 (April 1990), LR 31:1319 (June 2005), LR 31:1319 (June 2005).

Chapter 17. Finance and Property

§1705. Property; Insurance

A. Property Management

1. Easements, Servitudes, and Rights of Way. All requests for easements, servitudes, and/or rights of way must be accompanied by the document to be executed at the time the request is submitted to the board for approval.

2. Options. Any option of the board on land on which the date of expiration has passed shall be canceled and any such matter shall be brought to the immediate attention of the board by the State Superintendent of Education.

3. Property Management. Property management in any entity under the board's jurisdiction shall be in compliance with all applicable state and federal property laws and regulations.

B. Insurance

1. Agencies under the jurisdiction of the board shall comply with all regulations issued by the Division of Administration, Office of Risk Management.

2. Institutions under the jurisdiction of the board are to notify the fire marshal's office immediately in the case of all explosions and also in the case of fire when arson or some other unusual circumstance is suspected.

3. Partial losses or damages to property will be attended to immediately by the institution authorities and the state superintendent working in concert with the manager of the Office of Risk Management. In the case of total losses the same personnel mentioned above shall arrive at remedial measures, draw up a list of property destroyed, and submit them to the board for review.

4. Each entity under the jurisdiction of the board is to maintain a complete inventory showing the amount and type of all moveable equipment owned by the institution in accordance with applicable state and federal laws and regulations regarding property management.

5. The Division of Administration is requested to consult with the state superintendent prior to making a settlement on insurance or replacing of damaged buildings under the jurisdiction of the board.

6. No board entity shall purchase buses without the authority of the board.

7. All board employees excluding those hired under the provisions of a professional services or consulting contract shall be placed under workmen's compensation coverage.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:4.1; R.S. 17:6; R.S. 17:7; R.S. 17:43; R.S. 17:1951; Article VII, Section 3, of the Louisiana Constitution of 1974.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 6:543 (September 1980), amended LR 8:406 (August 1982), LR 13:563 (October 1987), LR 16:297 (April 1990), LR 31:1320 (June 2005).

§1709. Budgets

A. - F. ...

G. Financial Relations with Students. Superintendents of BESE Special Schools and the Special School District State Director shall notify the Board of Elementary and Secondary Education and receive board approval for any fixed financial relations between the students and schools when these relationships affect the school's or institute's budget. The BESE Special School Superintendents report to the Special School District State Director, who reports to the State Superintendent of Education, who then notifies BESE and seeks BESE approval.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A); R.S. 17:7; R.S. 17:22.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 1:398 (September 1975), amended LR 1:541 (December 1975), LR 3:404 (October 1977), LR 14:789, 790 (November 1988), LR 16:297 (April 1990), LR 16:397 (May 1990), LR 20:646 (June 1994), LR 21:1329 (December 1995), LR 23:55 (January 1997), LR 24:296 (February 1998), LR 25:247 (February 1999), LR 31:1320 (June 2005).

Weegie Peabody
Executive Director

0506#006

RULE

Department of Environmental Quality Office of Environmental Assessment

Postponement of Permit Deadline for Oil and Gas Construction Activities (LAC 33:IX.2511)(WQ060ft)

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.2511 (Log #WQ060ft).

This Rule is identical to federal regulations found in 40 CFR 11560-11563, No. 45 (March 9, 2005), which are applicable in Louisiana. For more information regarding the federal requirement, contact the Regulation Development Section at (225) 219-3550 or Box 4314, Baton Rouge, LA 70821-4314. No fiscal or economic impact will result from the Rule; therefore, the Rule will be promulgated in accordance with R.S. 49:953(F)(3) and (4).

This Rule implements the Environmental Protection Agency (EPA) Rule to postpone until June 12, 2006, the requirement to obtain National Pollutant Discharge Elimination System (NPDES) storm water permit authorization for oil and gas construction activity that disturbs one to five acres of land. This second postponement promulgated by EPA for these activities is necessary in order to afford EPA additional time to complete consideration of issues raised by stakeholders about storm water runoff from these activities and of procedures for controlling storm water discharges as appropriate to mitigate impacts on water quality. Within six months, EPA intends to publish a notice of proposed rulemaking for addressing these discharges and to invite public comments.

The Department of Environmental Quality, Office of Environmental Services (successor to the former Office of Water Resources), became the NPDES permit issuing authority for the state of Louisiana on August 27, 1996. This Rule is necessary for the Louisiana Pollutant Discharge Elimination System (LPDES) program to be consistent with the EPA NPDES program. The department issued an Emergency Rule, effective March 10, 2005, to reflect the revised federal requirement until a final Rule can be promulgated. The basis and rationale for this Rule are to mirror the federal regulations.

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 2. The Louisiana Pollutant Discharge Elimination System (LPDES) Program

Chapter 25. Permit Application and Special LPDES Program Requirements

§2511. Storm Water Discharges

A. - E.7.c. ...

8. Any storm water discharge associated with small construction activity identified in Subparagraph B.15.a of

this Section, other than discharges associated with small construction activity at oil and gas exploration, production, process, and treatment operations or transmission facilities, requires permit authorization by March 10, 2003, unless designated for coverage before then. Discharges associated with small construction activity at such oil and gas sites require permit authorization by June 12, 2006.

E.9 - G.4.d. ...

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 21:945 (September 1995), amended LR 23:957 (August 1997), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2273 (October 2000), LR 26:2552 (November 2000), repromulgated LR 27:40 (January 2001), amended LR 28:467 (March 2002), LR 29:701 (May 2003), repromulgated LR 30:230 (February 2004), amended by the Office of Environmental Assessment, LR 31:1321 (June 2005).

Karen K. Gautreaux
Deputy Secretary

0506#012

RULE

Department of Environmental Quality Office of Environmental Assessment

Security-Sensitive Information (LAC 33:I.601, 603, 605, 607, and 609)(OS061)

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 adopted the Office of the Secretary regulations, LAC 33:I.601, 603, 605, 607, and 609 (Log #OS061).

This Rule adopts a new chapter in LAC 33, Part I. The new chapter defines security-sensitive information, states who is responsible for declaring the information to be security sensitive, outlines procedures for submitting security-sensitive information, and states how such information will be handled by the department. Act No. 636 of the 2004 Regular Session requires the department to restrict access to certain security-sensitive information so that it is not distributed via the Internet and to adopt rules and regulations necessary to fully describe the information to which access is restricted. The basis and rationale for this rule are to fulfill the requirements of R.S. 30:2030(D) and to protect certain security-sensitive information from dissemination via the Internet.

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 I. Office of the Secretary

Subpart 1. Departmental Administrative Procedures Chapter 6. Security-Sensitive Information

§601. Scope

A. Department of Environmental Quality records and information obtained under the Louisiana Environmental

Quality Act, or in accordance with any rule, regulation, order, license, registration, or permit term or condition adopted or issued thereunder, or by any investigation authorized thereby, shall be available to the public unless specifically excepted or exempted by law. In accordance with law, regulation, or general practice, records and information may be made accessible to the public in a variety of ways, including but not limited to in-person on department premises, at a public library or other public facility, via request in accordance with the Louisiana Public Records Act, at a public meeting, via public notice, or via the Internet. Certain security-sensitive information shall not be publicly distributed or disseminated via the Internet by the department.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2030(D).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Environmental Assessment, LR 31:1321 (June 2005).

§603. Definitions

Distribution or Dissemination via the Internet—to make known to the public generally by posting to a web, FTP, database, or application server configured for anonymous public access under the direct control of the department.

Security-Sensitive Information—as defined in R.S. 44:3.1, security procedures, criminal intelligence information pertaining to terrorist-related activity, or threat or vulnerability assessments created, collected, or obtained in the prevention of terrorist-related activity, including but not limited to physical security information, proprietary information, operational plans, and the analysis of such information, or internal security information.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2030(D).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Environmental Assessment, LR 31:1322 (June 2005).

§605. Responsibility of Provider of Records or Information

A. As the department does not generate security-sensitive information as defined in LAC 33:I.603, it shall be the responsibility of a provider of such information to identify it as security sensitive at the time of submitting it to the department.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2030(D).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Environmental Assessment, LR 31:1322 (June 2005).

§607. Procedure for Submitting Security-Sensitive Information

A. In the event that a submittal of records, documents, or information to the department contains security-sensitive information, these steps shall be followed in order to ensure that the information is marked for protection from Internet distribution or dissemination.

1. A cover sheet conspicuously labeled with the phrase "Contains Security-Sensitive Information" shall accompany the submittal. Each page or any item (e.g., any picture, map, videotape, computer disk, etc.) that contains allegedly security-sensitive information shall be clearly labeled. To the maximum extent possible, security-sensitive information shall be segregated and placed in a clearly labeled appendix to facilitate identification and handling.

2. A statement detailing the reasons for the required protection shall also accompany the submittal. It shall include all of the following:

a. the measures taken to guard against undesired disclosure of the information to others;

b. the extent to which the information has been disclosed to others and the precautions taken in connection therewith;

c. whether disclosure of the information would be likely to result in substantial harmful effects and, if so, what those harmful effects would be, why they should be viewed as substantial, and an explanation of the causal relationship between disclosure and such harmful effects;

d. the period of time for which protection from Internet distribution or dissemination is desired; and

e. a certification that all statements are true and correct to the best of the provider's knowledge.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2030(D).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Environmental Assessment, LR 31:1322 (June 2005).

§609. Dissemination of Existing Security-Sensitive Information; Notification to Department

A. In the event that the department distributes or disseminates any information via the Internet that was in its possession prior to the adoption of this regulation, and the provider of the information considers the information to be security sensitive, it is the responsibility of the provider to notify the department via letter to the Custodian of Records, Department of Environmental Quality, Box 4303, Baton Rouge, LA 70821-4303 or by fax to (225) 219-3175. Notification shall include all information required in LAC 33:I.607 and authentication that the person making the declaration is authorized to do so. Distribution or dissemination of the material via the Internet will be restricted within three business days of notification.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2030(D).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Environmental Assessment, LR 31:1322 (June 2005).

Wilbert F. Jordan, Jr.
Assistant Secretary

0506#021

RULE

Department of Environmental Quality Office of Environmental Assessment

Waste Tire Fees
(LAC 33:VII.10505, 10509, 10519,
10521, 10535, and 10537)(SW039)

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 Solid Waste regulations, LAC 33:VII.10505, 10509, 10519, 10521, 10535, and 10537 (Log #SW039).

The Rule allows the department to collect fees on the sale of all tires instead of just new tires. It adds new definitions,

including motor vehicle dealer, and exempts tires weighing over 500 pounds and/or solid tires from the definition of waste tire. A fee of \$1.25 will be collected on recapped or retreaded tires. The rule develops the standards and responsibilities of motor vehicle dealers in regards to the waste tire fee collection. This rule is a result of Act 846 of the 2004 Regular Session of the Louisiana legislature. The basis and rationale for this rule are to ensure proper processing, recycling, marketing, and disposal of waste tires generated in Louisiana.

The department has submitted a report to the Legislative Fiscal Office and the Joint Legislative Committee on the Budget demonstrating that the environmental and public health benefits outweigh the social and economic costs reasonably expected to result from this rule. This report is published in the Potpourri Section of the June 20, 2005, issue of the *Louisiana Register*. This Rule has no known impact on family formation, stability, and autonomy as described in R.S. 49:972.

Title 33
ENVIRONMENTAL QUALITY
Part VII. Solid Waste
Subpart 2. Recycling

Chapter 105. Waste Tires

§10505. Definitions

A. The following words, terms, and phrases, when used in conjunction with the Solid Waste Rules and Regulations, shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning.

* * *

Motor Vehicle Dealer—any person, business, or firm registered with the state of Louisiana that engages in the commercial sale of new motor vehicles.

* * *

Recapped or Retreaded Tire—any tire that has been reconditioned from a used tire and sold for use on a motor vehicle.

* * *

Sale of a Motor Vehicle—any sale and/or lease of a motor vehicle that would require registration, under the name of the consumer, with the Louisiana Office of Motor Vehicles.

* * *

Tire Dealer—any person, business, or firm that engages in the sale of tires, including recapped or retreaded tires, for use on motor vehicles.

* * *

Waste Tire—a whole tire that is no longer suitable for its original purpose because of wear, damage, or defect. *Waste tire* does not include a tire weighing over 500 pounds and/or a solid tire.

* * *

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2411-2422.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 18:37 (January 1992), amended LR 20:1001 (September 1994), LR 22:1213 (December 1996), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2773 (December 2000), LR 27:829 (June 2001), LR 27:2226 (December 2001), LR 28:1953 (September 2002), LR

29:2779 (December 2003), amended by the Office of Environmental Assessment, LR 31:1323 (June 2005).

§10509. Prohibitions and Mandatory Provisions

A. - G. ...

H. All persons who sell tires shall retain and make available for inspection, audit, copying, and examination, a record of all tire transactions in sufficient detail to be of value in determining the correct amount of fee due from such persons. The records retained shall include all sales invoices, purchase orders, inventory records, and shipping records pertaining to any and all sales and purchases of tires. This recordkeeping provision does not require anything more than what is already required by R.S. 47:309(A).

I. Each tire wholesaler shall maintain a record of all tire sales made to dealers in this state. This recordkeeping provision does not require anything more than what is already required by R.S. 47:309(A). These records shall contain and include the name and address of each tire purchaser and the number of tires sold to that purchaser.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2411-2422.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 18:38 (January 1992), amended LR 20:1001 (September 1994), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2774 (December 2000), amended by the Office of Environmental Assessment, LR 31:1323 (June 2005).

§10519. Standards and Responsibilities of Generators of Waste Tires

A. ...

B. Tire dealers must accept from the purchaser, at the time of purchase, one waste tire for every tire sold, unless the purchaser elects to retain the waste tire.

C. Each tire dealer doing business in the state of Louisiana shall be responsible for the collection of the \$2 waste tire fee upon the sale of each passenger/light truck tire, \$5 waste tire fee upon the sale of each medium truck tire, and \$10 waste tire fee upon the sale of each off-road tire. For recapped or retreaded tires, a waste tire fee of \$1.25 shall be collected upon the sale of each recapped or retreaded tire. *Tire dealer* includes any dealer selling tires in Louisiana.

D. - E.1. ...

2. "All Louisiana tire dealers are required to collect a waste tire cleanup and recycling fee of \$2 for each passenger/light truck tire, \$5 for each medium truck tire, and \$10 for each off-road tire, upon sale of each tire. These fees shall also be collected upon replacement of all recall and adjustment tires. Tire fee categories are defined in the Waste Tire Regulations. No fee shall be collected on tires weighing more than 500 pounds or solid tires. This fee must be collected whether or not the purchaser retains the waste tires. Tire dealers must accept from the purchaser, at the time of sale, one waste tire for every tire sold, unless the purchaser elects to retain the waste tire."

