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Executive Orders

EXECUTIVE ORDER EWE-77-13

Editors Note: Executive Order EWE-77-13 was issued on September 9, 1977, and published in the Louisiana Register, Volume 3, Number 10. The Governor subsequently amended Parts 4 and 6. EWE-77-13 is reprinted here as amended, minus Document No. 1, the list of Task Force members.)

WHEREAS, this administration has done more to increase the representation and participation of women than any previous administration and has set a precedent for appointing talented women in responsible positions, not only as Cabinet members, but also as members of numerous boards and commissions, the Constitutional Convention, and as Director of the Department of Corrections; and

WHEREAS, I support the strong belief that women do make invaluable contributions when they are entrusted with responsible positions, both in the public and private sector; and

WHEREAS, under the Edwards Administration, Louisiana should be foremost among the states in providing opportunities for women; and

WHEREAS, there is a need for a method to provide opportunities for increasing the number of women in responsible positions, and the establishment of a Louisiana Task Force for a Talent Bank of Women will fill that need; and

WHEREAS, the staff of the Bureau for Women is capable of maintaining and administering the files of the Talent Bank of Women; and

WHEREAS, coordination and leadership, combining both public and private interests on State and local levels, is essential to assist the Bureau for Women in planning an effective program for the benefit of the citizens of this State; and

WHEREAS, the responsibility for developing these advantages should be drawn from many areas; and

WHEREAS, it is required that these responsibilities be coordinated in a concentrated planning program to insure the formulation of a single policy including all interested agencies and groups, providing optimum benefit to the citizens of the State; and

WHEREAS, it is essential that cooperation and input to the planning program be secured from the private sector whose contributions are vital to the success of the resulting program; and

WHEREAS, Federal funds should be requested as deemed appropriate and desirable to assist this effort,

NOW, THEREFORE, in order to promote and assist in the development of a program to encourage more utilization of women in responsible positions and in the coordination of all levels of government and all private interests in this venture, I, Edwin Edwards, by virtue of the authority vested in me as Governor of the State of Louisiana, pursuant to the Constitution and applicable statutes of the State of Louisiana, do order as follows:

1. The establishment of the Louisiana Task Force for the purpose of assisting in the development of a comprehensive policy for identifying qualified women for responsible positions.
2. The Task Force shall assist the Bureau for Women in the accumulation of a Talent Bank of Women.
3. The Task Force shall establish guidelines to follow in establishing a talent bank.
4. The Task Force shall consist of membership as shown in Document No. 1, attached hereto, which is made a part hereof and such other person as may be appointed by me.
5. The Task Force shall secure information concerning needs and opportunities and shall organize meetings for the purpose of informing interested groups and individuals of the purposes of this program. The information gathered will be submitted in report form, and shall form the basis of the Task Force's preliminary and final reports.
6. The Task Force shall be headed by a chairperson, as Coordinator and members appointed by the Governor, and who will serve without pay or other compensation. The Coordinator shall select a working staff to assist the Task Force in the performance of these duties.
7. The Task Force shall establish bylaws and rules of procedure for its operation.

IN WITNESS WHEREOF, I have hereunto set my hand officially and caused to be affixed the Great Seal of the State of Louisiana, at the Capitol, in the City of Baton Rouge, on this the 9th day of September, A.D. 1977.

Edwin Edwards
Governor of Louisiana

EXECUTIVE ORDER EWE-77-17

WHEREAS, sound population projections are necessary for efficient planning in Louisiana at the State and local level; and

WHEREAS, there is a need to eliminate possible discrepancies in planning activities resulting from the use of different sets of population projections; and

WHEREAS, adoption of one set of official projections would eliminate these discrepancies and would ensure uniform projections for use in all State and local planning activities.

NOW, THEREFORE, I, EDWIN EDWARDS, Governor of the State of Louisiana, by virtue of the power vested in me pursuant to the Constitution and applicable statutes of the State of Louisiana, do hereby order and direct the following:

1. The Louisiana State Planning Office is hereby authorized to identify and promulgate the official population projections to be utilized in State and local planning, in consultation with the College of Business, Division of Business and Economic Research for the University of New Orleans; the College of Business and Economic Research of the Louisiana Tech University; and the College of Business, Division of Research of the Louisiana State University, Baton Rouge.
2. The Louisiana State Planning Office must approve utilization of any other projections for planning purposes and any such use shall require substantive justification by the requesting department.

3. Notice of selection of the official planning projections shall be published in the Louisiana Register, and otherwise furnished to all affected State and local agencies. The projections shall be on deposit with the Louisiana State Planning Office which shall promulgate timely updates as necessary.

IN WITNESS WHEREOF, I have hereunto set my hand officially and caused to be affixed the Great Seal of the State of Louisiana, at the Capitol, in the City of Baton Rouge, on this the 6th day of October, A.D. 1977.

Edwin Edwards
Governor of Louisiana

EXECUTIVE ORDER EWE-77-18

WHEREAS, there is an ever-present concern over the scientific, technological, and environmental quality policies of this State; and

WHEREAS, it is the policy of this Administration to provide by all means possible for the positive utilization of scientific development, for technological transfer, and for the enhancement, protection, and improvement of environmental quality throughout the State of Louisiana; and

WHEREAS, Public Law 94-580, the Resource Conservation and Recovery Act of 1976, has mandated certain responsibilities to the individual states to respond to and participate in the full planning and implementation of this Act; and

WHEREAS, Louisiana has taken a leadership role in the planning and implementation of this Act; and

WHEREAS, technological resources are playing an increasing role in the day-to-day operation of State government through such activities as the proposed satellite monitoring of the Louisiana Superport; and

WHEREAS, it is essential for the State to engage in desirable programs to maximize the transfer and application of science and technology to Louisiana's problems; and

WHEREAS, diversification of industrial and governmental resources can be achieved through economic and scientific research to determine more and better ways to utilize the State's human and natural resources.

NOW, THEREFORE, I, EDWIN EDWARDS, Governor of the State of Louisiana, by virtue of the power vested in me, pursuant to the Constitution and applicable statutes of the State of Louisiana, do hereby create and establish the Office of Science, Technology, and Environmental Policy (OSTEP) within the Office of the Governor, whose purpose shall be to undertake matters dealing with scientific and technological research, the proper transfer of technology and coordination of the protection and improvement of environmental quality within the State of Louisiana.

FURTHERMORE, the Office of Science, Technology, and Environmental Policy shall be responsible for further coordination of planning and development of scientific programs and projects between Federal and State agencies; the transfer of technology from Federal sources in an efficient manner; the fostering of mutual cooperation among scientists, lay citizens, and governmental officials; and the maximizing of public and private participation in assessing and solving the many scientific, technological, and environmental problems facing the State of Louisiana.

FURTHERMORE, the Office of Science, Technology, and Environmental Policy shall be responsible for functioning as staff for the Governor's Advisory Committee on Waste Disposal Practices; shall be responsible for the full planning and coordination of the State's effort with respect to the Resource Conservation and Recovery Act of 1976 (P.L. 94-580); and shall coordinate, at least through the planning stages, the efforts of all other State agencies which have authority and responsibility for actual implementation and/or enforcement stages under any Federal laws, rules, regulations, or guidelines which pertain to areas addressed within the Resource Conservation and Recovery Act of 1976 (P.L. 94-580).

FURTHERMORE, the Office of Science, Technology, and Environmental Policy, at the direction of the Governor, shall maintain a close working relationship with the National Governors' Conference, and such other organizations, in an attempt to foster the States' interests, aims, and objectives as they relate to areas of scientific, technological, and environmental policy.

FURTHERMORE, the Office of Science, Technology, and Environmental Policy shall be directed by an Executive Director who shall be appointed by the Governor, and who shall advise the Governor on all matters pertaining to this office. The Executive Director shall further enlist and direct a competent and capable staff; shall have the authority to promote, procure, foster, and stimulate scientific, technological, and environmental research and development in the interest of the public; shall serve as an environmental advisor to the Governor; shall serve as official liaison in the transfer of technology from the Federal government to the State of Louisiana; and shall review the technical and managerial aspects of those research projects which may affect policy decisions of this Administration and report to the Governor.

FURTHERMORE, it is hereby ordered that all executive orders or parts of executive orders in conflict herewith are hereby rescinded and for all intents and purposes shall be considered null, void, and with no effect.

IN WITNESS WHEREOF, I have hereunto set my hand officially and caused to be affixed the Great Seal of the State of Louisiana, at the Capitol, in the City of Baton Rouge, on this the 11th day of October, A.D. 1977.

Edwin Edwards
Governor of Louisiana

EXECUTIVE ORDER EWE-77-19

WHEREAS, by Public Law 94-482 Congress established the National Occupational Information Coordination Committee for the purposes of improving coordination among vocational education, vocational rehabilitation, and manpower training programs, and to develop a source of information which will facilitate the accurate analysis and prediction of occupational supply and demand; and

WHEREAS, the Congressional Act mandates each state receiving funds under the Comprehensive Employment and Training Act of 1973 (CETA) to participate in this occupational information program, and to form a State Occupational Information Coordination Committee, and to create a coordinated system of employment information; and

WHEREAS, in order to provide more realistic employment opportunities and to generate information necessary to achieve the related but distinct objectives of vocational, educational, and rehabilitative programs, there should be developed uniform definitions of employment terminology, standards for estimating jobs, standards for estimating the labor force, and standard occupational classifications; and

WHEREAS, all of the above are national goals which can best be accomplished by full cooperation and coordination of efforts between the Federal government and the governments of the participating states; and

WHEREAS, this Administration is aware of the urgent need to manage public vocational programs in the most efficient manner and to provide a system of common information so as to contribute to the development of our state's economy; and

WHEREAS, the Congress has appropriated funds to initiate a coordinated occupational information system; and

WHEREAS, by participation in this program the State of Louisiana will realize many benefits, including improved governmental response to the needs of employers and job seekers, more effective management, more reliable occupational information for the use and benefit of public entities and private enterprise alike, more clearly identified employment opportunities, and improved reporting on the labor market.

NOW, THEREFORE, I, EDWIN EDWARDS, Governor of the State of Louisiana, by the power and authority vested in me by the Constitution and the laws of the State, do hereby create and establish in the Department of Labor the State Occupational Information Coordination Committee. Fiscal responsibility shall be vested in the State Department of Labor which embraces the Office of Employment Security. The Committee shall be an interagency public body composed of the Assistant Secretary of the Office of Employment Security, Department of Labor; the Assistant Secretary of the Office of Rehabilitation Services, Department of Health and Human Resources; the Director of the Governor's State Manpower Service Council; and a representative of the Vocational-Technical Education Committee of the State Board of Elementary and Secondary Education (the State Board of Vocational Education).