F. - J. ...

K. No generator shall allow the removal of waste tires from his place of business by anyone other than an authorized transporter, unless the generator generates 50 or less waste tires per month from the sale of 50 tires. In this case, the generator may transport his waste tires to an authorized collection or permitted processing facility provided LAC 33:VII.10523.C is satisfied.

L. A generator who ceases the sale of tires at the registered location shall notify the Office of Management and Finance, Financial Services Division, within 10 days of the date of the close or relocation of the business. This notice shall include information regarding the location and accessibility of the tire sale and monthly report records.

M. Generators of waste tires shall segregate the waste tires from any usable tires offered for sale.

N. - O. ...

P. All generators of waste tires (e.g., new tire dealers, used tire dealers, salvage yards, and recappers) shall maintain a complete record of purchase invoices, inventory records, and sales invoices for a period of no less than three years. These records shall be open for inspection and/or audit by the administrative authority at all reasonable hours.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2411-2422.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 18:40 (January 1992), amended LR 20:1001 (September 1994), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2777 (December 2000), LR 27:830 (June 2001), LR 27:2227 (December 2001), LR 28:1953 (September 2002), LR 29:1818 (September 2003), LR 29:2780 (December 2003), amended by the Office of Environmental Assessment, LR 31:1323 (June 2005).

§10521. Standards and Responsibilities of Motor Vehicle Dealers

A. All existing motor vehicle dealers shall notify the Office of Management and Finance, Financial Services Division, of their existence and obtain an identification number. Notification shall be on a form provided by the Office of Management and Finance, Financial Services Division. Any new motor vehicle dealer shall notify the Office of Management and Finance, Financial Services Division, within 30 days of commencement of business operations.

B. Motor vehicle dealers doing business in the state of Louisiana, who sell new vehicles, shall be responsible for the collection from the consumer of the \$2 waste tire fee for each tire upon the sale of each vehicle that has passenger/light truck tires, the \$5 waste tire fee for each tire upon the sale of each vehicle that has medium truck tires, and the \$10 waste tire fee for each tire upon the sale of each off-road vehicle. No fee is collected on the designated spare tire.

C. Motor vehicle dealers shall remit all waste tire fees collected as required by LAC 33:VII.10535.B and C to the department on a monthly basis on or before the twentieth day following the month during which the fees were collected. The fees shall be remitted to the Office of Management and Finance, Financial Services Division. Each such dealer shall also submit a Monthly Waste Tire Fee Report (Form WT02, available from the Office of Management and Finance, Financial Services Division) to the Office of Management and Finance, Financial Services Division, on or before the twentieth day of each month for the previous month's activity, including months in which no fees were collected. Each motor vehicle dealer is required to make a report and remit the fee imposed by this Section and shall keep and preserve records as may be necessary to readily determine the amount of fee due. Each such dealer shall maintain a complete record of the quantity of vehicles

sold, together with vehicle purchase and sales invoices, and inventory records, for a period of no less than three years. These records shall be made available for inspection by the administrative authority at all reasonable hours.

D. Motor vehicle dealers must provide notification to the public via a sign, made available by the Office of Management and Finance, Financial Services Division, indicating that:

"All Louisiana motor vehicle dealers selling new vehicles are required to collect a waste tire cleanup and recycling fee from the consumer of \$2 for each tire upon the sale of each vehicle that has passenger/light truck tires, \$5 for each tire upon the sale of each vehicle that has medium truck tires, and \$10 for each tire upon the sale of each off-road vehicle. These fees shall also be collected upon replacement of all recall and adjustment tires. No fee shall be collected on the designated spare tire."

E. The waste tire fee established by R.S. 30:2418 shall be listed on a separate line of the retail sales invoice or buyers order. No tax of any kind shall be applied to this fee.

F. A motor vehicle dealer who ceases the sale of motor vehicles at the registered location shall notify the Office of Management and Finance, Financial Services Division, within 10 days of the date of the close or relocation of the business. This notice shall include information regarding the location and accessibility of the motor vehicle sales and monthly report records.

G. Motor vehicle dealers, who generate waste tires, shall comply with the manifest requirements of LAC 33:VII.10533.

H. Motor vehicle dealers shall comply with LAC 33:VII.10519.H for all waste tires and waste tire material collected and/or stored.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2411-2422.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Environmental Assessment, LR 31:1324 (June 2005).

§10535. Fees and Fund Disbursement

A. - A.8. ...

B. Waste Tire Fee upon Promulgation of These Regulations. A waste tire fee is hereby imposed on each tire sold in Louisiana, to be collected from the purchaser by the tire dealer or motor vehicle dealer at the time of retail sale. The fee shall be \$2 for each passenger/light truck tire, \$5 for each medium truck tire, and \$10 for each off-road tire. No fee shall be collected on tires weighing more than 500 pounds or solid tires.

C. - D.10. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2411 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 20:1001 (September 1994), amended LR 22:1213 (December 1996), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2781 (December 2000), LR 27:832 (June 2001), LR 27:2228 (December 2001), amended by the Office of Environmental Assessment, LR 31:1324 (June 2005).

§10537. Enforcement

A. ...

B. Investigations and Audits: Purposes, Notice. Investigations shall be undertaken to determine whether a violation has occurred or is about to occur, the scope and nature of the violation, and the identity of the persons or parties involved. Upon written request, the results of an

investigation shall be given to any complainant who provided the information prompting the investigation and, if advisable, to any person under investigation, if the identity of such person is known. In any case where a person selling tires has failed to report and remit the waste tire fee to the administrative authority, and the person's records are inadequate to determine the proper amount of fee due, or in any case where a grossly incorrect report or a report that is false or fraudulent has been filed, the administrative authority shall have the right to estimate and assess the amount of the fee due, along with any interest accrued and penalties. The burden to demonstrate to the contrary shall rest upon the audited entity.

C. - E.2.c. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2411 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 20:1001 (September 1994), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2782 (December 2000), LR 28:1954 (September 2002), amended by the Office of Environmental Assessment, LR 31:1324 (June 2005).

Wilbert F. Jordan, Jr.
Assistant Secretary

0506#022

RULE

Office of the Governor Auctioneers Licensing Board

Licensing of Auction Businesses and Requirement of Bonds
(LAC 46:III.Chapters 1, 11, 12,
13, 15, 17, 23, 25, 27, and 29)

Under the authority of the Louisiana Auctioneers Licensing Law, R.S. 37:3103 et seq., and in accordance with the provisions of the Louisiana Administrative Procedure Act, R.S. 49:950 et seq., notice is hereby given that the Louisiana Auctioneers Licensing Board has amended and added LAC 46:III, Auctioneers Licensing, Chapters 1, 11, 12, 13, 15, 17, 23, 25, 27, and 29.

The amendments define and interpret to a more full and precise extent the licensing of auction businesses, and the requirement of bonds.

Title 46

PROFESSIONAL AND OCCUPATIONAL STANDARDS

Part III. Auctioneers

Chapter 1. Description of Organization

§105. Election and Term of Office

A. The chairman and vice-chairman shall hold office as board members so long as they hold their respective positions as elective officers of the board. Each appointed member shall serve at the pleasure of the governor for a term concurrent to the term of office of the governor appointing him except that each member shall serve until his successor has been appointed and begins serving. Each appointment by the governor shall be submitted to the Senate for confirmation. In the event of the death, resignation, or disability of a member of the board, the governor shall fill

the vacancy by appointing a qualified person for the remainder of the unexpired term.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3111 and R.S. 37:3112.

HISTORICAL NOTE: Promulgated by the Department of Commerce, Auctioneer Licensing Board, LR 11:335 (April 1985), amended by the Department of Economic Development, Auctioneers Licensing Board, LR 14:782 (November 1988), amended by the Office of the Governor, Auctioneers Licensing Board, LR 31:1325 (June 2005).

Chapter 11. License of Auctioneer

§1101. Qualifications for Applicant

A. The board shall base determination of satisfactory minimum qualifications for licensing as follows:

1. ...

2. be a citizen, or a legal resident of the United States;

A.3. - C. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3111 and R.S. 37:3113.

HISTORICAL NOTE: Promulgated by the Department of Commerce, Auctioneer Licensing Board, LR 11:336 (April 1985), amended by the Department of Economic Development, Auctioneers Licensing Board, LR 14:784 (November 1988), amended by the Office of the Governor, Auctioneers Licensing Board, LR 31:1325 (June 2005).

§1103. Licensing Procedure

A. - B.3. ...

4. voter's registration or other satisfactory proof of citizenship of this state or of other; in the alternative, a proof of resident alien status;

5. a good and sufficient surety bond executed by the applicant as principal and by a surety company qualified to do business in the state of Louisiana as surety in the amount of \$10,000;

6. cashier's check, money order or cash (no checks will be accepted) in the sum of \$300 for all fees covered in the initial licensing procedure;

7. oath of office as a Louisiana Auctioneer;

8. irrevocable consent (if applicable);

9. current letter of good standing from other state, if applicable;

10. educational background;

11. three references, including their business addresses, who attest to the applicant's reputation and adherence to ethical standards;

12. previous occupational experience as an auctioneer;

13. copies of all current auctioneers licenses, if any;

14. Louisiana sales tax number;

15. tax identification number.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3112 and R.S. 37:3113.

HISTORICAL NOTE: Promulgated by the Department of Commerce, Auctioneer Licensing Board, LR 11:337 (April 1985), amended by the Department of Economic Development, Auctioneers Licensing Board, LR 14:784 (November 1988), amended by the Office of the Governor, Auctioneers Licensing Board, LR 31:1325 (June 2005).

§1105. Availability of Applications and Apprentice License

A. Applications and all other pertinent forms are available at the Department of Economic Development, Louisiana Auctioneers Licensing Board, 8017 Jefferson Highway, Suite A-2, Baton Rouge, LA 70809, or will be mailed upon request of the person seeking to be licensed as an auctioneer or as an apprentice auctioneer.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3112 and R.S. 37:3113.

HISTORICAL NOTE: Promulgated by the Department of Commerce, Auctioneer Licensing Board, LR 11:337 (April 1985), amended by the Department of Economic Development, Auctioneers Licensing Board, LR 14:784 (November 1988), amended by the Office of the Governor, Auctioneers Licensing Board, LR 31:1325 (June 2005).

§1107. Change of Address

A. All licensees shall notify the board in writing of each change of address within 30 days of that change.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3112 and R.S. 37:3113.

HISTORICAL NOTE: Promulgated by the Department of Commerce, Auctioneer Licensing Board, LR 11:337 (April 1985), amended by the Department of Economic Development, Auctioneers Licensing Board, LR 14:784 (November 1988), amended by the Office of the Governor, Auctioneers Licensing Board, LR 31:1326 (June 2005).

§1109. Examination Procedure

A. - B. ...

C. The board shall give examinations for licensure at least six times per year.

D. - G. ...

H. Examinations for persons with disabilities will be provided without discrimination based upon current law and upon the individual's disability.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3112 and R.S. 37:3113.

HISTORICAL NOTE: Promulgated by the Department of Commerce, Auctioneer Licensing Board, LR 11:337 (April 1985), amended by the Department of Economic Development, Auctioneers Licensing Board, LR 14:784 (November 1988), amended by the Office of the Governor, Auctioneers Licensing Board, LR 31:1326 (June 2005).

§1113. Fees

A. - A.3. ...

4. initial license fee for an auctioneer—\$150;

5. annual renewal license fee for an auctioneer—\$150;

6. - 7. ...

8. delinquent renewal fee—\$75;

9. - 10. ...

11. initial license fee for an auction business—\$300;

12. annual license renewal fee for an auction business—\$300;

13. replacement fee of lost, destroyed or mutilated identification card—\$5.

B. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3116.

HISTORICAL NOTE: Promulgated by the Department of Commerce, Auctioneer Licensing Board, LR 11:337 (April 1985), amended by the Department of Economic Development, Auctioneers Licensing Board, LR 14:785 (November 1988), amended by the Office of the Governor, Auctioneers Licensing Board, LR 31:1326 (June 2005).

§1117. Qualification for Licensing Apprentice Auctioneers

A. - B.2. ...

3. a good and sufficient surety bond executed by the applicant as principal and by a surety company qualified to do business in the state of Louisiana as surety in the amount of \$10,000, which shall be delivered to the board at the time of the initial license application (see §1201);

4. - 6. ...

7. a form signed by the supervising Louisiana resident licensed auctioneer stating that the apprentice will be serving under him for the term of one year;

8. a copy of the rules and regulations signed by both the apprentice and the supervising auctioneer (see Subsection D).

C. - E. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3118.

HISTORICAL NOTE: Promulgated by the Department of Commerce, Auctioneer Licensing Board, LR 11:338 (April 1985), amended by the Department of Economic Development, Auctioneers Licensing Board, LR 14:786 (November 1988), amended by the Office of the Governor, Auctioneers Licensing Board, LR 31:1326 (June 2005).

§1119. Apprentice Auctioneer Licensing

A. - H. ...

1. a completed application for license as an auctioneer;

2. ...

3. posting of a \$10,000 surety bond, made payable to the Louisiana Auctioneers Licensing Board (see §1201);

4. - 5. ...

6. certified check, money order, or cash in the amount of \$300 (this includes the \$150 license fee, the \$75 application fee, and \$75 examination fee);

7. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3112.

HISTORICAL NOTE: Promulgated by the Department of Commerce, Auctioneer Licensing Board, LR 11:338 (April 1985), amended by the Department of Economic Development, Auctioneers Licensing Board, LR 14:786 (November 1988), amended by the Office of the Governor, Auctioneers Licensing Board, LR 31:1326 (June 2005).

§1121. Causes for Nonissuance, Suspension, Revocation or Restriction; Fine, Reinstatement

A. The board may refuse to issue or may suspend, revoke or impose probationary or other restrictions of any license issued under this statute and rules for any of the following causes:

1. - 10. ...

11. false, deceptive or misleading advertising;

12. failure to notify the board within 30 days, of any administrative action taken by another licensing authority, board or commission;

13. failure to comply with all local, city, parish/county, or state laws.

B. - D. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3121.

HISTORICAL NOTE: Promulgated by the Department of Commerce, Auctioneer Licensing Board, LR 11:338 (April 1985), amended by the Department of Economic Development, Auctioneers Licensing Board, LR 14:786 (November 1988), amended by the Office of the Governor, Auctioneers Licensing Board, LR 31:1326 (June 2005).

Chapter 12. Bonds; Funds

§1201. Bonds

A. Each applicant for licensure as a resident auctioneer, apprentice auctioneer, or auction business shall deliver to and deposit with the board at the time of application either the sum of \$10,000 in cash or a surety bond in the amount of \$10,000. Such bond shall:

1. be executed by the applicant as principal and by a surety company qualified to do business in the state as a surety;
2. be in a form approved by the board;
3. be conditioned upon compliance by the applicant with the conditions of any written auctioneer's contract made by such applicant in connection with a sale or auction in which he is a party;
4. be conditioned upon the assurance that the applicant shall not violate any provision of this Chapter or state law in the conduct of the business for which he is licensed;
5. be made payable to the board for the use, benefit, and indemnity of any person who suffers any loss as a result of a violation of this Chapter and for the proper disposition of all funds, taxes and registration fees;
6. be for the period of licensure.

B. The bond shall be maintained throughout the period of licensure. If the bond is canceled for any reason, the license shall be revoked as of the date of cancellation unless a new bond is furnished prior to that date.

C. A new bond or proper continuation certificate shall be delivered to the board at the beginning of each period of licensure. However, the aggregate liability of the surety in any one year shall not exceed the sum of the bond.

D. A licensed resident auctioneer shall not be required to deposit with the board an additional cash amount or an additional surety bond upon application for licensure as an auction business.

E. The board may promulgate rules to require a cash deposit or surety bond not to exceed \$10,000 as a condition of reinstatement of a license revoked, canceled, suspended, or otherwise restricted pursuant to R.S. 37:3121.

F. The board may promulgate rules to require a cash deposit or surety bond not to exceed \$10,000 of a nonresident auctioneer either licensed in or conducting an auction in Louisiana under the reciprocity provisions of R.S. 37:3117 if a bond is required of a Louisiana auctioneer for licensure or the conduct of an auction in the licensing jurisdiction of such nonresident auctioneer.

G. An auction business which is owned by a nonresident auctioneer shall, prior to being licensed by the board, post a surety bond in the amount which shall be the greater or either:

1. \$10,000;
2. the amount of the bond required of an auction business owned by an auctioneer licensed in Louisiana in the licensing jurisdiction of such nonresident auctioneer.

H. Such bond shall name the board as beneficiary.

1. In the case of a cash deposit, the auctioneer or auction business making the cash deposit shall deposit funds in a recognized state depository with the account or certificate pledged to the Louisiana Auctioneer Licensing Board under the same requirements as a surety bond. The funds shall be maintained in this depository for a period of one calendar year past the expiration date of the license.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3112.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Auctioneers Licensing Board, LR 31:1326 (June 2005).

§1203. Auctioneer Recovery Fund

A. Funds remaining in the auctioneers recovery fund shall be deposited into the general fund of the Louisiana Auctioneer Licensing Board with the following provisions.

1. A percentage of the funds shall be designated for a specified number of years to cover those incidents, which occurred while the fund was in existence. All civil judicial proceedings must be exhausted prior to filing a claim against the funds.

- a. Only those claims, which are filed within one year of the termination of the fund, will be considered to be filed in a timely manner against the fund.

2. A percentage of the funds shall be designated by the board for educational and administrative use, to cover the cost of continuing education for Louisiana residential auctioneers.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3112.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Auctioneer Licensing Board, LR 31:1327 (June 2005).

Chapter 13. Cease and Desist; Injunctions

§1301. Cease and Desist; Injunctions

A. - C. ...

D. Those who hold auction licenses who are found in violation of the statutes or regulations shall be responsible for reasonable attorney fees.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3122.

HISTORICAL NOTE: Promulgated by the Department of Commerce, Auctioneer Licensing Board, LR 11:338 (April 1985), amended by the Department of Economic Development, Auctioneers Licensing Board, LR 14:787 (November 1988), amended by the Office of the Governor, Auctioneers Licensing Board, LR 31:1327 (June 2005).

Chapter 15. Violations and Penalties

§1501. Violations and Penalties

A. - B. ...

C. Any person who fails to comply with any order issued by the board or its designee.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3123.

HISTORICAL NOTE: Promulgated by the Department of Commerce, Auctioneer Licensing Board, LR 11:338 (April 1985), amended by the Department of Economic Development, Auctioneers Licensing Board, LR 14:787 (November 1988), amended by the Office of the Governor, Auctioneers Licensing Board, LR 31:1327 (June 2005).

Chapter 17. Responsibilities of Licensed Auctioneers

§1703. Conduct in Professional Manner

A. A licensee shall conduct his professional activities in a professional manner that will reflect credit upon him, the auction profession and auctioneers.

B. - B.3. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3112.

HISTORICAL NOTE: Promulgated by the Department of Commerce, Auctioneer Licensing Board, LR 11:338 (April 1985), amended by the Department of Economic Development, Auctioneers Licensing Board, LR 14:787 (November 1988), amended by the Office of the Governor, Auctioneers Licensing Board, LR 31:1327 (June 2005).

§1705. Record Keeping

A. All licensees, including all individual auctioneers and auction businesses, must retain the following records of each sale conducted by that licensee or conducted by an apprentice auctioneer for which that licensee is responsible, for at least three years after the sale:

1. clerk sheets;
2. consignor sheets;
3. records showing deposits and disbursements from the escrow account;
4. consignor contracts;
5. settlement sheets;
6. receipts to buyers;
7. any document showing lot numbers, item numbers, amounts of sale and commission amounts for each sale;
8. sales tax licenses;
9. occupational licenses;
10. any other license which the auctioneer is required to have to operate his business.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3112.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Auctioneers Licensing Board, LR 31:1328 (June 2005).

Chapter 23. Transfer of Boards, Commissions, Departments and Agencies to the Department of Commerce

§2301. Transferred as Provided in R.S. 36:803

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3120.

HISTORICAL NOTE: Promulgated by the Department of Commerce, Auctioneer Licensing Board, LR 11:339 (April 1985), repealed by the Office of the Governor, Auctioneers Licensing Board, LR 31:1328 (June 2005).

Chapter 25. Auctioneer Business

§2501. Licensing of Auctioneer Business

A. - D. ...

E. Application Information. Each applicant shall submit the following information on the designated application form:

1. the name of each owner of the entity and the length of time each such person has been an owner;
2. each business address of the entity;
3. each auctioneer licensed by the date of application who has been employed by the business for more than one auction in the previous calendar year;
4. the nature of the business and the product to be sold;
5. two references who shall be auctioneers currently licensed in this state in good standing with the board;
6. tax identification number;
7. Louisiana sales tax number;
8. all related business entities or individuals, such as co-owners, holding companies, sister companies, etc.;
9. a good and sufficient surety bond executed by the applicant as principal and by a surety company qualified to do business in the state of Louisiana as surety in the amount of \$10,000.

F. If, in the opinion of the board, the applicant provided inadequate information to allow the board to ascertain whether the applicant satisfies the qualifications for

licensing, the applicant shall be required to provide additional information for purposes of the application or may be required to present himself for an interview for this purpose.

G. - M. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3119.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Louisiana Auctioneers Licensing Board, LR 20:1367 (December 1994), amended by the Office of the Governor, Auctioneers Licensing Board, LR 31:1328 (June 2005).

Chapter 27. Continuing Education

§2701. Continuing Education

A. In an effort to improve the quality of the service provided by auctioneers in the state of Louisiana, the board has determined that continuing education shall be required of all auctioneers. As provided for in R.S. 37:3115.1, each auctioneer licensed in the state of Louisiana shall be required to have obtained six hours of continuing education, related to the business of auctioneering, in order to be eligible for renewal, and shall obtain six hours each year thereafter to maintain eligibility for renewal. Under the regulation, each credit hour shall consist of no less than 50 minutes of lecture or instruction time.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3112.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Auctioneers Licensing Board, LR 31:1328 (June 2005).

§2703. Providers

A. In order to be considered a provider of continuing education, the provider must satisfy one of the following criteria:

1. be a recognized school of auctioneering approved by the board;
2. be a state regulatory board or commission;
3. be a recognized national or state association;
4. be a certified instructor in a field related to auctioneering;
5. be a recognized expert in a field related to auctioneering either through accreditation or years of experience;
6. be a licensed professional in their field.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3112.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Auctioneers Licensing Board, LR 31:1328 (June 2005).

§2705. Application Process and Provider Responsibilities

A. Effective (the date these rules become effective), the provider of any continuing education program shall apply to the board for approval of such program by supplying the board with the following information:

1. the name, address, and phone number of the provider seeking approval;
2. a listing of courses offered that pertain to the business of auctioneering;
3. an outline and brief description of each course to be approved including the number of credits for each course;
4. a list of instructors and their credentials;
5. the location and dates, if available, for courses to be approved.

B. Each approved provider shall submit, within 30 days of course completion, a list of all licensees completing the course. This list shall contain the following information:

1. the full name of the licensee;
2. the Louisiana auctioneer's license number;
3. the name of the course taken;
4. the provider course number;
5. the location of the course;
6. the number of credit hours;
7. the date the course was taken;
8. the name of the instructor for that course.

C. The provider shall be required to assure complete attendance of courses prior to issuing credit, through a system of signed attendance sheets showing each licensee' name and license number and the times of each attendee' presence at the course. No course credit shall be given to any attendee who fails to attend the full session. Certificates of attendance, if utilized, shall be issued at the end of the course.

D. Each credit hour shall consist of 50 minutes of instruction or lecture time.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3112.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Auctioneers Licensing Board, LR 31:1328 (June 2005).

§2707. Revocation of Provider Status

A. The board shall have the authority to suspend or revoke approval of any provider who fails to adhere to the rules set forth in this Chapter, or who knowingly falsifies or aids anyone in falsifying records pertaining to course credits received.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3112.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Auctioneers Licensing Board, LR 31:1329 (June 2005).

§2709. Auctioneer Responsibilities

A. It shall be the responsibility of the auctioneer to obtain six credit hours of continuing education each year, prior to the license renewal date, in order to maintain eligibility to renew a license. Each licensee shall be required to do the following:

1. attend and complete board approved continuing education seminars, totaling six hours, in courses approved by this board;
2. complete the required six hours of coursework prior to the renewal period of the upcoming year;
3. supply the provider of continuing education, their full name and Louisiana license number, on the providers form in order to receive credit for the course.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3112.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Auctioneers Licensing Board, LR 31:1329 (June 2005).

§2711. Continuing Education for Auction Businesses

A. An owner, officer, director or office manager of each business licensed in the state of Louisiana as an auction business, bearing an AB prefix on the license number, shall be required to take six credit hours of continuing education courses related to the business of auctioneering in order for the business license to be renewed each year.

B. Louisiana resident individual auctioneers exempt from the requirements of holding a separate auction business

license are required to take only the continuing education required of individual auctioneers, as stated herein.

C. Any individual licensed auctioneer who is also an owner, officer, director or office manager of a licensed auction business may credit any continuing education taken toward this requirement.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3112.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Auctioneers Licensing Board, LR 31:1329 (June 2005).

Chapter 29. Miscellaneous

§2901. Costs for Letters of Good Standing and Rosters of Licensees

A. The board may charge any individual, board or other party requesting a letter of good standing for an individual auctioneer or an Auction Business the sum of \$25 as cost for research, preparation, postage and copies necessary for the preparation of that letter.

B. The board may charge any individual, board or other party the sum of \$25 for the preparation and mailing of a roster of licensees or for preparation of electronic media or labels containing that information.

C. The board may charge any individual, board or other party the sum of \$10 plus the cost of labels to prepare mailing labels. Any such request must be approved by the board chairman before preparing.

D. Should any reciprocal auctioneer licensing board request any of the above, or any other document, that board shall be charged what it charges the Louisiana Auctioneers Licensing Board for the same document.

E. Any auctioneer or auction business licensed under any reciprocity agreement with a reciprocal state will be charged for any of the items listed in this Section the same amount as that charged to Louisiana individual and/or business licensees by the reciprocal state.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3112.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Auctioneers Licensing Board, LR 31:1329 (June 2005).

Sherri Wilks
Executive Assistant

0506#015

RULE

Office of the Governor Board of Certified Public Accountants

Uniform CPA Examination Fees (LAC 46:XIX.319 and 709)

In accordance with the applicable provisions of the Administrative Procedure Act, R.S. 49:950 et seq. and of the Louisiana Accountancy Act, R.S. 37:74(J) and 75(D)(4), the Board of Certified Public Accountants has amended LAC 46:XIX.319 and 709 to remove and delete references to the CPA examination application fees. The action was necessary because candidates pay all examination fees to the third parties, who prepare and deliver the AICPA Uniform Certified Public Accountant Examination. These fees are not revenue to the board. No preamble has been prepared with respect to the revised rules, which appear below.

**Title 46
PROFESSIONAL AND OCCUPATIONAL
STANDARDS**

Part XIX. Certified Public Accountants

Chapter 3. Operating Procedures

§319. Assessment of Application, Annual and Other Fees

A. Certification, firm permit application, renewal, and other fees shall be assessed by the board in amounts not to exceed the following.

Application Fees	
Original or reciprocal certification application	\$100
Reinstatement of certificate application	\$100
Firm permit application	\$100
Annual Fees	
* * *	

B. - C. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:71 et seq.

HISTORICAL NOTE: Adopted by the Department of Commerce, Board of Certified Public Accountants, January 1974, promulgated and amended LR 6:8 (January 1980), amended LR 9:209 (April 1983), LR 11:758 (August 1985), LR 13:13 (January 1987), LR 15:619 (August 1989), amended by the Department of Economic Development, Board of Certified Public Accountants, LR 17:1070 (November 1991), LR 23:1124 (September 1997), LR 26:1968 (September 2000), amended by the Office of the Governor, Board of Certified Public Accountants, LR 28:1013 (May 2002), LR 31:1330 (June 2005).

Chapter 7. Qualifications; Application for CPA Examination

§709. Fees

A. Each application for certification or firm permit shall be accompanied by a fee set by the board. Should such application be rejected, the fee less any service charge shall be refunded. Additional information on fees is included in Chapter 3.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:71 et seq.

HISTORICAL NOTE: Adopted by the Department of Commerce, Board of Certified Public Accountants, January 1974, promulgated LR 6:8 (January 1980), amended by the Department of Economic Development, Board of Certified Public Accountants, LR 17:1068 (November 1991), LR 26:1972 (September 2000), amended by the Office of the Governor, Board of Certified Public Accountants, LR 28:1013 (May 2002), LR 31:1330 (June 2005).

Michael A. Henderson
Executive Director

0506#009

RULE

**Office of the Governor
Crime Victims Reparations Board**

Award Limits (LAC 22:XIII.503)

In accordance with the provisions of R.S. 46:1801 et seq., the Crime Victims Reparations Act, and R.S. 49:950 et seq., the Administrative Procedure Act, the Crime Victims Reparations Board has amended its rules and regulations to

the awarding of compensation to applicants. There will be no impact on family earnings and family budget as set forth in R.S. 49:972.