The Committee shall:

1. Create an occupational information system for the State of Louisiana. This system shall be housed in the Department of Labor, and shall serve the State's programs in vocational education, vocational rehabilitation, manpower training, and economic development.
2. Execute an interagency agreement for the purpose of coordinating a program of occupational information.
3. Develop information on labor demand and supply, using uniform employment definitions, standard estimation and projection procedures, and standard occupational classifications.
4. Upon request, provide State agencies, members of the Legislature, or private citizens with accurate, pertinent information.
5. Submit an annual plan of operation to the Louisiana Department of Labor and the National Occupational Information Coordination Committee.
6. Supply other information and reports, upon request, to the Federal government, particularly to the National Occupational Information Coordination Committee.

BE IT FURTHER PROVIDED that only the four statutory members as established by the Congressional Act, who are the administrators of the State Manpower Services, Vocational Education, Vocational Rehabilitation, and Employment Security Programs, or their delegated representatives, may decide any matter concerning the expenditure of funds.

IN WITNESS WHEREOF, I have hereunto set my hand officially and caused to be affixed the Great Seal of the State of Louisiana, at the Capitol, in the City of Baton Rouge, on this the 25th day of October, A.D. 1977.

Edwin Edwards
Governor of Louisiana

Policy and Procedure Memoranda

Office of the Governor
Division of Administration
Policy and Procedure Memorandum No. 63

Subject: Policy for the Use of State-Owned Vehicles and Mileage Reimbursement
Effective Date: October 1, 1977
Authorization: Title 39, R.S. 1950, Part VI, Section 231; Title 39, R.S. 1950, Part XIII, Section 361

1. General Information.

1.1 A uniform policy for the use of State-owned vehicles is herein set forth to provide for the inclusion of more energy efficient vehicles in the State transportation program, the adoption of energy concerning transportation methods, and to require that these measures be promulgated as official policy and procedure effective October 1, 1977.

2. Purpose and Scope.

2.1 The purpose of this Policy and Procedure Memorandum is to require the implementation of a uniform policy for the use of State-owned vehicles, to provide for the purchase of motor vehicles, and to establish intradepartment motor pools where feasible. The policies and procedures contained herein shall apply to all departments of State government as required by Act 142 of the 1976 Louisiana Legislature.

3. Policy and Procedures.

3.1 Policy.

3.1.1 State-owned vehicles shall be made available on a top priority basis to State employees who travel in excess of fifteen thousand miles annually in the performance of State business. The State-owned vehicle may be stored at the employee's residence when it is determined to be in the best interest of the department. Use of State-owned vehicles for other than official State business is strictly prohibited.

3.1.2 Conditions requiring mileage reimbursement must receive written authorization from the Cabinet secretaries or their designees. Authorization records should be maintained in the appropriate files for reimbursement records or must be submitted by the employee with his or her expense form.

3.1.3 Where the vehicle is to be used primarily for city-to-city travel, a standard size car may be purchased. Where travel is primarily within a small geographical area, a compact car or economy class vehicle shall be purchased.

3.1.4 Cases of special need where the performance of official State business requires deviation from stated policy must receive prior written approval from the Commissioner of Administration. Such cases include:

(1) State-owned vehicles used by employees traveling less than fifteen thousand miles annually.

(2) Privately owned vehicles used by employees traveling in excess of fifteen thousand miles annually.

3.1.5 Cabinet secretaries shall establish intradepartment motor pools for use in the performance of official State business by department personnel who are not assigned a State-owned vehicle nor authorized for travel reimbursement. Motor Pool Vehicles shall be designated as such by the use of appropriate lettering and/or decals. Motor pool overnight storage cities shall be designated by the Cabinet secretaries.

3.2 Procedures.

3.2.1 An assessment shall be made by all Cabinet secretaries of the travel requirements for the performance of their departmental business.

3.2.2 An assessment shall be made by all Cabinet secretaries of the conditions influencing the types of vehicles required. Assignments of vehicle types shall correlate to any special transportation requirements (e.g., the use of Cushman carts for transportation within the confines of an institutional complex). Transportation type vehicles for assignment to individual employees or to motor pools shall include all automobiles, station wagons, carryalls, trucks and any other vehicle assigned for the purpose of transporting employees. Purchase release orders shall include a detailed explanation of the purpose and use of each vehicle. The explanation shall include such detail as intended use in motor pool, intercity travel, city-to-city travel, etc.

3.2.3 An assessment shall be made of employee travel requirements and assignment of State-owned vehicles will be made to those employees who travel in excess of fifteen thousand miles annually on State business. Necessary exceptions must be defined, justified and submitted to the Commissioner of Administration for approval.

3.2.4 State-owned vehicles anticipated to be operated less than fifteen thousand miles annually which will not be incorporated into intradepartment motor pools shall be turned over to the Division of Administration, Property Control Section.

3.2.5 An assessment shall be made of the feasibility of operating intradepartmental motor pools. Where a significant number of State employees could benefit from such a pool one shall be established.

3.2.6 An annual report shall be submitted to the Commissioner of Administration by January 1, 1978, and each succeeding year to include the following:

(1) Total number of State-owned vehicles used by the department by type and year.

(2) Number of State-owned vehicles driven less than fifteen thousand miles annually.

(3) Number of State-owned vehicles driven in excess of fifteen thousand miles annually.

(4) Total number of employees receiving mileage reimbursement and that dollar amount.

(5) Number of employees receiving mileage reimbursement for traveling more than fifteen thousand miles annually and that dollar amount.

(6) Approved exceptions to uniform policy.

(7) Intradepartmental motor pool status.

(8) Number of cars turned over to Division of Administration, Property Control Section.

Charles E. Roemer, II
Commissioner of Administration and
Executive Assistant to the Governor

Emergency Rules

DECLARATION OF EMERGENCY

Department of Agriculture
Office of Agricultural and Environmental Sciences

The Louisiana Department of Agriculture, Office of Agricultural and Environmental Sciences does hereby exercise the emergency provisions of the Administrative Procedures Act (R.S. 49:953B) to adopt, effective November 20, 1977, the following amendment to the Supplement to the Quarantine and Regulation to Prevent the Spread of, Control and Eradicate the Sweet Potato Weevil, under authority of Parts 2 and 3 of Chapter 12 of Title 3 of the Revised Statutes of 1950.

III. Quarantined Areas, 2.a., add:

Ouachita Parish—Ward 4; that portion consisting of a one mile radius of and including the property of H. K. Wimberly, Section 4, R2E, T17N; and

Ward 5; that portion consisting of a one mile radius of and including the property of J. W. Lea, Section 8, R2E, T18N; and that portion consisting of a one mile radius of and including the property of O. W. Hattaway, Section 18, R2E, T18N.

West Carroll Parish—Ward 4; that portion consisting of a one mile radius of and including the property of Leon Hill, Section 28, R23N, T23N; that portion consisting of a one mile radius of and including the property of Lonnie Reese, Section 21, R11E, T21N; that portion consisting of a one mile radius of and including the property of Aaron Freeman, Section 21, R11E, T21N; and that portion consisting of a one mile radius of and including the property of Christina Blackman, Section 21, R11E, T21N.

The purpose of the amendment is to list revised quarantined areas in a major sweet potato growing area of the state.

Richard Carlton, State Entomologist
Office of Agricultural and Environmental Sciences

DECLARATION OF EMERGENCY

Department of Commerce
Racing Commission

The Louisiana State Racing Commission finds that an imminent peril to the public health, safety, or welfare requires the adoption of the following rules and such are declared emergency rules and effective November 2, 1977. The Governor, Attorney General, and the Division of Administration are being notified this date of the action pursuant to law.

The Commission's reasons for the finding are that if said rules are not adopted right away, the betting public may not be afforded the proper supervision of racing by the Commission to protect it by insuring that every race run will represent a true competitive effort by every participating horse and rider; that every horse is physically fit to race; that no horse shall be administered any prohibited substance; and that the funds appropriated for the Commission shall not be depleted or expended unless completely necessary and fully justified; and benefits for certain participants in racing.

Naming of Riders

All riders will have to be named at the time of entry, or no later than the time the entries are drawn.

If a rider has a first or second call, and the first call is on a horse who is listed as a likely starter, that one must be honored.

The jockey agents and trainers will be held responsible.

A rider may be named on no more than two horses entered in any given race and his first and second calls therein, shall be declared no later than the time entries are drawn.

Training Tracks

For the purpose of this rule a "Training Track" is defined as follows: An auxiliary race track on the grounds of any person, or persons, associations, or corporations used for workouts, schooling, starts and the likes of race horses that may start or be racing during a current meeting at a track of an association conducting racing with pari-mutuel wagering thereon, duly licensed by the Commission.

Anyone desiring to operate a "Training Track" must apply to the Commission for a license to conduct such a business.

An application seeking such a license shall set forth the following:

A. The full name of the person, and if a corporation the name of the state under which it is incorporated, and the names of the corporation's agents for the service of process within Louisiana.

B. If an association or corporation, the names of the stock holders and directors of the corporation or the names of the members of the association.

C. The exact location where it is desired to conduct a training track.

D. Whether or not the racing plant is owned or leased, and if leased the name and address of the owner, or if the owner is a corporation, the names of its directors and shareholders.

E. A statement of the assets and liabilities of the person applying for a license.

F. Such other information as the Commission may require.

The Commission, its stewards, agents and employees shall have full authority and jurisdiction over a licensed training track as may be appropriately exercised pursuant to R.S. 4:141 et seq. and the Rules of Racing as such apply to an association or licensee, or permittee and consistent therewith.

Exacta Racing

Any race carded for exacta wagering must have not less than eight betting interests at post time for the second race, otherwise exacta wagering will be suspended for that particular race.

Deposit Upon Appeal

A deposit of not less than fifty dollars nor more than five hundred dollars may be required by the Commission to defray the necessary expenses of witnesses called and necessary equipment required by the Commission upon appeal to the Commission of judges' or stewards' final rulings. If the Commission upholds the stewards' or judges' ruling, the necessary expenses of the Commission shall be deducted from the deposit and the balance, if any, shall be returned. If the Commission finds in favor of the appellant, the deposit will be returned.

Lasix

Lasix will not be administered to any horse racing in the State of Louisiana, except under the following conditions:

A. The subject horse must be known to bleed by either the Louisiana State Veterinarian or one of the association veterinarians, and will be considered a known bleeder.

B. When the subject horse is observed bleeding, it will not be accepted in the entries for a period of fourteen days, and then, only with the written consent of the Louisiana State Veterinarian. A known bleeder must remain on the lasix list for a minimum of ninety days.

C. The Louisiana State Veterinarian at each track will keep an up to date list of horses placed on the lasix or bleeders list and shall notify the other tracks that are racing in Louisiana.

D. Horses shipping in from other states, that intend to race in Louisiana, in order to qualify under this rule as known bleeders, must have filed in its behalf a statement of this effect from either the State Veterinarian or a licensed racing association veterinarian of that respective state. This statement must be filed with the Louisiana State Racing Commission Veterinarian at the appropriate Louisiana track.

Workman's Compensation Insurance

In addition to all other requirements for a trainer's license, each applicant therefor must furnish a certificate of insurance, or a binder therefor, of an insurance company licensed and/or authorized to do business in the State of Louisiana, showing he or she has workman's compensation insurance covering his or her employees during the entire period for which the license shall be valid, if issued. This rule does not apply to trainers racing horses at a current meeting which is in progress, however, after November 15, 1977, this rule shall apply to all trainers.

Albert M. Stall, Chairman
Racing Commission

DECLARATION OF EMERGENCY

Board of Elementary and Secondary Education

The Board of Elementary and Secondary Education amended Bulletin 746 by adopting the following emergency policies, on October 27, 1977, to include legislative acts of the 1977 session regarding teacher certification.

Rule 3.01.70v(11)—The Board amended page 2 by adding the following:

Act 756 of 1977 requires that (1) the applicant, prior to entry into a teacher education program, shall have completed three hours of counseling related to the suitability and aptitude of the student for teaching and the availability of jobs both geographically and by subject area; this counseling shall be conducted by university counseling services outside the teacher education program; (2) the applicant shall have attained a 2.20 average on a 4.00 scale in all course work as a condition for entrance into a teacher education program; (3) the applicant shall have achieved a 2.50 average on a 4.00 scale at graduation from an approved program. (Effective September 9, 1977, all students formally enrolled and admitted to teacher education programs must be in compliance with Act 756 and Act 757 of the 1977 Legislature.)

Act 645 of 1977 requires that on and after April 1, 1978, certification shall be a reliable indicator of minimum current ability and proficiency of the teacher to educate at the grade level and in the subject(s) to which the teacher is assigned.

Act 16 of 1977 requires that applicants for certification on and after September 15, 1978, must pass an examination which includes English proficiency, pedagogical knowledge, and knowledge in the areas of specialization of the applicant as a prerequisite to the granting of such certificate.

Rule 3.01.70v(12)—The Board amended Page 13, paragraph 3 to read:

The application for certification shall indicate that the applicant has earned credit in student teaching. The applicant shall have spent a minimum of 270 clock hours in student teaching with at least 180 of such hours spent in actual teaching. A substantial portion of the 180 hours of actual student teaching shall be on an all-day basis (Act 756 of 1977). The teacher education program shall include: 1) practical experience in actual classroom situations during a student's sophomore year; 2) field experience in schools of varied socioeconomic and cultural characteristics (Act 757 of 1977).

The Board amended page 13, item d to read:

d. At least twelve semester hours of professional teacher education courses appropriate to the elementary level, including three semester hours in child psychology and nine semester hours in the teaching of reading including at least three semester hours of credit for a practicum or laboratory situation involving work with children and materials of instruction. (Act 756 of 1977).

Rule 3.01.70v(13)—The Board amended page 17, item c by adding:

In compliance with Act 756 of 1977, a minimum of 270 clock hours shall be spent in student teaching with at least 180 of such hours spent in actual teaching. A substantial portion of the 180 hours of actual teaching shall be on an all-day basis. Act 757 of 1977 states that the student teaching shall include: 1) practical experience in actual classroom situations during a student's sophomore year; 2) field experience in schools of varied socioeconomic and cultural characteristics.

The Board amended page 17, item 3a by increasing semester hours required from 21 to 27.

Rule 3.01.70v(14)—The Board amended page 18 by increasing the semester hours required in Principles of teaching reading from three to nine.

Rule 3.01.70v(15)—The Board amended page 20, second paragraph to read:

The application for certification shall indicate that the applicant has earned credit in student teaching. The applicant shall have spent a minimum of 270 clock hours in student teaching with at least 180 of such hours spent in actual teaching. A substantial portion of the 180 hours of actual student teaching shall be on an all-day basis (Act 756 of 1977). The teacher education program shall include: 1) practical experience in actual classroom situations during a student's sophomore year; 2) field experiences in schools of varied socioeconomic and cultural characteristics (Act 757 of 1977).

The Board amended page 20, item 3 to read:

e. Six semester hours of credit in the teaching of reading for all persons seeking secondary certification (Act 756 of 1977).

Rule 3.01.70v(16)—The Board amended page 27, second paragraph to read:

The application for certification shall indicate that the applicant has earned credit in student teaching. The applicant shall have spent a minimum of 270 clock hours in student teaching with at least 180 of such hours spent in actual teaching. A substantial portion of the 180 hours of actual student teaching shall be on an all-day basis (Act 756 of 1977). The teacher education program shall include: 1) practical experience in actual classroom situations during a student's sophomore year; 2) field experiences in schools of varied socioeconomic and cultural characteristics (Act 757 of 1977).

The Board amended page 27 by adding the following:

e. Six semester hours in the teaching of reading (Act 756 of 1977).

Bro. Felician Fourrier, S.C., Acting Director
Board of Elementary and Secondary Education

DECLARATION OF EMERGENCY

Board of Regents

At its meeting on October 27, 1977, the Board of Regents exercised the emergency provisions of the Administrative Procedures Act to revise policy 3.4 in order to coincide with Act 439 of the 1977 Regular Session of the Legislature as follows:

Section II—Finance
3.4 Capital Projects

All changes to any institution or system's physical facilities that add to, improve, change the utilization of or that remove from use such facilities will first be submitted to this Board for review, comment, and approval prior to beginning any such project. Provided, however, that exception(s) will be made for certified emergency projects of a nonrecurring nature requiring immediate attention. Any such emergency project certified to by the appropriate management board's chief administrative officer may be approved by the Commissioner of Higher Education if concurred in by the Chairman of the Board and the Chairman of the Finance Committee. Any such action(s) taken will be reported to the full Board at its next meeting. Funding limits for emergency projects of this type are as established by State statute. Minor repairs and minor construction costing less than $25,000 will not be subject to individual approval by the Board of Regents provided adequate funds are available, all existing emergencies are being satisfied, and these projects are approved by the appropriate management board.

William Arceneaux, Commissioner
of Higher Education
Board of Regents

DECLARATION OF EMERGENCY

Department of Health and Human Resources
Office of Family Services

The Department of Health and Human Resources, Office of Family Services, exercised the emergency provision of the Administrative Procedures Act (R.S. 49:953B) to adopt effective July 1, 1977, rate adjustments for Skilled Nursing Facilities (SNF), Intermediate Care Facilities I (ICF I), and Intermediate Care Facilities II (ICF II). The new rates are as follows:

New Rates	SNF	ICF-I	ICF-II
Monthly	$672.82	$542.63	$441.65
Daily	$ 22.12	$ 17.84	$ 14.52

This rate increase has been approved based on cost reports from nursing home facilities that have been reviewed this current fiscal year. Notice of this change has been mailed to the nursing home administrators.

William A. Cherry, M.D., Secretary
Department of Health and Human Resources

Rules

RULES

Department of Agriculture
Office of Agricultural and Environmental Sciences
Horticulture Commission

The text which follows is the application manual for persons who wish to take the test for licensure as landscape architects.

Purpose of Examination

In order to safeguard public welfare, health, and property and to promote public good, any person practicing or offering to practice landscape architecture, privately or in public service, in the State of Louisiana, is required to submit evidence verifying qualifications for application for examination for license. The successful passage of this examination is part of the evidence required of each person seeking registration by license. The examination covers technical, professional, and practical subjects related to the practice of landscape architecture. The examination also covers the basic arts and sciences, a knowledge of which is material and necessary to the proper understanding, application, and qualifications for practice.

The function of the examination is to permit evaluation of a candidate's ability to apply theoretical training and practical experience to the performance of landscape architecture, and provide a basis for the Louisiana Horticulture Commission to license the candidate to practice professional landscape architecture.

History of Louisiana Horticulture Law and Landscape Architecture Professional Licensure

The licensing of landscape architects was first discussed in the early 1900's by an American Society of Landscape Architecture Committee concerned with professional registration. The first state to require licensing of landscape architects was Louisiana, when the State Legislature revised existing statutes to include the licensing of landscape architects. By the early 1960's five states required registration of landscape architects and by 1973, twenty years after the first registration law, twenty-seven states had passed licensing laws.

There are eleven members on the Louisiana Horticulture Commission. The law requires that this commission meet regularly four times a year: January, April, July, and October. A copy of the law and regulations may be obtained by requesting this from the Louisiana Horticulture Commission.

In 1961, with the number of states requiring registration growing and the potential of all states eventually passing registration laws, there was a recognized need for a group to coordinate the overall approach to registration in the United States, thus the Council of Landscape Architectural Registration Boards (CLARB) was founded. The stated purpose of the Board was, " . . . to facilitate exchange of information among the several State boards for licensing landscape architects; to formulate and implement reciprocal licensing arrangements and to study and advise regarding related matters."

While many of the aspects of CLARB's purpose were carried out to the benefit of the member states and the profession, it was not until 1970 that the problem of reciprocity was dealt with in a significant manner. In 1970, the first critical step towards reciprocity was taken with the adoption of the Uniform National Examination (UNE).

The objectives of CLARB are to promote high standards of landscape architectural practice; to foster the enactment of uniform laws pertaining to the practice of landscape architecture; to equalize and improve the standards for examination of applicants for State registration; to compile, maintain, and transmit professional records to member boards for registered landscape architects desiring this service; and to certify records and recommend registration for landscape architects who meet the standards of the Council for interstate and/or foreign registration.

As a member of CLARB, the Louisiana Horticulture Commission subscribes to its stated purpose and objectives. Since becoming a member, the Louisiana Horticulture Commission has used the Uniform National Examination prepared by CLARB as the examination for landscape architectural registration in the state.

Areas Covered by the Examination

The Uniform National Examination is divided into four major sections: history, design, design implementation, and professional practice.