Title 22

CORRECTIONS, CRIMINAL JUSTICE AND LAW ENFORCEMENT

Part XIII. Crime Victims Reparations Board

Chapter 5. Awards

§503. Limits on Awards

A. - B.3. ...

C. Funeral Expenses

1. The board will reimburse up to a maximum of \$4,500 to cover reasonable expenses actually incurred for the funeral, burial or cremation (effective June 20, 2005).

2. Death and/or burial insurance taken out specifically for the purpose of burial must pay first. The amount of life insurance proceeds paid is no longer considered as a collateral source for funeral expenses.

D. - M.2. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:1801 et seq.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Crime Victims Reparations Board, LR 20:539 (May 1994), amended LR 22:710 (August 1996), LR 24:328 (February 1998), LR 25:26 (January 1999), LR 26:1019 (May 2000), LR 29:577 (April 2003), LR 31:1330 (June 2005).

Lamarr Davis
Chairman

0506#042

RULE

**Office of the Governor
Office of Elderly Affairs**

Family Caregiver Support Program
(LAC 4:VII.1101, 1105, 1237, 1245, and 1275)

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, the Governor's Office of Elderly Affairs (GOEA) has repealed LAC 4:VII.1105, 1237, and 1275. These Sections have been repealed to agree with changes in legislation or are requirements in either state or federal regulations

This Rule also amends §1101, Office of Elderly Affairs, to repeal selected text, and §1245, Family Caregiver Support Program, to clarify service definitions and support services. The significant change is in the minimum number of hours of respite care. This change is a result as a recommendation from the Governor's Office of Elderly Affairs Task Force.

Title 4

ADMINISTRATION

Part VII. Governor's Office

Chapter 11. Elderly Affairs

Subchapter A. State Agency on Aging

§1101. Office of Elderly Affairs

A. - A.2.j. ...

3. GOEA serves as the focal point for the development and administration of public policy regarding Louisiana's elderly citizens. GOEA is the sole state agency designated by the governor and the legislature to develop and administer the state plan on aging. GOEA also

administers several statewide programs including the Adult Protective Services Program for the Elderly and the Long Term Care Ombudsman Program.

- B. - B.1.j. ...
- k. Repealed.
- l. Repealed.
- m. - q. ...
- 2. - 2.f. Repealed.

C. - D.8.b.xvii. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:931 to R.S. 46:935, R.S. 14:403.2, OAA Sections 203, 305, 307 and 731, and 45 CFR 1321.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Office of Elderly Affairs, LR 10:464 (June 1984), amended LR 11:1078 (November 1985), LR 25:2199 (November 1999), LR 1016 (May 2002), LR 31:1330 (June 2005).

§1105. State Plan on Aging

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:931, R.S. 49:432, OAA Section 203(b), OAA Section 307, OAA Section 731, and 45 CFR 1321.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Office of Elderly Affairs, LR 10:464 (June 1984), amended LR 11:1078 (November 1985), LR 25:2205 (November 1999), LR 28:1016 (May 2002), repealed LR 31:1331 (June 2005).

Subchapter E. Uniform Service Requirements

§1237. Long-Term Care Assistance Program

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2802(D).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Office of Elderly Affairs, LR 18:1257 (November 1992), amended LR 19:627 (May 1993), LR 24:1765 (September 1998), LR 25:871 (May 1999), repealed LR 31:1331 (June 2005).

§1245. Family Caregiver Support Program

A. ...

B. Definitions

Chore—various maintenance activities inside and around the outside of the home such as lawn cutting, yard clean-ups, replacing fuses, light bulbs, electric plugs, frayed cords, door locks, installing screens and storm windows, weather stripping around doors, replacing broken windowpanes, or replacing light bulbs.

Home Repair/Modification—minor modification of homes necessary to facilitate the ability of older individuals to remain at home, and not available to the client from other programs. Not more than \$150 per client may be expended under this part for such modification. Services include installing grab bars in the bathroom or building a ramp.

In-Home Respite—temporary care provided in the home of the qualifying individual in order to provide a brief period of relief or rest for the caregiver.

Individual Care Support—enables caregivers to choose a family member to provide temporary personal support, care, and companionship in the home of the qualifying individual on a temporary basis.

Mobile Day Care—provided in communities where the staff and supplies move from a central location to sites throughout the area depending on available sites. Priority areas should target low-income rural elders.

Outreach—one-on-one contacts initiated by the area agency on aging or contracted agency for the purpose of identifying potential clients or their caregivers and encouraging use of existing services and benefits.

C. Support Services

1. Funds allocated under this program for services provided by an area agency on aging, or entity that such agency has contracted with, shall be expended in five basic categories listed below. All appropriate state licensing requirements must be met.

a. *Information*—about available services. Examples include, but are not limited to public information, community education, information and referral, and outreach services.

b. *Assistance*—gaining access to the services. Examples include, but are not limited to information and assistance, case management, transportation, and assisted transportation.

c. *Counseling/Support Programs/Groups and Caregiver Training*—to caregivers to assist in making decisions and solving problems relating to their care giving roles. Examples include, but are not limited to individual counseling, support groups, or caregiver training.

d. *Respite Care*—to enable caregivers to be temporarily relieved from their care-giving responsibilities. Examples include, but are not limited to adult day care/adult day health, mobile day care, group respite, in-home respite, and institutional respite. Temporary means not more than 120 hours per calendar year per qualifying individual. The area agency on aging may request an exception to this rule, in writing, at the beginning of each fiscal year based upon need.

e. *Supplemental Services*—on a limited basis, to complement the care provided by caregivers. Examples include, but are not limited to chore, homemaker, home repair/modification, personal care service, sitter service, material aid, or any other services approved by GOEA.

2. - 3. ...

4. The area agency on aging may use not more than 20 percent of the funds allocated under this program to provide supplemental services. An area agency on aging may request from GOEA, at the beginning of each fiscal year, to allocate up to an additional 10 percent of the funds under this program. The request must demonstrate need. An area agency on aging, or entity that such agency has contracted with, may use other funds to provide additional supplemental services.

5. ...

6. Caregivers, served by the NFCSP, may contract with other family members, not identified as clients in the NFCSP, to provide services such as individual care support, as outlined in procedures developed by the GOEA.

7. Area agencies on aging may provide vouchers to caregivers to obtain services and support to care for their loved ones as outlined in procedures developed by the GOEA. Families choose which services will meet their needs and receive vouchers to pay for those services and support. Caregivers may be able to select from an array of services and supplies, such as respite, day care, personal support aides, pharmacy supplies, adult diapers, chore

services, home repair/modifications, individual care support, prescription medications, and transportation.

D. - E. ...

F. Coordination with Service Providers. Each area agency on aging shall coordinate the activities of the agency, or entity that such agency has contracted with, or with the Senior Companion Program located in the planning and service area, with activities of other community agencies and voluntary organizations providing the types of services described in §1245.C.

G. - G3. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:931 to R.S. 46:935, Sections 371, 372, 373, and 374 of the Older Americans Act of 1965, as Amended in 2000, (P. L. 106-501); and 42 U.S.C. 6001.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Office of Elderly Affairs, LR 27:1518 (September 2001), amended LR 31:1331 (June 2005).

Subchapter F. Hearing Procedures

§1275. Hearing Procedures for Persons Filing Appeals in the Long Term Care Assistance Program

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2802(D).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Office of Elderly Affairs, LR 18:1257 (November 1992), amended LR 26:81 (January 2000), repealed LR 31:1332 (June 2005).

Godfrey White
Executive Director

0506#043

RULE

Office of the Governor Real Estate Appraisers Board

Real Estate Appraisers
(LAC 46: LXVII.Chapters 101-105)

Under the authority of the Louisiana Real Estate Appraisers Law, R.S. 37:3391 et seq., and in accordance with the provisions of the Louisiana Administrative Procedure Act, R.S. 49:950, et seq., the Louisiana Real Estate Appraisers Board has amended LAC 46:LXVII.Real Estate.Subpart 2.Appraisers, so as to coincide with the amended provisions of the Louisiana Real Estate Appraisers Law (R.S. 37:3391 et seq.).

Title 46

PROFESSIONAL AND OCCUPATIONAL STANDARDS

Part LXVII. Real Estate Subpart 2. Appraisers

Chapter 101. Authority

§10101. Adoption

A. The rules and regulations of the Louisiana Real Estate Appraisers Board contained herein have been adopted pursuant to and in compliance with R.S. 37:3391 et seq. and any violation of these rules or regulations shall be sufficient cause for any disciplinary action permitted by law.

B. The terms *license* and *certificate* as used throughout the Louisiana Real Estate Appraisers Law and Appraiser Board Rules and Regulations are synonymous.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3395.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Real Estate Appraisers Board of Certification, LR 25:1425 (August 1999), amended by the Office of the Governor, Real Estate Appraisers Board, LR 31:1332 (June 2005).

Chapter 103. License Requirements

§10301. Applications

A. Applications for examination must be submitted on forms prescribed by the board and must be notarized and accompanied by the prescribed fees specified in R.S. 37:3407.

B. An examination authorization will be issued by the board on receipt of a properly completed application.

C. When an applicant has made a false statement of material fact on an initial or renewal application for a license, or in any document submitted in connection with the application process, such false statement may in itself be grounds for refusal of a license.

D. The responsibility for timely submission of the renewal application and payment of the required fees rests solely with the applicant.

E. A nonresident real property appraiser licensed in another state, commonwealth, or territory shall register with the board to qualify to appraise real property in this state, provided that:

1. the licensing program in the state, commonwealth, or territory under which the appraiser holds a license has not been disapproved by the Appraisal Subcommittee;

2. the appraiser's business in this state is of a temporary nature; and

3. the appraiser submits a completed application form prescribed by the board, including an irrevocable consent to service of process in this state.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3395.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Real Estate Appraisers Board of Certification, LR 25:1425 (August 1999), amended by the Office of the Governor, Real Estate Appraisers Board, LR 31:1332 (June 2005).

§10303. Examination

A. Applicants for a certified residential or certified general real property appraiser license must pass the appropriate examination issued or endorsed by the Appraiser Qualifications Board (AQB).

B. Any applicant who fails to pass the initial examination may reapply to take a subsequent examination, provided a new examination processing fee is submitted within 90 days of the last test date and a new examination authorization is obtained. After 90 days the applicant's file shall be closed and remittance of all prescribed fees and a new application shall be required. The board, at its discretion, may extend the 90 day retake period upon showing that factors beyond the control of the applicant warrants such an extension.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3395.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Real Estate Appraisers Board of Certification, LR 25:1425 (August 1999), amended by the Office of the Governor, Real Estate Appraisers Board, LR 31:1332 (June 2005).

§10305. Fees

A. Except as otherwise provided in the rules and regulations of the board, all fees submitted to the board are nonrefundable.

B. The application fee for a license shall cover a period of two calendar years and shall not be prorated.

C. The initial education provider fee shall cover a period of one calendar year and shall not be prorated.

D. Payment of any fee with a check that is returned by a financial institution, wherein the reason for not paying the check is not the fault of the financial institution, shall be grounds for the cancellation of the transaction for which the fee was submitted and/or the suspension or revocation of a license or certificate.

E. Persons issuing checks that are returned by financial institutions will be notified of the return of the check by certified mail to the address registered with the board. Within 10 days from the mailing of the notification, the person issuing the check shall remit a certified check, cashier's check or money order payable to the Louisiana Real Estate Appraisers Board in the amount of the returned check plus a \$25 processing fee.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3395.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Real Estate Appraisers Board of Certification, LR 25:1425 (August 1999), amended by the Office of the Governor, Real Estate Appraisers Board, LR 31:1333 (June 2005).

§10307. Education Requirements

A. The board shall prescribe and define the subjects related to real property appraisal that will satisfy the requirements for qualifying and continuing education.

B. The board shall consider for credit, on an individual basis, course work completed by applicants through non-approved providers. The applicant shall apply for approval by submitting documentation of attendance, hours completed, date of attendance, course outline or content information and, if applicable, verification of successful completion of an examination.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3395.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Real Estate Appraisers Board of Certification, LR 25:1425 (August 1999), amended by the Office of the Governor, Real Estate Appraisers Board, LR 31:1333 (June 2005).

§10308. Appraiser Trainees

A. An appraiser trainee shall not remain licensed in this category in excess of six years. If a trainee is unable to satisfy the qualifications for licensure as a certified residential or certified general real property appraiser at the end of the six-year period, the trainee must reapply as an appraiser trainee to continue performing real property appraisals.

B. An appraiser trainee shall not sign and issue an appraisal report that does not also include the supervising appraiser's signature.

C. The scope of work for the appraiser trainee shall be limited to the appraisal of those properties that the supervising appraiser is licensed to appraise.

D. A trainee shall not perform any appraisals under the supervision of a licensed appraiser who is not in good standing with the board.

E. Effective January 1, 2006, all appraiser trainees shall complete the hours needed to satisfy the qualifying education requirement for a certified residential or certified general license prior to taking any other seminars or classes for continuing education credit.

F. Any individual licensed with the board as a certified residential or certified general real property appraiser may engage a licensed appraiser trainee to assist in the performance of real estate appraisals, provided the certified appraiser meets the following criteria:

1. has been licensed and in good standing with the board for at least two full years;

2. has no more than three trainees working under his/her supervision at any one time, either as employees or subcontractors;

3. agrees to actively and personally supervise the licensed appraiser trainee's work product, as specified below, subject to the guidelines and requirements of the Uniform Standards of Professional Appraisal Practice, and be responsible for the trainee's conduct.

a. Active and personal supervision implies that the supervisor will not sign or endorse an appraisal report that was not substantially produced by the appraiser trainee. The term *substantial* means that the trainee contributed materially and in a verifiable manner to the research and/or analysis that led to the final opinion of value expressed in the appraisal.

4. The supervising appraiser shall accompany the licensed appraiser trainee on inspections of the subject property for a minimum of the first 50 appraisals performed by the trainee. The trainee may then perform property inspections without the presence of the supervising appraiser provided that the supervising appraiser feels the appraiser trainee is competent to do so.

5. The supervising appraiser shall make available to the trainee a copy of every appraisal report wherein the trainee has provided substantial professional assistance in the preparation of the report as defined above.

6. The supervising appraiser shall sign every appraisal report prepared by the trainee who acts under the supervising appraiser's active and personal supervision.

7. The supervising appraiser shall immediately notify the board in writing of any termination of supervision of a licensed appraiser trainee.

8. The supervising appraiser shall keep copies of appraisal reports prepared by the trainee for a period of five years, or two years after the final disposition of any judicial proceeding in which testimony is given, whichever period expires last.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3395.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Real Estate Appraisers Board, LR 31:1333 (June 2005).

§10309. Application for Experience Credit

A. Applicants for a certified residential or certified general real property appraiser license shall satisfy the education and testing requirements prior to submission of the application for experience credit.

B. Applicants for a certified residential or certified general real property appraiser license shall list their appraisal experience on the application provided by the board. Computer generated forms will be accepted, provided

that all necessary data is submitted in a format similar to that published by the board.

C. In accordance with R.S. 1950, Title 37, Chapter 51, Louisiana Real Estate Appraisers Law, the board shall have the authority to request and review copies of any appraisal reports listed in the application for experience credit.

D. Only those real property appraisals consistent with the Uniform Standards of Professional Appraisal Practice will be accepted by the board for experience credit.

E. The board may require an applicant to successfully complete additional educational training consisting of not less than 15 or more than 30 instructional hours of course work approved by the board. Such hours shall not later be used to satisfy the continuing education requirement.

F. Appraisals performed for an owner or instructor of a school approved by the board to offer qualifying education course work shall not be accepted for experience credit if performed by the applicant within one year from the date he or she completed the course work.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3395.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Real Estate Appraisers Board of Certification, LR 25:1426 (August 1999), amended by the Office of the Governor, Real Estate Appraisers Board, LR 31:1333 (June 2005).

§10311. Residential Experience Requirements

A. A minimum of 250 credit points (2,500 hours), performed over a period of at least 24 months, is required for licensure as a certified residential real property appraiser. The maximum allowable credit that can be applied toward the experience requirement in a 12-month period is 125 points; however, there is no minimum point requirement. For example:

2004 140 points = 1.00 experience year
 2003 120 points = 0.96 experience year
 2002 100 points = 0.80 experience year
 360 points = 2.76 experience years

1. When an appraisal report is signed by more than one person, credit for said assignment must be divided equally among all signatories. For the purpose of granting credit, a person signing in the capacity of a review or supervisory appraiser is not considered as a co-signer on the report, provided that his or her role as such is clearly indicated in the report.

2. If the applicant was unable to sign the report but is mentioned in the certification as having provided significant professional assistance, a proportional amount of credit based on the number of contributors to the report can be requested. Credit will not be granted if professional assistance was not disclosed.

B. Only appraisals of single-family, one to four unit residential property, vacant sites suitable for single-family, or farm/timber acreage which included the valuation of a single-family dwelling shall be considered for residential experience.

C. At least 125 experience credit points must come from complete appraisals reported in self contained or summary reports.

D. Residential experience credit points shall be awarded as follows.

1. one unit dwelling (house, townhouse, condominium)	1 point
2. two to four unit dwelling (apartment, duplex, condominium)	2 points
3. residential lot (1 2- 4 family) (not to exceed five points per subdivision)	1/2 point
4. residential subdivision sites (not to exceed five points per subdivision)	1/2 point
5. farm or timber acreage suitable for a house site-less than 10 acres	1 point
farm or timber acreage suitable for a house site-10 to 100 acres	2 points
farm or timber acreage suitable for a house site-over 100 acres	3 points
6. rural residence-one unit primary dwelling-10 acres or less	1 point
7. ranchette-part time rural use-10 to 25 acres-with main dwelling and outbuildings, such as additional residence, barns, and/or other outbuildings	3 points
8. all other unusual structures or acreage-larger or more complex than typical properties described herein - points to be determined by Board upon submission	1/2 - 5 points
9. review of appraisals shall be worth 20% of the points awarded for the appraisal (not to exceed 20 points per year)	

E. Applications for experience credit must be notarized and accompanied by the prescribed fees specified in R.S. 37:3407.

F. Verification of experience may include any or all of the following:

1. client verification of appraisal reports for which the applicant has requested experience credit;
2. submission of selected reports to the board upon request to determine compliance with Uniform Standards of Professional Appraisal Practice (USPAP);
3. field inspection of all reports identified by the applicant at the applicant's office during normal business hours;
4. requiring the applicant to personally appear before the board, or provide additional information deemed necessary by the board to make an informed decision on the application for licensure.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3395.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Real Estate Appraisers Board of Certification, LR 25:1426 (August 1999), amended by the Office of the Governor, Real Estate Appraisers Board of Certification, LR 29:126 (February 2003), amended by the Office of the Governor, Real Estate Appraisers Board, LR 31:1334 (June 2005).

§10313. General Experience Requirements

A. A minimum of 300 credit points (3,000 hours), performed over a period of at least 36 months, is required for as a certified general real property appraiser. The maximum allowable credit that can be applied toward the experience requirement in a 12-month period is 100 points; however, there is no minimum point requirement. For example:

2004 103 points = 1.00 experience year
 2003 145 points = 1.00 experience year
 2002 53 points = 0.53 experience year
 2001 60 points = 0.60 experience year
 361 points = 3.13 experience years

1. When an appraisal report is signed by more than one person, credit for said assignment must be divided equally among all signatories. For the purpose of granting

credit, a person signing in the capacity of a review or supervisory appraiser is not considered as a co-signer on the report, provided that his or her role as such is clearly indicated in the report.

2. If the applicant for experience credit was unable to sign the report but is mentioned in the certification as having provided significant professional assistance, a proportional amount of credit based on the number of contributors to the report can be requested. Credit will not be granted if professional assistance was not disclosed.

B. A maximum of 100 residential experience credit points may be applied toward the total points required for a certified general real property appraiser license.

C. At least 150 experience credit points must come from complete appraisals reported in self contained or summary appraisal reports. These reports must include a direct sales approach, cost data approach, and income data approach.

D. General experience credit points shall be awarded as follows.

1. apartments (5 - 20 units)	4 points
apartments (21 - 100 units)	8 points
apartments (over 100 units)	10 points
2. hotels/motels (50 or fewer units)	6 points
hotels/motels (51-150 units)	8 points
hotels/motels (over 150 units)	10 points
3. meeting/conference/auditorium (20,000 square feet or less)	4 points
meeting/conference/auditorium (over 20,000 square feet)	6 points
4. industrial/warehouse buildings (20,000 square feet or less)	4 points
industrial/warehouse buildings (over 20,000 square feet)	8 points
industrial warehouse buildings (multiple tenant over 100,000 square feet)	10 points
5. office buildings (10,000 square feet)	4 points
office buildings (over 10,000 square feet)	8 points
office buildings (multiple tenant over 100,000 square feet)	10 points
6. condominiums (must include income approach) (5 - 30 units)	6 points
condominiums (must include income approach) (over 30 units)	10 points
7. retail buildings (10,000 square feet or less)	6 points
retail buildings (single or multiple tenant over 10,000 square feet)	8 points
retail buildings (single or multiple tenant over 50,000 square feet)	10 points
8. non-residential acreage for commercial or multi-family use (100 acres or less)	3 points
over 100 acres (direct sales analysis only)	6 points
over 100 acres (including income approach)	8 points
9. timber/farm acreage for commercial or multi-family use (100 - 200 acres)	3 points
over 200 acres (direct sales analysis only)	6 points
over 200 acres (including income approach to value)	8 points
10. all other unusual structures that are much larger or more complex than the typical properties described in items (1) - (9)	Submit to Board
11. pasture or grazing enterprises (25 - 50 acres)	1 point
pasture or grazing enterprises (51 - 100 acres)	2 points
pasture or grazing enterprises (101 - 500 acres)	3 points
pasture or grazing enterprises (501 - 2,000 acres)	6 points
pasture or grazing enterprises (over 2,000 acres)	8 points
12. row crop enterprises (25 - 50 acres)	2 points
row crop enterprises (51 - 100 acres)	3 points
row crop enterprises (101 - 500 acres)	4 points
row crop enterprises (501 - 2,000 acres)	6 points
row crop enterprises (over 2,000 acres)	10 points

13. orchard/vineyard, plant nursery enterprises (50 acres or less)	2 points
orchard/vineyard, plant nursery enterprises (51 - 100 acres)	4 points
orchard/vineyard, plant nursery enterprises (101 - 500 acres)	8 points
orchard/vineyard, plant nursery enterprises (over 500 acres)	10 points
14. aquaculture enterprises (50 acres or less)	2 points
aquaculture enterprises (51 - 100 acres)	4 points
aquaculture enterprises (101 - 500)	8 points
aquaculture enterprises (over 500 acres)	10 points
15. truck farm enterprises (50 acres or less)	2 points
truck farm enterprises (51 - 100 acres)	4 points
truck farm enterprises (101 - 500 acres)	6 points
truck farm enterprises (over 500 acres)	8 points
16. dairy enterprises (50 or less cow milking herd)	4 points
dairy enterprises (51 - 100 cow milking herd)	6 points
dairy enterprises (over 100 cow milking herd)	8 points
17. diversified agricultural operations of over 500 acres involving two or more of the above enterprises, assuming multiple disciplines are exhibited in the report	10 points
18. timberland appraisals (40 - 100 acres)	2 points
timberland appraisals (100 - 500 acres)	3 points
timberland appraisals (500 - 2,000 acres)	5 points
timberland appraisals (2,000 - 10,000 acres)	7 points
timberland appraisals (over 10,000 acres) (submit to Board for determination)	
19. specialized agricultural properties (submit to Board for determination)	
20. No more than 40% of the cumulative points may be earned from any one category (1-19). Applicants may request a waiver of this requirement based on unique depth of experience in a single area.	
21. Review of appraisals shall be worth 20% of the points awarded for the appraisal (Cannot exceed 20 points per year).	

E. Verification of experience may include any or all of the following:

1. client verification of appraisal reports for which the applicant has requested experience credit;
2. submission of selected reports to the board upon request to determine compliance with Uniform Standards of Professional Appraisal Practice (USPAP);
3. field inspection of all reports identified by the applicant at the applicant's office during normal business hours;
4. requiring the applicant to personally appear before the board, or provide additional information deemed necessary by the board to make an informed decision on the application for licensure.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3395.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Real Estate Appraisers Board of Certification, LR 25:1427 (August 1999), amended by the Office of the Governor, Real Estate Appraisers Board of Certification, LR 29:126 (February 2003), amended by the Office of the Governor, Real Estate Appraisers Board, LR 31:1334 (June 2005).

§10315. Appraisal Review Requirements

A. In reviewing an appraisal, the appraiser must observe the following guidelines:

1. identify the report being reviewed, the real estate and real property interest being appraised, the effective date of the opinion in the report being reviewed, and the date of the review;
2. identify the scope of the review process to be conducted;

3. form an opinion as to the adequacy and relevance of the data and the propriety of any adjustments to the data;

4. form an opinion as to the appropriateness of the appraisal methods and techniques used to develop the reasons for any disagreements;

5. form an opinion as to the correctness and appropriateness of the analyses, opinions, and/or conclusions in the report being reviewed, and develop the reasons for any disagreements;

6. state in the letter of transmittal whether or not exterior or interior building inspections were made and, if so, when and by whom;

7. the review must be in writing.

B. In reporting the results of an appraisal review, the appraiser must:

1. disclose the nature, extent, and detail of the review process undertaken;

2. disclose the information that must be considered in §10315.A.1 and 2;

3. set forth the opinions, reasons, and conclusions required in §10315.3, 4, and 5;

4. include a signed certification.

C. No more than 20 experience credit points in a 12-month period shall be awarded for review of appraisals.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3395.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Real Estate Appraisers Board of Certification, LR 25:1428 (August 1999), amended by the Office of the Governor, Real Estate Appraisers Board, LR 31:1335 (June 2005).

Chapter 104. Education Providers/Course Approval

§10401. Approval of Education Providers

A. Upon approval by the board, education providers shall be approved for a period of one year, expiring annually on December 31.

B. The occurrence of any of the following events shall constitute grounds for refusal to grant approval as an education provider:

1. the applicant has been convicted of a forgery, embezzlement, obtaining money under false pretenses, larceny, extortion, conspiracy to defraud, or theft, or has been convicted of a felony or a crime involving moral turpitude in any court of competent jurisdiction;

2. the applicant has made a false statement of material fact on the application;

3. the applicant refuses to agree to monitoring of courses by the board or its duly authorized representatives.

C. Certificates issued to education providers will be issued in the legal name of the applicant.

D. Education providers shall:

1. submit monthly schedules and attendance reports to the board as required;

2. ensure that course offerings satisfy all requirements mandated by the board;

3. maintain the attendance records of each student for a period of five years following the date the student completed a course offered by the provider;

4. provide each student with a written cost and refund policy regarding the course offering;

5. ensure that all advertisements published or distributed include the name of the provider as registered with the board;

6. report any change in business address or telephone number to the board in writing within 10 days of the date of the change.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3395.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Real Estate Appraisers Board of Certification, LR 25:1429 (August 1999), amended by the Office of the Governor, Real Estate Appraisers Board, LR 31:1336 (June 2005).

§10403. Approval of Qualifying/Continuing Education Courses

A. Education providers must apply directly to the board for qualifying and continuing education course approval. Application forms will be provided by the board. Information to be submitted for each course offering shall include:

1. course content;

2. program structuring;

3. course completion standards;

4. instructor qualifications;

5. minimum number of classroom hours;

6. textbook and course materials;

7. any additional information as requested by the board.

B. Any request for additional course approval from an approved education provider must be approved by the board at least 30 days prior to the course presentation.

C. All approved courses will be valid through December 31 following the initial approval date. The board may extend such approval for the next renewal period if course materials remain current or are updated as changes in the law or rules require.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3395.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Real Estate Appraisers Board of Certification, LR 25:1429 (August 1999), amended by the Office of the Governor, Real Estate Appraisers Board, LR 31:1336 (June 2005).

§10405. Course Requirements

A. The board may require approved providers to follow model curriculum guidelines to assure comprehensive coverage of appraisal topics which meet the educational requirements for trainee, certified residential, and certified general real property appraiser licenses.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3395.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Real Estate Appraisers Board of Certification, LR 25:1429 (August 1999), amended by the Office of the Governor, Real Estate Appraisers Board, LR 31:1336 (June 2005).

§10407. Qualifying Education

A. A class hour is defined as 60 minutes, of which at least 50 minutes are instruction attended by the student. The prescribed number of class hours includes time for examinations.

B. Courses taken to satisfy the qualifying education requirement will only be granted where the minimum length of the course is at least 15 instructional hours and successful completion of a final examination pertinent to that educational offering is required.