These four sections are offered over a four-day period comprising the total written examination. A certain minimum score must be achieved in each section to pass. It should be noted that successfully passing the Uniform National Examination (with a raw score in each section above the minimum) does not constitute national licensing. The granting of a license to practice landscape architecture is the responsibility of each state. CLARB can provide certification that an individual has successfully passed the UNE, which can assist a state in determining whether an applicant is qualified for licensure in that state. If further information is desired concerning CLARB's services, inquiries should be directed to the Council of Landscape Architectural Registration Boards, 1750 Old Meadow Road, McLean, Virginia 22101.

In addition to passing all sections of the UNE, the Board of Examiners may request the candidate to take one or more additional parts relating to plants and planting native to Louisiana.

Recommendations for Examination Preparation

The best preparation for the licensing examination is an objective and purposeful engagement with the required formal educational and professional experience aspects of landscape architecture development. Depending on the quality of these two aspects of development and the purpose with which they have been engaged, an applicant's preparation for this examination may vary.

The most complete and comprehensive single document available for help in preparation is *Landscape Architecture Review Workbook for Candidate Preparation for Professional Registration Examination* by D. Rodney Tapp. This document is available for twenty dollars through the American Society of Landscape Architects Foundation, and can be procured by writing them at 1750 Old Meadow Road, McLean, Virginia 22101. The book contains detailed commentary and notes on each subject area of the examination, examples of past examinations and extensive reference lists.

While no list of reference materials is ever complete and right for every individual preparing for an examination, the following is suggested as a point of beginning.

Landscape Architectural History

Newton, Norman T. *Design on the Land.* Cambridge: Harvard, 1971.

Tobey, George B. *A History of Landscape Architecture: The Relationship of People to Environment.* New York: American Elsevier, 1972.

Landscape Architectural Design

Alexander, Christopher. *Notes on the Synthesis of Form.* Cambridge: Harvard, 1964.

Eckbo, Garrett. *The Landscape We See.* New York: McGraw-Hill Book Co., 1969.

Eckbo, Garrett. *Urban Landscape Design.* New York: McGraw-Hill Book Co., 1964.

Halprin, Lawrence. *RSVP Cycles.* New York: George Braziller, 1970.

Lynch, Kevin. *Site Planning.* Second Edition. Cambridge, Massachusetts: The M.I.T. Press, 1971.

McHarg, Ian. *Design with Nature.* New York: National History Press, 1969.

Simonds, John Ormsbee. *Landscape Architecture: The Shaping of Man's Natural Environment.* New York: F. W. Dodge Corporation, 1961.

Landscape Architectural Design Implementation

Handbook of Landscape Architectural Construction. McLean Virginia: American Society of Landscape Architects Foundation, 1973.

Parker, Harry, Charles Gay, and John MacGuire. *Materials And Methods of Architectural Construction.* New York: John Wiley and Sons, 1958.

Parker, Harry and John MacGuire. *Simplified Site Engineering.* Fourth Edition. New York: John Wiley and Sons, 1967.

Robinette, Gary O. *Off the Board /Into the Ground Techniques of Planting Design Implementation.* Dubuque, Iowa: William C. Brown Book Co., 1968.

Ramsey, Charles G., and Harold R. Sleeper. *Architectural Graphic Standards.* Fifth Edition, revised. New York: John Wiley and Sons, 1956.

Seelye, Elwin E. *Data Book for Civil Engineers: Volume I, Design.* Third Edition, revised. New York: John Wiley and Sons, 1960.

Untermann, Richard K. *Grade Easy.* McLean, Virginia: American Society of Landscape Architects, 1973.

Landscape Architectural Professional Practice

Abbett, Robert W. *Engineering Contracts & Specifications.* Fourth Edition. New York: John Wiley and Sons, 1963.

Landscape Architect's Handbook of Professional Practice. McLean, Virginia: American Society of Landscape Architects, 1972.

Prerequisites for Eligibility to Take Examination

To apply for the licensing examination in Louisiana, the applicant must submit evidence of the following:

1. A degree from a college or university, with a degree in landscape architecture.
2. A notarized application with the verification, or a copy of college transcript.
3. Payment of the required application fee.

Reciprocity

The Louisiana Horticulture Commission provides for waiver of the written examination requirements upon submission of evidence satisfactory to the Commission that the applicant has qualified for registration in another state or territory where the requirements are equal to those required in Louisiana and payment of the current fee has been made. Each state with a landscape architecture registration law has slightly different requirements. For those who are interested in reciprocity, a chart which compares these differences is presented in the *Landscape Architecture Review Workbook* by Tapp and is also available through CLARB's Office in McLean, Virginia. For reciprocity in Louisiana, the applicant will be required to pass such additional examination sections as, in the opinion of the Commission, may be necessary to bring the applicant's record up to the existing requirement of Louisiana.

The applicant seeking registration by reciprocity must submit satisfactory proof of registration in good standing in the state or territory of prior registration.

Application Procedure

Application for admittance to the examination is to be submitted on the form provided by the Commission. The application must be filed with the Commission no later than the fifteenth of the month immediately preceding a Commission meeting. The application fee of twenty-five dollars must accompany the application; this fee is not refundable. With the formal application, each applicant must submit proof of statements made in the application by attaching documentary evidence that the application is clearly eligible under the section of the law upon which the application is based.

The UNE is given once a year during the month of June.

Application Preparation:

1. In filling out the application, use a typewriter or plain block lettering.

2. Every item on the application must be answered. If the question does not apply, simply state, "not applicable".

3. Sign and execute the application before a notary public.

4. If registered in other states, list the state or states and indicate if registration was obtained by written examination.

5. Education: Education is defined as time spent as a matriculated student in a college or school of landscape architecture approved by the Commission. Applicant should state in chronological order the name and location of each college or university attended, giving the dates of attendance, major area of study, and if a graduate, the degree received. A diploma or a copy of official transcripts from each of the institutions attended must accompany the application.

6. Experience: Experience is defined as full-time employment in landscape architectural work under the direct supervision of a registered landscape architect or a landscape architect qualified for registration in Louisiana. All experience and training must meet the approval of the Commission. A notarized affidavit signed by the licensed landscape architect under whom the candidate trained should give a complete account of his/her entire experience from the time professional practice was actively engaged to the present time. The account should state concisely the title of position, the name, address and character of the business, the kind of work done, and the degree of personal responsibility, indicating time spent in the various levels of responsibility.

Also included must be the name and address of the licensee and company to which the applicant was responsible or associated.

9. All documents submitted to the Commission with the formal application must be clearly and properly marked for identification and ownership.

At the discretion of the Commission, other evidence may be requested. The Commission reserves the right to retain, as a permanent part of the application, any or all documents submitted.

All applicants will be considered individually by the Commission and approved or rejected on a roll call vote. If after reviewing the application, the Commission requires additional information or a personal appearance, the applicant is responsible to supply such information or appear at the time and place designated by the Commission.

Failure to supply additional evidence of information within sixty days from the date of a written request from the Commission or to appear before the Commission when such an appearance is deemed necessary, may be considered just and sufficient cause for disapproval of the application.

Information Available Before Examination

Each applicant will be notified by mail as to whether the Commission has certified him/her as being eligible to take the examination. After being designated by the Commission as a candidate for the examination, a copy of the instructions by which the examination will be conducted will be furnished to each candidate. This material will include:

1. The schedule for the examination and its various sections; specific times and places will be indicated.

2. A list of equipment and other materials that will be allowed and necessary to bring to the examination.

3. Notes regarding the administration of the examination.

4. A booklet prepared by CLARB entitled Uniform National Examination—Section Outlines. The booklet describes what will be covered in each section and in what format each will be offered.

Outlines of the Subject Areas Covered by the Examination

Uniform National Examination—Section Outlines as indicated above, will be sent to each candidate once certified. These outlines have been developed as a framework for the preparation of the examination by the Examination Committee of CLARB. They outline in detail the subject areas which will be included in each section of the examination and serve as a means of classifying and distributing questions.

These outlines are broad in scope and reflect the wide-ranging activities and responsibilities of contemporary landscape architectural practice. They have been developed in light of the basic purpose of the examination as it reflects the general functions and responsibility of licensure. The general and specific details of the outlines were developed from the State laws and/or Board requirements and a consensus opinion expressed by a randomly selected group of leaders within the profession.

The form of the examination and its questions have been developed by an appointed group of registered landscape architects, to be appropriate to a candidate after his or her academic education has been supplemented by the required period of practical experience.

Evaluation Procedures

Successful performance on the examination for licensure is based on the concept of mastery of the relevant subject matter and skills. Thus, candidates must obtain a "pass" evaluation in all sections of the examination. The candidate will not be evaluated in competition with others taking the examination, nor will there be "normal" distribution curves, "standard" scores or passing criteria established after the examination has been administered.

Objective items—All "objective" portions of the examination will be sent to CLARB for processing. This processing will identify and eliminate any faulty test items prior to determining individual section scores. After the processing by CLARB, each candidate's test performance will be sent back to the State Board for distribution.

Design/graphic items—The design/graphic solutions will be evaluated by an appointed group of professionals using carefully controlled scoring procedures provided by CLARB. The purpose of these procedures is to protect the candidate from any idiosyncratic biases among the evaluators, and to assure the professional quality of the examination.

Notification of Results

Results will be mailed within three months following the written examination. No results will be available by telephone.

Retaking Examination

A candidate receiving a passing grade on a section included in the examination will be given credit for that section. A candidate who fails to receive a passing grade on all sections can retake those sections not passed. Candidates desiring to retake certain sections of the examination may be required to appear before the Commission and furnish evidence of satisfactory study and preparation before readmittance.

Richard Carlton, Secretary
Horticulture Commission

RULE

Department of Agriculture
Office of Agricultural and Environmental Sciences
Horticulture Commission

The Louisiana Department of Agriculture, Office of Agricultural and Environmental Sciences, Horticulture Commission, has adopted a policy, pursuant to R.S. 37:1969, which would require that each place of business, as defined in R.S. 37:1963, have present during the hours that business is being conducted a person or persons licensed in each phase of horticulture being offered to the public.