C. Experience may not be substituted for education.

D. Distance education is defined as any education process based on the geographical separation of student and instructor. A distance education course is acceptable to meet class hour requirements if:

1. the course provides a reciprocal environment where the student has an appropriate level of verbal or written communication with the instructor and/or other students; and

2. one of the following requirements is met:

a. the course must be presented by an accredited college, community or junior college (Commission on Colleges, regional or national accreditation association), or university that offers distance education programs; or

b. the course must have received approval from the International Distance Education Certification Center (IDECC) for the course design and delivery method, and either:

i. the approval of the Appraiser Qualifications Board through the AQB Course Approval Program; or

ii. the approval of content, delivery and examinations by the licensing jurisdiction.

E. Courses taken to satisfy the qualifying education requirement must not be repetitive. USPAP courses taken in different years are not considered repetitive. Courses shall foster problem-solving skills in the education process by utilizing case studies as a major teaching method when applicable.

F. Applicants must take the *15-Hour National USPAP Course*, or its equivalent, and pass the associated *15-Hour National USPAP Course Examination*. The course instructor must be an AQB Certified USPAP Instructor who is also a state certified real property appraiser. Course equivalency shall be determined through the AQB Course Approval Program or by an alternate method established by the AQB. USPAP education presented in a distance education format must be designed to foster appropriate student-to-student, student to instructor, and student to material interaction.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3395.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Real Estate Appraisers Board of Certification, LR 25:1429 (August 1999), amended by the Office of the Governor, Real Estate Appraisers Board, LR 31:1336 (June 2005).

§10409. Continuing Education

A. The purpose of continuing education is to ensure that appraisers participate in a program that maintains and increases their skill, knowledge, and competency in real property appraising.

B. Credit towards the continuing education hour requirements for each appraiser classification may be granted only where the length of the educational offering is at least 2 hours.

C. Credit may be granted for education offerings that are consistent with the purpose of continuing education and cover those real estate appraisal topics, including, but not limited to:

1. ad valorem taxation;
2. arbitration, dispute resolution;
3. courses related to the practice of real estate appraisal or consulting;
4. development cost estimating;

5. ethics and standards of professional practice, USPAP;

6. land use planning, zoning;

7. management, leasing, brokerage, and timesharing;

8. property development, partial interests;

9. real estate appraisal;

10. real estate financing and investment;

11. real estate law, easements, and legal interests;

12. real estate litigation, damages, condemnation;

13. real estate appraisal related computer applications;

14. real estate appraisal securities and syndication;

15. real property appraisal specialization;

16. Louisiana Real Estate Appraisers Law and rules and regulations of the Louisiana Real Estate Appraisers Board.

D. Up to one half of an individual's continuing education requirement may also be granted for participation, other than as a student, in appraisal educational processes and programs. Examples of activities for which credit may be granted are teaching, program development, authorship of textbooks, or similar activities that are determined to be equivalent to obtaining continuing education. Credit for instructing any given course or seminar can only be awarded once during a continuing education cycle.

E. Educational offerings taken by an individual in order to fulfill the class hour requirement for a different classification than his/her current classification may be simultaneously counted towards the continuing education requirement for his/her current classification.

F. In addition to the requirements described in §10407.D., distance education courses intended for use as continuing education must include at least one of the following:

1. a written examination proctored by an official approved by the college or university, or by the sponsoring organization; or

2. the student successfully completes prescribed course mechanisms required to demonstrate knowledge of the subject matter.

G. Real estate appraisal related field trips may be acceptable for credit toward the continuing education requirements; however, transit time to or from the field trip should not be included when awarding credit unless instruction occurs during said transit time.

H. Appraisers must successfully complete the *7-Hour National USPAP Update Course*, or its equivalent every two calendar years. Equivalency shall be determined through the AQB Course Approval Program or by an alternate method established by the AQB.

I. The equivalent of 15 class hours of instruction in courses or seminars for each year during the period preceding the renewal is required. For example, a two-year continuing education cycle would require 30 hours. The class hour requirement may be fulfilled at any time during the cycle.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3395.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Real Estate Appraisers Board of Certification, LR 25:1430 (August 1999), amended by the Office of the Governor, Real Estate Appraisers Board, LR 31:1337 (June 2005).

§10411. Instructor Qualifications

A. Instructors for qualifying education courses must satisfy at least one of the following qualification requirements:

1. a baccalaureate degree in any field and three years of experience directly related to the subject matter to be taught;
2. a masters degree in any field and one year of experience directly related to the subject matter to be taught;
3. a masters or higher degree in a field that is directly related to the subject matter to be taught;
4. five years of real estate appraisal teaching experience directly related to the subject matter to be taught; or
5. seven years of real estate appraisal experience directly related to the subject matter to be taught.

B. Instructors for continuing education courses must satisfy at least one of the following qualification requirements:

1. three years of experience directly related to the subject matter to be taught;
2. a baccalaureate or higher degree in a field directly related to the subject matter to be taught;
3. three years of experience teaching the subject matter to be taught; or
4. a combination of education and experience equivalent to any of the above.

C. Instructors of the 15-Hour National USPAP Course and 7-Hour National USPAP Update Course must be certified by the Appraiser Qualifications Board (AQB).

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3395.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Real Estate Appraisal Board of Certification, LR 25:1430 (August 1999), amended by the Office of the Governor, Real Estate Appraisers Board, LR 31:1338 (June 2005).

§10415. Americans with Disabilities Act (ADA)

Compliance

A. For purposes of meeting the requirements of the Americans With Disabilities Act (ADA), the board may permit an alternative method of course delivery other than the regular method of presentation. Verification of the disability of the individual requiring completion of the course work through an alternative delivery method may be required by the board prior to granting such a request.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3395.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Real Estate Appraisal Board of Certification, LR 25:1431 (August 1999), amended by the Office of the Governor, Real Estate Appraisers Board, LR 31:1338 (June 2005).

Chapter 105. Investigations and Adjudicatory Proceedings

§10501. Investigations

A. The board may, upon its own motion, and shall, upon the verified complaint in writing of any person, investigate the actions of a licensee or certificate holder, or any person who assumes to act as such. Written complaints shall bear the signature of the complainant or that of his legal representative before any action will be taken thereon by the board.

B. Upon documented probable cause, the executive director of the board may issue written authorization to investigate apparent violations of the Louisiana Real Estate Appraisers Law and/or the rules and regulations of the board.

C. Investigations shall be conducted by the staff of the Louisiana Real Estate Appraisers Board and/or the Louisiana Real Estate Commission.

D. If, during the course of an investigation, documented probable cause is established indicating that violations of the Louisiana Real Estate Appraisers Law and/or the rules and regulations of the board have been committed by any licensee or certificate holder other than the licensee or certificate holder against whom the original complaint was made, the additional licensee or certificate holder(s) may be added as respondent(s) to the investigation in the absence of any written complaint alleging such violations.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3395.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Real Estate Appraisal Board of Certification, LR 25:1431 (August 1999), amended by the Office of the Governor, Real Estate Appraisers Board, LR 31:1338 (June 2005).

§10503. Technical assistance

A. In any investigation conducted by the staff of the Commission, the chairman The executive director of the board may be requested to assign may request a member of the board to provide technical assistance to the investigator conducting the from a member of the board in any investigation.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3395.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Real Estate Appraisal Board of Certification, LR 25:1431 (August 1999), amended by the Office of the Governor, Real Estate Appraisers Board, LR 31:1338 (June 2005).

§10505. Cooperation

A. Every licensee or certificate holder shall cooperate fully with and answer all questions propounded by the staff member(s) conducting an investigation.

B. Every licensee or certificate holder shall produce any document, book, or record in his/her possession, or under his/her control, concerning any matter under investigation.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3395.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Real Estate Appraisal Board of Certification, LR 25:1432 (August 1999), amended by the Office of the Governor, Real Estate Appraisers Board, LR 31:1338 (June 2005).

§10507. Adjudicatory Proceedings

A. As the result of an investigation, when it appears that violations of the Louisiana Real Estate Appraisers Law and/or rules and regulations of the board may have been committed by a licensee or certificate holder, the violations may be adjudicated through informal or formal adjudicatory proceedings.

1. Informal Adjudicatory Proceedings

a. The complaint may be concluded informally without a public hearing on the recommendation of the hearing examiner and the concurrence of the executive director.

b. An informal hearing may be conducted only when there is an admission by the respondent that the violation(s) were committed as alleged.

c. A preliminary notice of adjudication shall be issued to advise the respondent of the violation(s) alleged and to advise the respondent that the matter can be resolved informally should the respondent desire to admit to committing the act(s) specified and submits a written request that the matter be resolved informally.

d. A hearing officer shall be appointed by the executive director to conduct an informal hearing with the respondent.

e. The informal hearing shall be attended by the hearing examiner and, if necessary, the case investigator, or in the absence of the case investigator, a designated representative. The hearing examiner shall inform the hearing officer of the administrative, jurisdictional, and other matters relevant to the proceedings.

f. Following an admission by the respondent that the violations were committed as alleged, the hearing officer may enter into a recommended stipulations and consent order to include the imposition of any sanctions authorized by the Louisiana Real Estate Appraisers Law.

g. No evidence will be presented, no witnesses will be called and no formal transcript of the proceedings will be prepared by the board.

h. In the written document the respondent must stipulate to having committed the act(s) in violation of the Louisiana Real Estate Appraisers Law or the rules and regulations of the board, accept the sanctions recommended by the hearing officer, and waive any rights to request a rehearing, reopening, or reconsideration by the board, and the right to judicial appeal of the consent order.

i. At the informal hearing, the respondent shall admit to having committed the act(s) specified, accept the sanctions recommended by the hearing officer, and waive the specified appellate rights, or the alleged violations shall be referred to a formal adjudicatory hearing.

j. If the respondent does execute a stipulation and consent order, the executive director shall submit the document to the board at the next regular meeting for approval and for authorization to allow the executive director to execute the consent order in the name of the board.

k. Any consent order executed as a result of an informal hearing shall be effective on the date approved by the board.

2. Formal Adjudicatory Proceedings

a. All formal public adjudicatory hearings shall be conducted under the auspices of R.S. 37:3409 and Chapter 13, Title 49 of the Louisiana Revised Statutes.

b. Board members who have provided technical assistance in any matter adjudicated at a formal adjudicatory proceeding shall recuse themselves and not participate in any portion of the proceedings.

c. The order issued by the board pursuant to any formal public adjudicatory proceeding shall become effective on the eleventh day following the date the order is issued by the board and entered into the record at the proceedings.

d. If a request for rehearing, reopening, or reconsideration of the order of the board is timely filed and denied by the board, the order shall become final on mailing of the notice of the board's final decision on the request.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3395.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Real Estate Appraisal Board of Certification, LR 25:1432 (August 1999), amended by the Office of the Governor, Real Estate Appraisers Board, LR 31:1338 (June 2005).

§10509. Appellate Proceedings

A. Rehearings

1. An order of the board shall be subject to rehearing, reopening or reconsideration by the board on receipt of a written request from a respondent. An application for rehearing, reopening or reconsideration must be postmarked or received at the office of the board within ten days from the date of entry of the order rendered by the board.

2. The date of entry is the date the order is issued by the board and entered into the record at the formal adjudicatory proceedings.

3. The request shall be reviewed by the board attorney for compliance with the Administrative Procedure Act. A finding by the board attorney that the request does not establish grounds for rehearing, reopening or reconsideration shall result in a denial of the request.

B. Judicial Review

1. Proceedings for judicial review of an order issued by the board may be instituted by filing a Petition for Judicial Review in the Nineteenth Judicial District Court in the Parish of East Baton Rouge.

2. In the event a request for rehearing, reopening or reconsideration has been filed with the board, the party making the request shall have thirty days from the final decision on the request within which to file a Petition for Judicial Review.

3. If a request for rehearing, reopening or reconsideration is not filed with the board, the Petition for Judicial Review must be filed in the Nineteenth Judicial District Court within thirty days after the mailing of the order of the board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3395.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Real Estate Appraisers Board, LR 31:1339 (June 2005).

§10511. Costs of Adjudicatory Proceedings

A. On a finding that a respondent has committed the violation(s) as alleged in any formal or informal adjudicatory proceeding, the respondent may be assessed the administrative costs of the proceeding as determined by the board. Payment of these costs shall be a condition of satisfying any order issued by the board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3395.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Real Estate Appraisers Board, LR 31:1339 (June 2005).

§10513. Stay of Enforcement

A. The filing of a petition for judicial review does not itself stay enforcement of an order issued by the board. A stay of enforcement will be granted only when directed by the court conducting a judicial review of adjudication.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3395.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Real Estate Appraisers Board, LR 31:1339 (June 2005).

Julius C. Willie
Executive Director

0506#023

RULE

Department of Health and Hospitals Board of Nursing

Licensure as Advanced Practice Registered Nurse (LAC 46:XLVII.4507)

In accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the Board of Nursing (Board) pursuant to the authority vested in the board by R.S. 37:918, R.S. 37:920 adopts Rules amending the Professional and Occupational Standards pertaining to Licensure as Advanced Practice Registered Nurse. The amendments of the Rules are set forth below.

Title 46

PROFESSIONAL AND OCCUPATIONAL STANDARDS

Part XLVII. Nurses

Subpart 2. Registered Nurses

Chapter 45. Advanced Practice Registered Nurses

§4507. Licensure as Advanced Practice Registered Nurse

A. Initial Licensure

1. After January 1, 1996, the applicant shall meet the following requirements:

a. holds a current, unencumbered, unrestricted and valid registered nurse license in Louisiana and there are no grounds for disciplinary proceedings, as stated in R.S. 37:921;

b. completion of a minimum of a master's degree with a concentration in the respective advanced practice nursing specialty and/or functional role or completion of a post master's concentration in the respective advanced practice nursing specialty and/or functional role from an accredited college or university that meets the curriculum guidelines established by the board. Exception to the master's degree will be granted to those applicants who provide documentation as requested by the board that, prior to December 31, 1995, the applicant completed or was continuously enrolled in a formalized post-basic education program preparing for the advanced practice nursing specialty and/or functional role as approved by the board prior to December 31, 1995 as follows:

i. a program of studies offered through an institution of higher education which qualifies the graduate to take a certification examination in the advanced practice specialty and/or functional role; or

ii. a program of studies accepted by a nationally recognized certifying body which is recognized by the Louisiana State Board of Nursing; or

iii. a program which is individually recognized by the Board of Nursing based on established criteria; as stated in LAC 46:XLVII.4509;

c. submission of a completed application on a form furnished by the board;

d. submission of evidence of current certification in the respective advanced practice nursing specialty and/or functional role by a nationally recognized certifying body approved by the board. When specialty and/or functional role certification is not available, in addition to meeting the above requirements, the individual will be required to meet the commensurate requirements specified below in Paragraph 2;

e. submission of a non-refundable fee as specified in LAC 46:XLVII.3341;

f. after initial licensure, applicants seeking licensure for advanced practice in an additional specialty/role shall meet the requirements stated in LAC 46:XLVII.4507.A.1.a-d.