Richard Carlton, Secretary
Horticulture Commission

RULES

Department of Agriculture
Office of Agricultural and Environmental Sciences
Pesticide Commission

Under authority of Part 1 of Chapter 12 of Title 3 of the Louisiana Revised Statutes of 1950, the following addition is made to the Rules and Regulations on Mixing and Application of Pesticides:

1. Definitions

f. "Label"—The term 'label' means the written, printed, or graphic matter on, or attached to, the pesticide or device or any of its containers or wrappers.

g. "Labeling"—The term 'labeling' means all labels and all other written, printed, or graphic matter accompanying the pesticide or device at any time; or to which reference is made on the label or in literature accompanying the pesticide or device, except to current official publications of the Environmental Protection Agency, the United States Department of Health, Education, and Welfare, State experiment stations, State agricultural colleges, and other similar Federal or State institutions or agencies authorized by law to conduct research in the field of pesticides.

E. A. Cancienne, Director
Pesticide Commission

RULES

Department of Agriculture
Dairy Stabilization Board

The Dairy Stabilization Board at its meeting on October 25, 1977, amended Rule 3.2(2) to read as follows:

3.2(2) Prior to the adoption, amendment or repeal of any rule, the Board shall afford all interested persons reasonable opportunity to submit data, views, or arguments, orally or in writing. In case of substantive rules, opportunity for oral presentation or argument must be granted if requested by twenty-five persons, by a governmental subdivision or agency, by an association having not less than twenty-five members, or by a committee of either house of the Legislature to which the proposed rule change has been referred under the provisions of the Administrative Procedures Act. The Board shall consider fully all written and oral submissions respecting the proposed rule. Upon adoption of a rule, the Board, if requested to do so by an interested person either prior to adoption or within thirty days thereafter, shall issue a concise statement of the principal reasons for and against its adoption.

C. James Gelpi, Director-Attorney
Dairy Stabilization Board

RULE

Department of State Civil Service

The Louisiana Civil Service Commission at its meeting on November 8, 1977, amended Rule 11.29(b) to read as follows:

(b) Subject to the provisions of Rules 6.25(b) (3), 11.28(b), 11.29(d), 11.29(i), and 11.29(j), an employee serving in a position for which the current minimum of the pay range is less than $971 per month who is required to perform overtime duty shall, at the option of his appointing authority, but in conformity with the provisions of the Federal rules, statutes, regulations, and judicial decisions . . .

George Hamner, Director
Department of State Civil Service

RULE

Department of Corrections
Board of Pardons

(Editor's Note: The following was adopted by the Board of Pardons on October 11, 1977 to become effective January 1, 1978.)

Rule 9 of the Rules and Regulations of the Board of Pardons is amended to read as follows:

Rule 9: The Board, upon denying an application, shall within twenty-one working days, inform the applicant of the denial and the fact that the Board shall review applicant's petition automatically at least once again, at a time established at the Board's discretion. Prior to the time of the review, which shall consist only of reviewing written documents with no legal representation or witnesses present, the applicant will be allowed to decide whether or not to proceed with said review or to elect to have a new hearing, with benefit of legal representation and/or other witnesses present.

The review and/or new hearing of the case of an applicant previously denied by this Board, who was subsequently granted parole, will be conducted, upon request by the parolee and approval by the Board.

In no event shall an applicant be reheard within one year from date of any denial without prior approval of the Board.

John D. Hunter, Chairman
Board of Pardons

Board of Elementary and Secondary Education

The following rules were adopted by the Board of Elementary and Secondary Education on October 27, 1977.

Rule 4.02.03

The Board adopted for inclusion in the Policy and Procedure Manual the following policy statements from the State Plan for Special Education:

Policy Statements Contained in Fiscal Year 1978 Amended Annual Program Plan

II. Right to Education Policy Statement (612(1)).

Section 612(1) of the Act states that in order to qualify for Part B assistance the State must have "in effect a policy that assures all handicapped children the right to a free appropriate public education."

A. Policy to insure all handicapped children a free appropriate public education.

The Board of Elementary and Secondary Education (BESE) reaffirms its policy that all handicapped children have the right to a free appropriate public education.

This policy is consistent with the State's mandatory legislation enacted in 1972, and applicable to all state agencies which provides in part as follows:

> " . . . that suitable special education and training facilities, services, classes, and opportunities be provided for all physically and/or mentally handicapped and other exceptional children of public school age, or within the broader age limits hereinafter provided."

The age limits set forth in the legislation are:

> "Children who have been identified and are eligible for services in the categories described in the preceding paragraph shall be not less than three years of age nor more than twenty-one years of age, subject to the rules and regulations of the State Board of (Elementary and Secondary) Education concerning the age groups of children who may be reasonably taught or trained together."

Further, the first priority shall be handicapped children who are not receiving educational services, and second, handicapped children, within each disability, with the most severe handicaps who are receiving an inadequate education.

III. Full Educational Opportunities Goal and Timeliness (612(2) (A)).

Section 612(2) (A) requires that each Annual Program Plan set forth detailed policies and procedures to assure that "there is established (i) a goal of providing full educational opportunity to all handicapped children, (ii) a detailed timetable for accomplishing such a goal, and (iii) a description of the kind and number of facilities, personnel and services necessary throughout the State to meet such a goal. . . ."

A. Goal statement—BESE establishes a goal of providing full educational opportunity to all handicapped children, ages birth through twenty-one in the State.

IV. Policy on Priorities (612(3)).

Section 612(3) states that in order for a State to qualify for assistance under Part B, the State must demonstrate that it "has established priorities for providing a free appropriate public education to all handicapped children . . . first with respect to handicapped children who are not receiving an education, and second with respect to handicapped children, within each disability, with the most severe handicaps who are receiving an inadequate education and has made adequate progress in meeting the timetables set forth in (Sec. 612(2) (B))."

A. BESE establishes priorities for providing a free appropriate education to all handicapped children . . . first with respect to handicapped children who are not receiving an education, and second, with respect to handicapped children, within each disability, with the most severe handicaps who are receiving an inadequate education.

V. Child Identification (612(2) (C).

Section 612(2) (C) of EHA-B, as amended by P. L. 94-142, states that each plan shall set forth in detail the policies and procedures which the State has undertaken in order to assure that "all children residing in the State who are handicapped, regardless of the severity of their handicap, and who are in need of special education and related services are identified, located and evaluated, and that a practical method is developed and implemented to determine which children are currently receiving needed special education and related services and which children are not currently receiving needed special education and related services."

A. Policies and procedures undertaken to insure that all handicapped children are identified, located and evaluated.

It is the policy of BESE that all children residing in the State who are handicapped, regardless of the severity of their handicap, and who are in need of special education and related services are identified, located and evaluated, and that a practical method is developed and implemented to determine which children are currently receiving needed special education and related services and which children are not currently receiving needed special education and related services."

VI. Individualized Education Program (612(4)).

Section 612(4) of the Act states that in order to qualify for assistance under Part B, the State must demonstrate that "each local education agency in the State will maintain records of the individualized education program for each handicapped child, and such program shall be established, reviewed, and revised as provided in Section 614(a) (5)."

Section 614(a) (5) states that a local education agency or an intermediate education unit must submit an application for funds to the State education agency. The application shall "provide assurances that the local education agency or intermediate educational unit will establish, or revise, whichever is appropriate, an individualized education program for each handicapped child at the beginning of each school year and will then review and, if appropriate revise, its provisions periodically but not less than annually."

A. BESE establishes policies that all local educational agencies (LEA's) or intermediate educational units (IEU's) be required to establish and maintain individualized education programs for all children receiving special educational services. The development, review, and revision of the individualized education programs (IEP's) must include:

1. IEP's will be developed and/or revised at the beginning of each school year and reviewed and revised at least annually.

2. The LEA or IEU is responsible for initiating and conducting planning conferences.

3. Parents will be afforded an opportunity to participate in the planning conference at a mutually agreed upon time and place and will be afforded alternative solutions should they be unable to attend. Procedures for providing sufficient documentation of attempts to arrange a mutual setting to allow the conference to occur without parents should be included. Provision for interpreters or other facilitators for parental participation in the case of a communication barrier on the part of the parent shall be documented.

4. Planning conferences will be conducted within the first thirty days of the child's attendance or within thirty days of determination of the child's eligibility for special education. To meet this provision, a local education agency could conduct the meeting for the child at the end of the school year or during the summer.

5. The planning conference will include but not be limited to:

a. A representative of the education agency.

b. The child's teacher(s).

c. One or both parents.

d. Child (when appropriate).

e. Other individuals, at the discretion of the parent or agency.

6. The individualized education program will include:

a. A statement of the child's present level of educational performance.

b. A statement of the annual goals describing anticipated behavior to be achieved and based on the child's unique needs.

c. A statement of the short-term instructional objectives.

d. A statement of the special education services and instructional materials to be provided including special education and related services required to meet the child's unique needs.

e. A description of the extent to which the child will participate in regular education programs.

f. Projected date for the initiation and anticipated duration of service.

g. Appropriate objective criteria, evaluation procedures, and schedules for determining, on at least an annual basis, whether the instructional objectives are being achieved.

h. List of individuals responsible for implementing the IEP.

7. Policies will be established by the LEA's for the development, maintenance, and evaluation of individualized education programs for children placed in private schools by the LEA's which must include:

a. Provisions for presence of teacher or private school representative at planning conference or alternative for physical presence.

b. Provisions for the LEA to have final responsibility for the development of the individualized education program with option to delegate to the private school.

VII. Procedural Safeguards (612(5) (A), 615).

Section 612(5) (A) states that in order to receive assistance under Part B, a State must demonstrate that it "has established procedural safeguards as required by Section 615 of the Act."

A. Policy statement—BESE has established policies relating to procedural safeguards for handicapped children and their parents with respect to the provision of a free, appropriate, public education.

VIII. Least Restrictive Environment (612(5) (B)).

Section 612(5) (B) states that in order to qualify for assistance under Part B, a State shall demonstrate that it has established "procedures to assure that, to the maximum extent appropriate, handicapped children, including children in public or private institutions or other care facilities, are educated with children who are not handicapped, and that special classes, separate schooling, or other removal of handicapped children from the regular educational environment occurs only when the nature or severity of the handicap is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily."

A. BESE establishes that:

1. To the maximum extent appropriate, handicapped children in public or private institutions or other care facilities are educated with children who are not handicapped, and

2. Special classes, separate schooling or other removal of handicapped children from the regular educational environment occurs only when the nature or severity of the handicap is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily.

IX. Protection in Evaluation Procedures (Nondiscriminatory Testing) (612(5) (C)).

Section 612(5) (C) states that in order for a State to qualify for Part B assistance, it must demonstrate that it has established "procedures to assure that testing and evaluation materials and procedures utilized for the purposes of evaluation and placement of handicapped children will be selected and administered so as not to be racially or culturally discriminatory. Such materials or procedures shall be provided and administered in the child's native language or mode of communication, unless it is clearly not feasible to do so, and no single procedure shall be the sole criterion for determining an appropriate education program for a child."

A. BESE establishes the policy that testing and evaluation materials and procedures used for the purpose of evaluation and placement of handicapped children are selected and administered so as not be racially or culturally discriminatory. Specifically, the requirements shall include but not be limited to the following:

1. No single test shall be used as sole criteria for placement.

2. A formal evaluation must occur prior to any action with respect to:

a. the initial placement or denial of placement,

b. the transfer or denial of transfer of a child from a special education program to full-time regular class placement.

3. Evaluation materials are administered in the child's native language, unless it is clearly not feasible to do so.

4. Evaluation materials have been properly validated.

5. Evaluation materials adopted must have been recommended by their producer for a specific purpose, administered in conformance with the instructions provided by their producer and administered by certified personnel.

6. Evaluation materials adopted must be tailored to assess specific areas of educational need and not merely those which are designed to provide a single general intelligence quotient.

7. Evaluation materials administered to a child with impaired sensory, manual, or speaking skills must yield results which accurately reflect the child's aptitude or achievement level.

8. Data from sources other than from achievement tests must be gathered and considered.

9. Interpretation of evaluation data and determination of child's educational placement must be made by a team knowledgeable about the child, the meaning of the evaluation results, the placement options, and the personnel available to provide appropriate educational and related services.

10. If evaluation data shows the child does not need instruction in a special setting, the child will not be placed outside the regular instructional setting.

11. The requirements that any changes in the child's special education placement will be based on (a) the child's current individualized education program, (b) any other information relating to the child's current educational performance and (c) existing formal evaluation data on the child which is not more than two years old.

12. Reevaluation must include (a) revision of individualized education program periodically, but not less than annually, and (b) that a formal evaluation of the child, based on above procedures, is conducted at least every three years or whenever conditions warrant, including at the request of the child's parents or teachers.

XI. Participation of Private School Children.

Section 613(a) (4) (A) requires that the Annual Program Plan "set forth policies and procedures to assure . . . that, to the extent consistent with the number and location of handicapped children in the State who are enrolled in private elementary and secondary schools, provision is made for the participation of such children in the program assisted or carried out under (Part B) by providing for such children special education and related services."

A. BESE establishes the policy that, to the extent consistent with the number and location of handicapped children in the State who are enrolled in private elementary and secondary schools, provision is made for participation of those children in the programs assisted or carried out under Part B by providing for those children special education and related services. The following specific criteria must be addressed in the policies.

1. Determination of the number and types of children who will participate in these programs and types of services provided must be made on a basis comparable to procedures used in providing for the participation of handicapped children in public schools, after consultation with persons knowledgeable as to the children's needs.

2. Public school personnel and services may be made available to nonpublic schools only to the extent necessary to provide the special education and related services required by handicapped children in private schools when those personnel and services are not provided at the private schools.

3. Each State and local agency providing educational and related services to children enrolled in private schools will maintain administrative control and direction over those services.

4. EHA-B funds used to support the education of handicapped children in private schools will not include the payment of salaries of private school personnel except for services performed outside their hours of duty and under public supervision and control nor must the services include the use of equipment purchased with Part B funds, other than mobile or portable equipment, on private school premises, or the construction of private school facilities. Title to and administrative control over above mentioned portable or mobile equipment must be maintained by the State or local agency, who will also be responsible for monitoring the use, availability, and removal of such equipment.

5. Programs and projects to be carried out in public facilities, and involving joint participation by handicapped children enrolled in private programs and public schools, will not include classes that are separated on the basis of school enrollment children's religious affiliation.

XII. Placement in Private Schools (613(a) (4) (B)).

Section 613(a) (4) (B) states that the Annual Program Plan must "set forth policies and procedures to assure . . . that (i) handicapped children in private schools and facilities will be provided special education and related services (in conformance with an individualized education program as required by Part B) at no cost to their parents or guardian, if such children are placed in or referred to such schools or facilities by the State or appropriate local education agency as a means of carrying out the requirements of (Part B) or any other applicable law requiring the provision of special education and related services to all handicapped children within such State, and (II) in all such instances the State Education Agency shall determine whether such schools and facilities meet standards that apply to State and local education agencies and that children so served have all the rights they would have if served by such agencies."

A. BESE established the policy that, if handicapped children are placed in or referred to private schools or facilities by the State or local education agencies as a means of carrying out the statutory requirements, those children will be provided special education and related services: (a) in conformance with an individualized education program, (b) at no cost to parents, and (c) which meet State education standards. The following conditions are included:

1. When a handicapped child is offered a free appropriate public education in a public education agency that is readily accessible to his/her home community and the parents waive that opportunity in favor of private school placement, the parents shall assume full financial responsibility for the child's education.

2. If a parent contends that he/she has been forced, at the parent's own expense, to seek private schooling for the child because an appropriate program does not exist, and the responsible agency disagrees, that disagreement and the question of who remains financially responsible is a matter to which the due process procedures apply.

3. Whenever handicapped children are placed in private schools or facilities by public education agencies, the State education agency shall take steps to assure that the children have all the rights they would have if educated in a public school.

4. Provision must be made for private schools to receive a copy of State standards, and revisions as they occur.

XIII. Recovery of Funds for Misclassified Child.

Section 613(a) (5) of the Act states that the State plan must "set forth policies and procedures which assure that the State shall seek to recover any funds made available under (Part B) for services to any child who is determined to be erroneously classified as eligible to be counted (under the Act)."

A. BESE establishes the policy to seek to recover any funds made available under Part B of the Act for services to any child who is determined to be erroneously classified as eligible to be counted.

Rule 3.01.85

The Board adopted the official function of the Textbook and Media Advisory Council as follows:

A. To review constantly the process followed in the adoption of textbooks and materials of the instruction and to strive to improve that process;

B. To make recommendations to the State Board of Elementary and Secondary Education for State adoptions;

C. To review data on a state by state basis on the expenditures for textbooks and to make recommendations for appropriation legislation in line with that data;

D. To review and evaluate the five year cycle for adoption of textbooks in basic skills and disciplines;

E. To help speed up the adoption process whereby they would handle any controversial material brought up by the general public before requesting approval from the Board.

Rule 3.01.70w(1)

The Board adopted Bulletin 996, Louisiana Standards for Accrediting Teacher Education Institutions as amended. The Department of the State Register, in accordance with R.S. 49:954.1C, has exercised its privilege to omit from the Louisiana Register the text of Bulletin 996. The public may inspect these rules at the Board's office, Room 104, Education Building, 646 North Fourth Street, Baton Rouge, Louisiana.

Bro. Felician Fourrier, S.C., Acting Director
Board of Elementary and Secondary Education

RULE

Department of Health and Human Resources
Office of Family Services

The Department of Health and Human Resources, Office of Family Services has adopted the following Maximum Fee Schedule of Authorized Services under the Early and Periodic Screening, Diagnosis and Treatment (EPSDT) Dental Program. This new fee schedule was developed in an attempt to have the EPSDT fees compare more favorably with those of the private sector.

EPSDT Dental Program
Maximum Fee Schedule of Authorized Services

Category A

Services contained in this category are the services generally allowable under the program and require no justification when listed in the claim for payment or treatment plan submitted for prior authorization.

Occlusal x-ray	$ 5.00
Amalgam restoration—two surfaces	15.00
Amalgam restoration—three or more surfaces	20.00
Esthetic restoration—Class III or V (silicate, plastic composite) not to exceed three individual restorations on a single tooth	13.00
Acid etch restoration of fractured anterior restoring entire incisal edge (with report)	40.00
Stainless steel crown	30.00
Polycarbonate crown (limited to permanent anteriors and deciduous cuspids)	30.00
Biopsy (including pathology report)	25.00
Routine extraction (permanent or deciduous) to include routine postoperative care	12.00
Incision and drainage of abscess	10.00
Nitrous oxide analgesia, per visit	3.00

Category B

Services in this category require special and individual consideration before preauthorization can be granted. Requests for these services must be accompanied by a brief report of circumstances including appropriate x-rays and clinical findings that justify the requested treatment.

Apicoectomy	45.00
Puplectomy	40.00
Surgical removal of impacted tooth (soft tissue impaction)	30.00
Surgical excision of pericoronal gingiva	20.00
Frenulectomy	25.00
Alveolectomy/Alveoplasty (surgical preparation of ridge for dentures)—per quadrant	40.00
Periodontal prophylaxis (full mouth, subgingival-scaling)	25.00
Subgingival curettage, root planing, complete periodontal scaling (per quadrant), incipient bone loss must be evident radiographically	30.00
Partial denture (acrylic base—rests—wire clasps)	165.00
Partial denture (cast framework—acrylic saddles)	300.00
Relining upper or lower denture (laboratory)	70.00
Crown buildups—pin retained (pins to be listed individually with appropriate fee)	18.00
Post and core	35.00
Cast gold crown	125.00
Porcelain jacket crown	125.00

Porcelain fused to gold crown (per unit)	185.00
Removable bilateral space maintainer (lingual arch)	70.00
Hospital Fee (total fee, pre and postoperative) Special request for hospitalization required	75.00

William A. Cherry, M.D., Secretary
Department of Health and Human Resources

RULE

Department of Health and Human Resources
Office of Family Services

The Department of Health and Human Resources, Office of Family Services, has adopted as a permanent regulation the following new rates of payment to Skilled Nursing Facilities (SNF), Intermediate Care Facilities I (ICF I), and Intermediate Care Facilities II (ICF II).

New Rates	SNF	ICF I	ICF II
Monthly	$672.82	$542.63	$441.65
Daily	$ 22.12	$ 17.84	$ 14.52

William A. Cherry, M.D., Secretary
Department of Health and Human Resources

RULES

Department of Labor
Office of Employment Security

The Department of Labor, Office of Employment Security has pursuant to R.S. 23:1654 amended Regulations 11 and 15 to read as follows:

Regulation 11. Separation Notices.

(a) Individual separation notices.

(1) No disqualification alleged.

Whenever a worker is separated from his employment, permanently or for an indefinite period or for an expected duration of seven or more days, under circumstances which are not expected by his employer to disqualify him for benefits pursuant to Section R.S. 23:1601, his employer shall give him at the time of separation or if such personal delivery is impossible or impracticable shall mail to his last known address within forty-eight hours after such separation, "Worker's Claim Information Booklet," Form LDOL-ES 87.