2. Commensurate requirements when certification is not available:

a. holds the minimum of a master's degree with a concentration in the respective advanced practice nursing specialty and/or functional role from a regionally accredited college or university or a program otherwise approved by the board and has practiced with a APRN temporary permit for a minimum of six months to a maximum of 24 months; and

b. have provided a minimum of 800 hours of patient care under the direction of an approved preceptor within the past 24 months; up to 400 of these may be earned through clinical practicum in a masters program; and

c. submit an affidavit for waiver of Certification Examination on a form provided by the board.

3. An APRN license shall be issued with an expiration date that coincides with the applicant's RN license.

B. Temporary Permit: Initial Applicants

1. An APRN applicant who possesses a current RN license or a valid RN temporary permit, may be granted a temporary permit which allows the applicant to practice under guidance of a licensed APRN, physician, dentist or approved preceptor within the practice specialty and/or functional role of the applicant, except as provided for in R.S. 37:930.A.3:

a. in the process of applying for initial licensure under LAC 46:XLVII.4507.A; and

b. has been accepted as a first-time candidate for the national professional certification examination; or

c. in the process of meeting the practice eligibility requirements for the national professional certification examination for the advanced nursing practice specialty and/or functional role as recognized by the board; or

d. in the process of meeting the practice requirements for licensure by commensurate requirements; or

e. is awaiting certification results based upon initial application; and

f. there are no grounds for disciplinary proceedings as stated in R.S. 37:921.

2. A nurse practicing under the temporary permit shall use the title advanced practice registered nurse applicant or APRN applicant.

3. Upon receipt of initial certification examination results:

a. the temporary permit shall expire;

b. applicant shall submit or cause to be submitted, a copy of the results to the board;

c. unsuccessful candidates shall:

i. cease to practice as an APRN applicant (does not prohibit practice as a registered nurse);

ii. return the temporary permit to the board;

iii. notify the employer of the results.

4. Upon completion of the commensurate requirements or at the end of two years, the temporary permit shall expire.

5. An advanced practice registered nurse seeking licensure in either an additional advanced practice nursing category or area of specialization, may seek a temporary permit as stated in LAC 46:XLVII.4507.B and D.

6. The APRN temporary permit may be extended until receipt of initial certification results.

C. Licensure by Endorsement. The board may issue a license by endorsement if the applicant has practiced under the laws of another state and if, in the opinion of the board, the applicant meets the requirements for licensure as an APRN in this jurisdiction.

1. If the applicant is applying from another jurisdiction that licenses the category of APRN for which the applicant is seeking licensure, the applicant shall submit:

a. a completed application on a form furnished by the board;

b. the required nonrefundable fee as set forth in LAC 46:XLVII.3341;

c. verification of current RN licensure in this jurisdiction or documentation that the applicant has applied for licensure as a RN and meets the requirements of this jurisdiction, and there are no grounds for disciplinary proceeding as stated in R.S. 37:921;

d. verification of licensure status directly from the jurisdiction of original licensure in the advanced practice category;

e. verification of current unencumbered license in the advanced practice category directly from the jurisdiction of current or most recent employment as an APRN;

f. verification of educational requirements as stated in LAC 46:XLVII.4507.A.1.b;

g. verification of current national certification in the respective specialty and/or functional role area as recognized by the board; or meets commensurate requirements as specified in LAC 46:XLVII.4507.A.2;

h. documentation of meeting the requirements in LAC 46:XLVII.4515.

2. If the applicant is applying from a jurisdiction that does not license the APRN category for which the applicant is seeking licensure, the applicant shall submit LAC 46:XLVII.4507.C.1.a, b, c, f, g, and h as stated above, plus:

a. information regarding the applicant's qualifications for advanced practice directly from the board in the state where the applicant first practiced in the APRN category;

b. information regarding the applicant's qualifications for advanced practice directly from the board in the state where the applicant was last employed in the APRN category.

3. If the applicant is applying from a jurisdiction that does not verify advanced practice or does not meet the

endorsement requirements, the applicant shall qualify by meeting the requirements for initial APRN licensure, LAC 46:XLVII.4507.A and B.

D. Temporary Permit: Endorsement Applicants

1. A nurse seeking APRN licensure by endorsement, and has been issued a RN temporary permit, may be issued a temporary permit to practice as an APRN for a maximum of 90 days if the applicant submits:

a. a completed APRN application on a form furnished by the board;

b. the required nonrefundable fee as set forth in LAC 46:XLVII.3341;

c. evidence of meeting the educational and certification requirements specified in LAC 46:XLVII.4507.A.1.b and d; or

d. documentation of registration for the certifying examination within 90 days.

2. The APRN temporary permit may be extended until receipt of initial certification results.

E. Renewal of Licenses by Certification, Commensurate Requirements, or Grandfathering

1. The date for renewal of licensure to practice as an APRN shall coincide with renewal of the applicant's RN license. Renewal of the APRN license is contingent upon renewal of the RN license and verification that there are no grounds for disciplinary proceedings as stated in R.S. 37:921. An applicant for renewal of an APRN license shall submit to the board:

a. a completed application on a form furnished by the board;

b. evidence of current certification/recertification, unless the APRN has been licensed by the board in accordance with R.S. 37:912.B.(3)(4); or in accordance with commensurate requirements when certification is not available (R.S. 37:920.A.2). Effective January 1, 2002, and required for relicensure in 2003, APRNs licensed by the board in accordance with commensurate requirements when certification is not available (R.S. 37:920.A.2.) shall comply with the requirements specified in E.2. below;

c. the licensure renewal fee as specified in LAC 46:XLVII.3341.

2. APRNs initially licensed in accordance with R.S. 37:912.B(3)(4) (grandfathered) and are not advanced practice certified, or R.S. 37:920.A.(2) and LAC 46:XLVII.4507.A.2 whose category and area of specialization does not provide for certification/recertification (commensurate requirements) shall submit the following documentation for renewal, in addition to meeting the requirements specified above in §4507.E.1.a.-c.

a. a minimum of 300 hours of practice in advanced practice registered nursing, as defined in R.S.37:913.3.a, within a 12-month period; and

b. a minimum of 2 college credit hours per year of relevance to the advanced practice role; or

c. a minimum of 30 continuing education (C.E.) contact hours approved by the board each year. Of the 30 contact hours, a maximum of 10 C.E. contact hours may be approved Continuing Medical Education (CMEs);

d. the above Subparagraphs b or c will meet the C.E. Requirements for the registered nurse and the advanced practice registered nurse licensure renewal.

F. Reinstatement of an APRN License

1. Reinstatement of an APRN license, which has lapsed or been inactive for less than four years. An APRN who has failed to renew his/her license, or has had an inactive licensure status less than four years, may apply for reinstatement by submitting to the board:

a. evidence of current RN licensure;
b. completed application on a form furnished by the board;

c. evidence of current certification/recertification by a national certifying body accepted by the board; or

d. APRNs initially licensed in accordance with R.S. 37:912.B(3)(4) or 920.A.(2.) and 4507.A.2 whose specialty and/or functional role does not provide for certification/recertification shall apply for a six month temporary permit, and practice under the temporary permit and current practice standards set forth by the respective advanced practice nursing specialty and/or functional role; and submit the following documentation with the application for reinstatement for each year of inactive or lapsed status:

i. a minimum of 300 hours of practice in advanced practice registered nursing as defined in R.S. 37:913.(3)(a) for each year of inactive or lapsed status up to a maximum of 800 hours; and

ii. a minimum of 2 college credit hours per year of relevance to the advanced practice role; or

iii. a minimum of 30 continuing education (C.E.) contact hours approved by the board each year. Of the 30 contact hours, a maximum of 10 C.E. contact hours may be approved Continuing Medical Education (CMEs); and

e. the required fee as specified in LAC 46:XLVII.3341.

2. Reinstatement of an APRN license, which has lapsed or been inactive four years or more. If the applicant's APRN license has been lapsed or inactive for four or more years, in addition to meeting the above requirements in Subsection F.1.a-e., the applicant shall:

a. apply for a six month temporary permit; and

b. practice under the temporary permit and current practice standards set forth by the respective advanced practice nursing specialty and/or functional role; and

c. if seeking certification/recertification, successfully complete the number of clinical practice hours required by the national certifying body approved by the board, under the guidance of a preceptor approved by the board; and

d. submit evidence of current certification by a national certifying body approved by the board; or

e. have a minimum of 800 hours of clinical practice in the area of clinical specialization when specialty certification is not available; and

f. submit evidence of compliance with §4507.E.2 b. or c for each year of inactive or lapsed status; and

g. cause to have submitted a final evaluation by the approved preceptor verifying successful completion of six months of full time practice or the equivalent hours in the area of specialization (minimum of 800 hours).

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:918.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Nursing, LR 22:281 (April 1996), amended LR 27:724 (May 2001), LR 29:580 (April 2003), LR 31:1340 (June 2005).

Barbara L. Morvant
Executive Director

0506#004

RULE

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

Professional Services Program—Physician Assistants

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

Rule

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing adopts the following provisions governing the enrollment and reimbursement of physician assistants under the Professional Services Program.

In order to participate in the Medicaid Program, a physician assistant must enroll as a provider and obtain an individual Medicaid provider number. Effective for dates of service on or after July 1, 2005, all claims for services provided by a physician assistant must identify the physician assistant as the attending provider.

Unless otherwise excluded by the Medicaid Program, service coverage shall be determined by individual licensure, scope of practice, and delegation by the supervising physician. The supervising physician must be a Medicaid enrolled provider. Clinical practice guidelines and protocols shall be available for review upon request by authorized representatives of the Medicaid Program.

The reimbursement rate for physician assistant services shall be 80 percent of the rate on file on the professional services fee schedule for covered services and 100 percent of the rate on file for a designated group of procedures as determined by the Medicaid Program.

A physician assistant shall not bill separately for his/her services when he/she is employed by or under contract with a Medicaid enrolled provider whose reimbursement is based on cost reports that include the cost of the physician assistant's salary.

Implementation of the provisions of this Rule shall be contingent upon the approval of the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services.

Frederick P. Cerise, M.D., M.P.H.
Secretary

0506#055

RULE

**Department of Public Safety and Corrections
Office of Corrections Services**

Public Information Program and
Medical Reimbursement Plan
(LAC 22:I.339, 2103, and 2105)

Editor's Note: This Rule is being repromulgated to correct an error upon submission. The original Rule may be viewed in its entirety on pages 1099-1100 of the May 20, 2005 edition of the *Louisiana Register*.

In accordance with the provisions of the Administrative Procedure Act (R.S. 49:950 et seq.), the Department of Public Safety and Corrections, Corrections Services, has amended the contents of §339, Public Information Program and Media Access, §2103, Applicability, and §2105, Medical Reimbursement Plan Pursuant to R.S. 15:831 (B)(1).

Within the Department of Public Safety and Corrections, the Office of Youth Development has been statutorily separated from the Office of Corrections Services. Therefore, Title 22 is being re-codified into two sections: adult offenders and juvenile offenders. The purpose of the amendments of the aforementioned regulations is to further this effort by reorganizing all policies deemed to be internal management or any policy that has since been written into an existing regulation.

Title 22

**CORRECTIONS, CRIMINAL JUSTICE AND LAW
ENFORCEMENT**

Part I. Corrections

Chapter 3. Adult Services

§339. Public Information Program and Media Access

A. ...

B. Applicability—Deputy Secretary, Chief of Operations, Undersecretary, Wardens, the Director of Probation and Parole, and the Director of Prison Enterprises. Each unit head shall develop procedures to facilitate interaction with the public, the media, and other agencies and shall ensure that necessary information and instructions are furnished to affected employees and inmates.

C. - D. ...

* * *

E. - E.1.a. ...

b. contact person for routine requests for information;

c. - f.

2. The unit head or designee shall facilitate all routine media inquiries, interview requests and/or correctional facility visits. Such requests must be made within a reasonable timeframe, considering the scope of the story and the unit's ability to adequately prepare for the visit. The unit head will give timely notice to the secretary, chief of operations, communications director, and assistant secretary as appropriate of any significant or potentially controversial event.

3. The unit head shall notify the secretary, chief of operations, communications director and assistant secretary as appropriate of national and international media requests made to the department upon receiving the request.

4. All media visitors will be provided with an escorting staff member for the duration of the visit.

5. Only those persons authorized by the secretary or unit head shall release information to the media regarding official matters. Authorized spokespersons shall be knowledgeable of issues and departmental policy and shall ensure the accuracy of information before releasing it.

6. In the event of an institutional emergency, all public and media access to the institution may be limited. The warden or his media relations designee will periodically brief all media on the situation. A media briefing center may be established at a remote location.

7. All on-site media contacts with inmates are at the sole discretion of the unit head.

8. Written permission should be obtained from an inmate prior to interviewing, photographing, and/or audio or video recording of the inmate. Death row inmates must also have their attorney's written approval prior to an interview, photograph, and/or audio or video recording. No remuneration will be provided to any inmate.

9. Interviews with inmates housed in maximum custody areas for behavioral problems and/or poor conduct records are discouraged.

10. Access to inmates should also be restricted or disallowed to prevent them from profiting from their crimes, either materially or through enhanced status as a result of media coverage.

F. - F.1.f. ...

2. Written requests shall be forwarded to the secretary for final review prior to project commencement.

3. All commercial productions are required to read, understand and sign a Location Agreement Form upon their arrival at the unit. The unit head or designee may require review of the material prior to distribution solely to insure that it comports with the Location Agreement Form.

G. - J. ...

AUTHORITY NOTE: Promulgated in accordance with American Correctional Association (ACA) Standards 2-CO-1A-25 through 27-1 (Administration of Correctional Agencies) 3-4020 through 3-4022 (Adult Correctional Institutions).

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Corrections Services, LR 25:1260 (July 1999), amended LR 31:1100 (May 2005), repromulgated LR 31:1343 (June 2005).

Chapter 21. Medical Reimbursement Plan

§2103. Applicability

Applicability—deputy secretary, chief of operations, undersecretary, wardens, and administrators of local jail facilities. The unit head is responsible for implementation and continued adherence to this regulation and for conveying its contents to employees and inmates.

AUTHORITY NOTE: Promulgated in accordance with R.S. 15:831(B)(1).

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Corrections Services LR 26:331 (February 2000), amended LR 31:1100 (May 2005), repromulgated LR 31:1343 (June 2005).

§2105. Medical Reimbursement Plan Pursuant to R.S. 15:831(B)(1)

A. Inmates Housed in State Institutions

1. Procedures concerning medical co-payments are outlined in Department Regulation No. B-06-001 "Health Care." Please see Health Care Policy No. HC-13 "Health Screens, Appraisals and Examinations."

A.2. - B.2. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. R.S. 15:831(B)(1).

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Corrections Services, LR 26:331 (February 2000), amended LR 26:2623 (November 2000), LR 31:1100 (May 2005), repromulgated LR 31:1343 (June 2005).

Richard L. Stalder
Secretary

0506#011

RULE

**Department of Revenue
Office of Alcohol and Tobacco Control**

**Prohibition of Certain Unfair Business Practices in Malt
Beverage Industry (LAC 55:VII.317)**

Under the authority of R.S. 26:793 and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., The Department of Revenue, Office of Alcohol and Tobacco Control, amends LAC 55:VII.317 pertaining to comprehensive education of tobacco vendors as part of the licensing process.

Title 55, Chapter 3, entitled "Alcoholic Beverages," provides, inter alia, for regulation of business practices in regard to the marketing and sale of alcoholic beverages in Louisiana. This amendment to the regulation adds definitions and provides for certain fair business practices which promote safe, responsible, and uniform marketing of low alcohol content beverages.

Title 55

PUBLIC SAFETY

Part VII. Alcohol and Tobacco Control

Subpart 1. Beer and Liquor

Chapter 3. Alcoholic Beverages

**§317. Regulation IX—Prohibition of Certain Unfair
Business Practices**

A. Definitions

Enhancer—an item used as part of a display and which may be awarded to a customer who shops in a retail outlet voluntarily participating in a contest, offer, promotion, sweepstakes, or advertising or marketing campaign, the object of which is to award the enhancer to a winner thereof.

Sweepstakes—any program which employs any enhancer(s) that exceed \$155 in value as part of a retail display for any contest, offer, promotion, or advertising or marketing campaign.

B. - B.5. ...

C. Marketing and Sale of Alcoholic Beverages in Louisiana

1. ...

2. Exceptions

a. - j.iii. ...

k. Coupons and Rebates. Except as otherwise provided by law, coupon and rebate offers, promotions or marketing campaign of alcoholic beverages are allowable in accordance with the following restrictions.

i. Any such coupon or rebate offer, promotion, or marketing campaign must be redeemable directly by the manufacturer or a third party, including but not limited to, clearinghouse retained by the industry member at its sole expense.

ii. No retailer can be required to participate in any such offer, promotion or marketing campaign.

iii. No retailer can be required to bear any of the costs associated with any such offer, promotion or marketing campaign.

iv. No one under the legal drinking age during the time of the offer, promotion or marketing campaign may participate in any such offer, promotion or marketing campaign.

v. All coupon or rebate offers, promotions and marketing campaigns must be for a specified time, not to exceed 90 days from the first date on which such offers may be redeemable.

vi. No coupon or rebate offer, promotion or marketing campaign may result in any sale of alcoholic beverages for a price of less than six percent above the invoice price paid therefore by the retailer.

l. Enhancers. Enhancers, as defined in this Chapter, may be used as part of a contest, offer, promotion, sweepstakes, or advertising or marketing campaign.

i. Items may include ice chests, grills, rafts, and other items not to exceed \$155 in value.

ii. Industry members utilizing enhancers must provide either entry forms and a drop box in which all entries must be placed, a mailing address to which entries may be sent, or an Internet or other electronic address where electronic entries may be accepted, and post the date of the official prize drawing.

m. Sweepstakes. Sweepstakes, as defined in this Chapter, may be used as part of a contest, promotion, or advertising or marketing campaign with the following restrictions.

i. Enhancers that exceed \$155 in value, such as 4-wheel all-terrain vehicles, trips, etc., may be utilized as part of a sweepstakes.

ii. Industry members and wholesalers must offer the opportunity to participate in any sweepstakes conducted to the entire retailer base which participating wholesalers serve.

iii. Participation by retailers must be voluntary.

iv. Enhancers cannot be displayed within any retail outlet.

v. Photographs or models of enhancers may be displayed, provided the photographs or models used do not exceed \$155 in value.

vi. Industry members conducting sweepstakes must provide either entry forms and a drop box in which all entries must be placed, a mailing address to which entries may be sent or an Internet or other electronic address where electronic entries may be accepted, and post a date on which an official prize drawing will occur.

n. Industry members are prohibited from purchasing enhancers from any retail outlet participating in the display or sweepstakes.

o. Retail owners, industry members, and their employees and family members are not eligible to

participate in any display or sweepstakes drawing allowed under provisions of this Section.

D. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 26:287, R.S. 26:150(A), R.S. 26:75(C)(2), and R.S. 26:275(B)(2).

HISTORICAL NOTE: Promulgated by the Department of Public Safety, Office of Alcoholic Beverage Control, LR 4:463 (November 1978), amended LR 5:11 (January 1979), amended by the Department of Public Safety and Corrections, Office of Alcoholic Beverage Control, LR 17:607 (June 1991), LR 20:671 (June 1994), amended by the Department of Revenue, Office of Alcoholic Beverage Control, LR 22:116 (February 1996), LR 26:2631 (November 2000), LR 28:1484 (June 2002), LR 31:1344 (June 2005).

Murphy J. Painter
Commissioner

0506#049

RULE

Department of Social Services Office of Family Support

Food Stamp Program—Standard Utility Allowance (SUA);
Basic Utility Allowance (BUA) (LAC 67:III.1965 and 1966)

The Department of Social Services, Office of Family Support, has amended the Louisiana Administrative Code, Title 67, Part III, Subpart 3, Food Stamps.

Section 4104 of P.L. 107-171 authorizes changes that simplify the application of the standard utility allowance (SUA) and basic utility allowance (BUA) as it relates to food stamp households residing in public housing, using a shared utility meter, and paying excess utility costs. These households shall now be allowed to claim the full SUA as a shelter deduction if heating or cooling costs are incurred, or the full BUA as a shelter deduction if heating or cooling costs are not incurred.

Title 67

SOCIAL SERVICES

Part III. Family Support

Subpart 3. Food Stamps

Chapter 19. Certification of Eligible Households

Subchapter I. Income and Deductions

§1965. Standard Utility Allowance (SUA)

A. ...

B. Effective February 1, 2005, households living in public housing with shared meters that are only charged for excess utilities shall use the SUA if heating or cooling costs are incurred.

C. The full SUA shall be allowed to all parties who contribute to the utility costs, if these costs include heating or cooling costs, when the household shares a residence and utility costs with other individuals.

AUTHORITY NOTE: Promulgated in accordance with F.R. 47:51551 et seq., 7 CFR 272 and 273.9, P.L. 104-193, P.L. 107-171.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of Family Security, LR 9:64 (February 1983), amended by the Department of Social Services, Office of Family Support, LR 21:187 (February 1995), LR 23:82

(January 1997), LR 24:108 (January 1998), LR 29:606 (April 2003), LR 31:1345 (June 2005).

§1966. Basic Utility Allowance (BUA)

A. Households which do not incur heating or cooling costs separate and apart from their rent or mortgage use a mandatory single Basic Utility Allowance (BUA). To be eligible, a household must be billed on a regular basis for utility costs.

B. Effective February 1, 2005, households living in public housing with shared meters that are only charged for excess utilities shall use the BUA if heating or cooling costs are not incurred.

C. The full BUA shall be allowed to all parties who contribute to the utility costs, if these costs do not include heating or cooling costs, when the household shares a residence and utility costs with other individuals.

AUTHORITY NOTE: Promulgated in accordance with P.L. 104-193 and P.L. 107-171.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Family Support, LR 24:108 (January 1998), amended LR 29:606 (April 2003), LR 31:1345 (June 2005).

Ann Silverberg Williamson
Secretary

0506#047

RULE

Department of Wildlife and Fisheries Wildlife and Fisheries Commission

Special Licenses and License Fee Waivers (LAC 76:I.327-335)

Editor's Note: This Rule is being repromulgated to correct a submission error. The original Rule may be viewed in its entirety on pages 1103-1104 of the May 2005 edition of the *Louisiana Register*.

The Wildlife and Fisheries Commission has amended and enacted provisions for special licenses and license fee waivers.

Title 76

WILDLIFE AND FISHERIES

Part I. Wildlife and Fisheries Commission and Agencies Thereunder

Chapter 3. Special Powers and Duties

Subchapter H. Electronic Licenses Issuance

§327. Recreational Electronic Licensing

A. - O. ...

P. - P.5. Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:6(21), R.S. 56:641.1 and R.S. 56:647.1.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Office of Management and Finance, LR 24:505 (March 1998), amended by Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 26:1078 (May 2000), amended by Department of Wildlife and Fisheries, Office of Management and Finance, LR 27:1243 (August 2001), amended by Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 28:354 (February 2002), LR 28:2570 (December 2002), LR 31:1103 (May 2005), repromulgated LR 31:1345 (June 2005).

Subchapter I. Special Licenses and License Fee Waivers
§329. Outdoor Press Licenses

A. In lieu of recreational basic fishing and recreational saltwater fishing license, the secretary may issue a special outdoor press fishing license or a letter of waiver of license fees for fishing to a nonresident member of the outdoor press which will include basic and saltwater fishing. For the purpose of hunting, the secretary may issue a special outdoor press hunting license or a letter of waiver of license fees for hunting to a nonresident member of the outdoor press who meet all other legal requirements to obtain a hunting license. Such waiver may include basic hunting, big game, bow, muzzleloader, turkey, Louisiana duck license and WMA hunting permit.

1. A fee of \$20 will be charged for each Outdoor Press Fishing License issued; provided however, that the secretary may waive the fees referenced in this Section in accordance with law. Each license or letter of waiver of fees to fish under this provision shall be valid for a period of three consecutive days. A fee of \$20 will be charged for each outdoor press hunting license. Each license or letter of waiver of fees for hunting shall be valid for a period of three consecutive days. A fee of \$20 will be charged for both the hunting and the fishing license if purchased for periods that begin on the same date.

2. Each license or letter of waiver of fees will be issued from the Baton Rouge headquarters location.

3. To qualify for a special outdoor press hunting or fishing license or letter of waiver of fees, an applicant must submit to the Department of Wildlife and Fisheries an original completed application form with a legible photostatic copy of the applicant's driver's license, and proof of membership in a bona fide outdoor press association recognized by the department. Evidence of such status shall be demonstrated to the satisfaction of the secretary. In lieu of membership in a bona fide outdoor press association, the secretary, for good cause shown including but not limited to clippings or tear sheets of articles or broadcast copies of previous work, may waive this requirement. In addition, the applicant shall submit a letter of assignment from the publication, television or radio company.

4. In no case will the secretary approve an application from any individual or group not directly involved in producing stories or broadcast materials pertaining to Louisiana fishing, hunting and/or outdoor recreation opportunities.

5. Only completed applications with all supporting documents and applicable license fees attached, as specified in Paragraph 3 above, shall be considered for approval.

6. The applicant shall be required, upon completion of the assignment, to provide a copy of the final product.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:109 and R.S. 56:647.1.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 31:1103 (May 2005), repromulgated LR 31:1346 (June 2005).

§331. Special Disability Fishing and Hunting Licenses

A. In lieu of recreational basic fishing and recreational saltwater fishing licenses the department may issue a special disability fishing license to residents who qualify as *developmentally disabled* as defined in R.S. 28:751; and in lieu of basic hunting, big game hunting, bow, muzzleloader, turkey stamp, and duck hunting licenses, and WMA hunting

permit, the department may issue a special disability hunting license to residents who qualify as *developmentally disabled* as defined in R.S. 28:751 and who meet all other legal requirements to obtain a hunting license. Developmentally disabled may include, but is not limited to mental retardation, cerebral palsy, downs syndrome, spina bifida, and multiple sclerosis.

1. Special disability licenses shall be issued annually and will be exempt from license fees.

2. Anyone fishing with a special disability fishing license must be accompanied by a validly licensed fisherman. Anyone hunting with a special disability hunting license must be accompanied by a validly licensed hunter.

3. All special disability fishing and hunting licenses shall be issued from the Baton Rouge headquarters location.

4. To qualify for special disability licenses an applicant must submit to the Department of Wildlife and Fisheries, the following:

a. a valid Louisiana driver's license or identification card issued by the Department of Motor Vehicles;

b. a completed application form for Developmentally Disabled License(s);

c. proof that applicant has resided in Louisiana consecutively for the immediate 12 months prior to making application as required by the department (i.e., resident driver's license of guardian or care giver, voter's registration card, vehicle registration, certification by guardian or care giver, etc.).

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:104, R.S. 56:109 and R.S. 56:302.2.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 31:1104 (May 2005), repromulgated LR 31:1346 (June 2005).

§333. Charitable Organizations, Youth Groups and Schools; Fee Waivers

A. In lieu of recreational basic fishing and recreational saltwater fishing licenses the secretary may issue a letter of waiver of fees for fishing to members of bona fide charitable organizations, youth groups or schools. For the purpose of hunting, the secretary may issue a letter of waiver of license fees for hunting to members of bona fide charitable organizations, youth groups or schools who meet all other legal requirements to obtain a hunting license, which will include basic hunting, big game, bow, muzzleloader, turkey, Louisiana duck license and WMA hunting permit.

B. Evidence of such status shall be demonstrated to the satisfaction of the secretary.

C. Each letter authorizing a waiver of fees under this provision shall be valid for a period not to exceed three consecutive days.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:104, R.S. 56:109 and R.S. 56:302.2.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 31:1104 (May 2005), repromulgated LR 31:1346 (June 2005).

§335. Conferences; Fee Waivers

A. In lieu of recreational basic fishing and recreational saltwater fishing licenses the secretary may issue a letter of waiver of fees for fishing to registered non-resident participants in conferences hosted by bona fide outdoor press associations recognized by the department.

B. For the purpose of hunting, the secretary may issue a letter of waiver of license fees for hunting to registered non-

resident participants in conferences hosted by bona fide outdoor press associations recognized by the department who meet all other legal requirements to obtain a hunting license. Such waiver may include basic hunting, big game, bow, muzzleloader, turkey, Louisiana duck license and WMA hunting permit.

C. Evidence of such status shall be demonstrated to the satisfaction of the secretary.

D. Each letter authorizing a waiver of fees under this provision shall be valid for a period not to exceed three consecutive days. The said three day period shall be at

designated times which are during or immediately contiguous to the official dates of the conference.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:104, R.S. 56:109 and R.S. 56:302.2.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 31:1104 (May 2005), repromulgated LR 31:1346 (June 2005).

Dwight Landreneau
Secretary

0506#026