(2) Under conditions which may disqualify.

Whenever a worker is separated from his employment permanently or for an indefinite period or for an expected duration of seven or more days, under conditions which may disqualify him for benefits pursuant to the provision of R.S. 23:1601, his employer shall within seventy-two hours after such separation give him, or if such delivery is impossible or impracticable, mail to his last known address a "Separation Notice Alleging Disqualification," Form LDOL-ES 77, on which the employer has entered the required information. Within the same period of time, the employer shall send a copy of such separation notice, certified to by himself or his duly authorized agent, to the Administrator.

(3) Upon request of administrator.

Upon request of the Administrator for separation information covering any worker separated by any employing unit from its employ, such employing unit shall within ten days following the mailing of such request, completely fill out such notice and return it to the address specified thereon.

(4) Failure by an employing unit.

Failure by an employing unit to furnish the Administrator, within the time allowed, information which may disqualify for benefits under R.S. 23:1601 shall be deemed an admission that such worker was not separated under disqualifying circumstances, unless the Administrator finds good cause existed for the failure to comply.

(b) Mass separation notices.

In the event of a separation of fifty or more individuals by an employer for the same reason and about the same time, the employer shall notify the Administrator of such separation. Upon receipt of such notice, the Administrator shall make full investigation.

(c) Labor dispute notices.

(1) In case of a separation due to a labor dispute, the employer shall within forty-eight hours after such separation file with the local employment office nearest his place of business a notice setting forth the existence of such dispute and the approximate number of workers affected.

(2) Upon request by the Administrator such employer shall furnish the names and Social Security account numbers of workers ordinarily attached to the department or the establishment where unemployment is alleged to be caused by a labor dispute.

(d) It is not the intent of this regulation to deprive any party of the right to protest or to appeal which is statutorily granted.

Regulation 15. Registration for Work and Claims for Benefits for Partial Unemployment.

(a) Employer responsibility in the initiation of a first claim for partial benefits in a benefit year.

(1) Immediately after the termination of any calendar week in which a worker earned less than sixty percent of his customary full time weekly wage due to lack of work, his employer shall give such worker a copy of Form LDES-89, "Low Earnings Report and Claim for Partial Benefits," setting forth therein the information required of the employer. If such worker completes and returns Form LDES-89 to his employer, such employer shall promptly mail or otherwise transmit such form to the local office of the Department of Labor, Office of Employment Security through which the employer has a partial claims agreement.

(2) Upon receipt of Form LDES-89 the Department of Labor, Office of Employment Security shall promptly notify such worker named therein of his potential rights to partial benefits and shall notify his employer of such worker's weekly benefit amount and benefit year ending date. Upon receipt thereof, such employer shall record such weekly benefit amount and benefit year ending date upon his payroll records.

(b) Employer to furnish evidence of subsequent weeks of partial unemployment.

After an employer has been notified of the weekly benefit amount and current benefit year ending date of any worker in his employ, such employer, until otherwise notified, shall immediately after the termination of each calendar week which begins within such benefit year and for which such worker's earnings fall below such weekly benefit amount because of lack of work in such week, furnish each such worker with a copy of Form LDES-89, "Low Earnings Report and Claim for Partial Benefits," setting forth the information required therein, including the worker's name and Social Security account number, the ending date of such week, the wages earned therein, and a proper certification as to his having worked less than his normal customary full time hours because of lack of work in such week. If such worker completes and returns such form to his employer, such employer shall promptly mail or otherwise transmit such form to the local office of the Department of Labor, Office of Employment Security through which the employer has a partial claims agreement.

(c) Registration and filing of claims for partial unemployment.

A claim for benefits for any individual on Form LDES-89, "Low Earnings Report and Claim for Partial Benefits," or other form designated by the Department of Labor, mailed by him or his employer in his behalf, or delivered to a local office of the Department of Labor, Office of Employment Security shall constitute such individual's notice of unemployment, registration for work, and claim for benefits or waiting period credit, with respect to each such week of partial unemployment covered by the claim provided that such form is executed by such individual and received by the local office of the Department of Labor, Office of Employment Security through which the employer has a partial claims agreement within seven days following the week to which the form pertains.

(d) Extended period for registration and filing of claims for good cause.

Notwithstanding the provisions of Part (c) of this regulation, if the Administrator finds that the failure of any individuals to register and file a claim for partial unemployment benefits within the time set forth in Part (c) was due to failure on the part of the employer to comply with any of the provisions of Parts (a), (b) and (c) of this regulation, or to coercion or intimidation exercised by the employer to prevent the prompt filing of such claim, or to failure by the Department of Labor, Office of Employment Security to discharge its responsibilities promptly in connection with such partial unemployment, the Administrator shall extend the period during which such claim may be filed to a date which shall be not less than one week after the individual has received appropriate notice of his potential rights to benefits and his earnings during the period of such partial unemployment, provided, however, that the period during which such claim may be filed shall not be extended beyond the thirteen-week period subsequent to the end of the actual or potential benefit year during which such week of partial unemployment occurred.

(e) Employer records in connection with partial unemployment.

In addition to the requirements set forth in Regulation 6, each employer shall keep his payroll records in such form that it would be possible for an inspection to determine with respect to each worker in his employ who may be eligible for partial benefits:

(1) Wages earned, by weeks, described in Regulation 12(b);

(2) Whether any week was in fact a week of less than full time work;

(3) Time lost, if any, for each such worker, due to his unavailability for work.

(4) This regulation applies only to employers with a Partial Employer Agreement with one or more of the Louisiana Employment Security Area Offices.

Thomas M. Lockwood, Administrator
Office of Employment Security

RULES

Department of Public Safety
Commission on Law Enforcement and Administration of Criminal Justice

Preface

These regulations governing the privacy and security of criminal history record information in the State of Louisiana are effective after November 30, 1977. Full implementation is required by December 31, 1977.

The regulations were drafted by the Privacy and Security Steering Committee of the Louisiana Criminal Justice Information System (LCJIS) Advisory Board and members of the LCJIS Staff in accordance with a Federal and State executive mandate to the Louisiana Commission on Law Enforcement. The Commission approved the regulations on October 26, 1977.

A separate set of guidelines and implementation instructions has also been published. These should provide significant assistance in understanding and adapting the regulations to local needs and peculiarities. Questions concerning the regulations or guidelines may be addressed to Louisiana Criminal Justice Information System, Office of Management and Planning, 1885 Wooddale Boulevard, Suite 502, Baton Rouge, Louisiana 70802, Telephone: (504) 389-7411.

Privacy and Security Regulation
LAC 17-3: 1 Purpose and Scope

In keeping with Congressional findings that the privacy of an individual is directly affected by the collection, maintenance, use, and dissemination of personal information;

Recognizing that to the extent that the maintenance of personal information is necessary for the efficient functioning of the government, it is the moral and legal obligation of the government to assure that the personal information maintained is, to the maximum extent feasible, complete and accurate;

Being convinced that it is of utmost importance that the integrity of personal information records be zealously protected;

Recognizing that the increasing use of computers and sophisticated information technology, while essential to the operations of government, has greatly magnified the harm to individual privacy that can occur from any collection, maintenance, use, or dissemination of personal information;

Realizing that opportunities for an individual to secure employment, insurance, credit, and his right to due process, and other legal protections are endangered by the misuse of certain information systems;

Acknowledging that the right to privacy is a personal and fundamental right protected by the Constitution of the United States.

Responding to the authority granted in 42 United States Code 3701, et seq.; 28 United States Code 534; 28 Code of Federal Regulations, Chapter I, Section 20; R.S. 15:575 et seq.; 49:951 et seq.; and Executive Designation dated November 14, 1975; and

Acting with the intent of protecting and furthering the interests of the citizens of the State of Louisiana, the Privacy and Security Committee of the Criminal Justice Information System Division of the Louisiana Commission on Law Enforcement and Administration of Criminal Justice (LCLE) does hereby issue these Privacy and Security Regulations for the following purposes, and with the following scope and limitations:

It is the purpose of these regulations to provide safeguards for an individual against an invasion of his personal privacy, and to promote, to the maximum extent feasible, the adoption of procedures to ensure the completeness, accuracy, and integrity of criminal history record information collected, maintained, and disseminated by criminal justice agencies. This will be accomplished by requiring those agencies affected to permit an individual to determine what criminal history record information pertaining to him is collected, maintained, used, or disseminated by such agencies; permit an individual to gain access to criminal history record information pertaining to him in the records of affected agencies, to have a copy made of all or any portion thereof, and to correct or amend such records; and collect, maintain, use, or disseminate any record of criminal history information in a manner that assures that such action is for a lawful purpose, that the information is current and accurate for its intended use, and that adequate safeguards are provided to prevent the misuse or unauthorized alteration or destruction of such information.

§1.1 These regulations apply to all criminal justice agencies organized under the Constitution or laws of the State of Louisiana which were awarded Law Enforcement Assistance Administration (LEAA) monies after July 1, 1973, for manual or automated systems which collect, store, or disseminate criminal history record information. The regulations do not directly apply to agencies which have received LEAA funds for general purposes other than the collection, storage, or dissemination of criminal history record information. For example, an agency receiving funds to implement and operate automated noncriminal history record information systems (e.g., personnel, resource allocation, performance evaluation) would not by such funding be included under these regulations.

§1.2 These regulations apply to all criminal justice agencies organized under the Constitution or laws of the State of Louisiana which are or become signatories to a user's agreement. In such instances, the user's agreement shall control the extent to which these regulations are applicable.

§1.3 Nothing contained in any of these Privacy and Security Regulations shall be construed to reduce, eliminate, or otherwise adversely affect any rights which individuals may have under any existing Louisiana law, court decision, or administrative rule.

§1.4 These regulations apply to criminal history record information, as defined in regulation LAC 17-3:1.10. The following types of record information that might contain or otherwise be included within the definition of criminal history record information are specifically excluded:

A. Posters, announcements, or lists for identifying or apprehending fugitives or wanted persons.

B. Original records of entry such as police blotters maintained by criminal justice agencies, compiled chronologically and required by law or long-standing custom to be made public, if such records are accessed solely on a chronological basis.

C. Court records of public judicial proceedings.

D. Published court or administrative opinions.

E. Public judicial, administrative, or legislative proceedings.

F. Records of traffic offenses maintained by State departments of transportation, motor vehicles or the equivalent thereof for the purposes of regulating the issuance, suspension, revocation, or renewal of driver's, pilot's or other operator's licenses.

G. Announcements of executive clemency.

H. Juvenile records.

I. Any other specific exemptions as may from time to time be provided by Federal regulations, State statute or which may be particularly specified in any of these regulations.

§1.5 These regulations shall be effective after November 30, 1977.

§1.6 Under Federal law, an affected agency which willfully and knowingly violates these regulations may be subject to termination of funds made available by the Law Enforcement Assistance Administration, and a ten thousand dollar fine. Additionally, future eligibility for receipt of Law Enforcement Assistance Administration funds may be suspended until the violating agency furnishes proof of compliance with these regulations.

§1.7 Under Louisiana law (R.S. 15:575 et seq.), an officer or official of a criminal justice agency may be subject to a fine between fifty dollars and five hundred dollars for violating any rules or regulations issued by the Louisiana Criminal Justice Information System.

§1.8 A violating agency may be barred from receiving information from the Central State Repository until such agency furnishes proof of compliance with these regulations.

§1.9 "Criminal history record information system" means a system including the equipment, facilities, procedures, agreements, and organizations thereof, for the collection, processing, preservation, or dissemination of criminal history record information.

§1.10 "Criminal history record information" means information collected by criminal justice agencies on individuals consisting of identifiable descriptions and notations of arrests, detentions, indictments, informations, or other formal criminal charges, and any disposition arising therefrom, sentencing, correctional supervision, and release. The term does not include identification information such as fingerprint records to the extent that such information does not indicate involvement of the individual in the criminal justice system.

§1.11 "Criminal justice agency" means only those public agencies at all levels of government which perform as their primary function activities relating to:

A. The apprehension, prosecution, adjudication, or rehabilitation of criminal offenders.

B. The collection and analysis of crime statistics pursuant to statutory authority.

C. The collection, storage, processing, dissemination, or usage of information originating from agencies described in LAC 17-3:1 of this regulation.

§1.12 The "administration of criminal justice" means performace of any of the following activities: detention, detection, apprehension, pretrial release, post-trial release, prosecution, adjudication, correctional supervision, or rehabilitation of accused persons or criminal offenders. The administration of criminal justice shall include criminal identification activities and the collection, storage, and dissemination of criminal history record information.

§1.13 "Affected agency" means:

A. Any criminal justice agency which was awarded Law Enforcement Assistance Administration monies after July 1, 1973, for manual or automated systems which collect, store, or disseminate criminal history record information.

B. Any criminal justice agency which is or becomes a signatory to a user's agreement.

C. Any noncriminal justice agency which is or becomes a signatory to a user's agreement.

§1.14 "Primarily affected agency" means any criminal justice agency organized under the Constitution or laws of the State of Louisiana which was awarded Law Enforcement Assistance Administration monies after July 1, 1973, for manual or automated systems which collect, store, or disseminate criminal history record information.

§1.15 "Secondarily affected agency" means:

A. Any criminal justice agency organized under the Constitution or laws of the State of Louisiana which is or becomes a signatory to a user's agreement.

B. Any noncriminal agency which is or becomes a signatory to a user's agreement.

§1.16 "User's agreement" means a written agreement entered into by a certified criminal justice agency and/or a requesting noncriminal justice agency and/or a criminal justice agency that has not received LEAA funds for system support since July 1, 1973. The agreement shall specify the basis of eligibility for receipt of criminal history records, and an acknowledgement by the recipient agency that it is subject to the terms and conditions of the Louisiana Commission on Law Enforcement Privacy and Security Regulations.

§1.17 "Disposition" means information disclosing that criminal proceedings have been concluded, including information disclosing that the police have elected not to refer a matter to a prosecutor or that a prosecutor has elected not to commence criminal proceedings and also disclosing the nature of the termination in the proceedings; or information disclosing that proceedings have been indifinitely postponed. Dispositions shall include, but not be limited to: acquittal, acquittal by reason of mental imcompetence, case continued without finding, charge dismissed, charge dismissed due to insanity, charge dismissed due to mental incompetency, charge still pending due to insanity, charge still pending due to mental incompetence, guilty plea, nolle prosequi, no paper, nolo contendere plea, convicted, youthful offender determination, deceased, deferred disposition, dismissed—civil action, found insane, found mentally incompetent, pardoned, probation before conviction, sentence commuted, adjudication withheld, mistrial—defendant discharged, placed on probation, paroled, or released from correctional supervision.

§1.18 "Statute" means an Act of Congress or State Legislature or a provision of the Constitution of the United States or of a state.

§1.19 "State" means any state of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and any territory or possession of the United States.

§1.20 An "executive order" means an order of the President of the United States or the Chief Executive of a state which has the force of law and which is published in a manner permitting regular public access thereto.

§1.21 "Direct access" means having the authority to access the criminal history record data base, whether by manual or automated methods.

§1.22 "Dissemination" means the release or transmission of criminal history record information by an agency to another agency or individual by oral, written, or electronic methods.

§1.23 "Dissemination log" means an automated or manual record of information relating to the individual or agency to which criminal history record information has been disseminated. This record should contain the following data elements: a tracking, serial, or identification number, the agency or individual to whom criminal history record information is released, the address of the agency or individual, the date of release or notification, the individual to whom the information relates, the items of information released and how furnished, the original entry or correction, and the name of the releasing official.

§1.24 "Central State Repository" means that collection of criminal history record information within the Louisiana Department of Public Safety, which is jointly collected, stored, and managed pursuant to mutual agreement between the Division of State Police, Bureau of Criminal Identification and the Louisiana Commission on Law Enforcement, Criminal Justice Information System Division.

§1.25 "Direct access" means individual access to personal criminal history record information contained in the manual or automated files of an affected criminal justice agency, excepting the Central State Repository, when such access is sought under the provisions of LAC 17-3:3.3, and the individual requesting access or his personal representative is physically present at the place where the records are kept or at the office of the custodian of the record sought.

§1.26 "Eligible noncriminal justice agency" means a noncriminal justice agency, individual, or individuals having:

A. Official authority, pursuant to a statute, executive order, administrative rule, or court order;

B. Formal authority, pursuant to a written agreement with a criminal justice agency, to perform a service or function within the scope of the legitimate activities of a criminal justice agency.

§1.27 "Personal representative" means any person, including, but not limited to legal counsel, who possesses a sworn authorization empowering him to represent an individual in the viewing or challenging of the authorizing individual's criminal history record information.

LAC 17-3:2 User's Agreement

§2.1 It is the purpose of this regulation to insure statewide compliance with Privacy and Security Regulations by requiring all recipients of criminal history record information from primarily affected agencies to sign user's agreements, and to provide for the minimum terms and conditions of such user's agreements.

§2.2 Every primarily affected agency, excluding official custodians of court records, shall, prior to disseminating criminal history record information to any criminal justice agency which is not otherwise bound by the Louisiana Privacy and Security Regulations, require such an agency to sign a user's agreement, provided that upon presentation of proof that it is already a signatory to a valid user's agreement, the information requesting agency may not be required to sign an additional user's agreement.

§2.3 Every primarily affected agency, excluding official custodians of court records, shall, prior to disseminating criminal history record information to an eligible noncriminal justice agency which is not otherwise bound by the Louisiana Privacy and Security Regulations, require such an agency to sign a user's agreement.

§2.4 An eligible noncriminal justice agency, for purposes of this part, shall constitute every noncriminal justice agency receiving access to criminal history records on a regular and recurring basis or on any basis other than the established procedures under the Louisiana Public Records Law.

§2.5 Whenever a primarily affected agency, excluding official custodians of court records, signs a user's agreement with an otherwise nonaffected agency, the primarily affected agency shall immediately forward a copy of the signed user's agreement to the Privacy and Security Committee. Copies of all user's agreements shall be kept on file by the signatory agencies, and shall be made available for public inspection upon demand.

§2.6 Every primarily affected agency or secondarily affected agency, excluding courts, which enters into an agreement permitting an eligible agency access to criminal history record information shall employ LCLE—Privacy and Security Form No. 7 for the purpose of fulfilling the obligation imposed by this regulation.

LAC 17-3: 3 Individual Rights of Access to Automated and Manual Criminal History Record Information

§3.1 It is the purpose of this regulation to extend individual rights of access to personal criminal history records beyond the rights currently provided by the Louisiana Public Record Act, as required by Federal regulations, and to provide a mechanism for the implementation of those rights.

§3.2 Each individual shall have the right to view the automated or manual criminal history record information which specifically relates to him, provided that only individual criminal history record information contained in the records of affected criminal justice agencies organized under the Constitution or laws of the State of Louisiana shall be accessible under this regulation.

§3.3 Any individual electing to seek direct access to his automated or manual personal criminal history record under this subpart shall be granted such access upon fulfillment of the following conditions:

A. The request for access must be in writing, and must be presented to an affected criminal justice agency.

B. The request for access must be presented to the official having custody or control of the record sought, or a designated representative of such an official.

C. The request for access must be presented during the regular office or working hours of the agency which has custody or control of the record.

D. The request for access must be specific enough to enable the person charged with the care or custody of the record to reasonably ascertain the identity of the precise record sought. Specificity requirements may include fingerprints and such personal identifiers as may be essential to the location and retrieval of the record sought.

§3.4 Individuals or their personal representatives seeking access under this subpart shall be allowed to view the desired individual criminal history record within a reasonable time, not to exceed three days, provided that where fingerprint classification is an essential prerequisite to the location and retrieval of the record sought, the time period within which viewing must be made possible may be extended by an additional thirty days.

§3.5 An individual wishing to view automated or manual criminal history record information specifically relating to himself and contained in the records of the Central State Repository shall be granted the right to view such records upon:

A. Submitting a written and signed request for viewing to an affected criminal justice agency, other than the Central State Repository, as outlined in LAC 17-3: 3.8;

B. Submitting to fingerprinting for the purpose of positively establishing the identity of the requesting individual; and

C. Paying a ten dollar fee.

§3.6 An individual wishing to view automated or manual criminal history record information specifically relating to himself and contained in the file of any affected criminal justice agency, other than the Central State Repository or the agency to which the request is submitted, may gain access to such information by:

A. Presenting a written and signed request for viewing to any affected agency, other than the Central State Repository, as outlined in LAC 17-3: 3.8. Such request shall describe with reasonable particularity the records of which viewing is sought, and shall at a minimum state the places where it is believed such records may be kept, and the approximate date of occurrence of the incidents which form the subject of the records requested. Individuals or personal representatives seeking to query criminal justice agencies which maintain criminal history files accessible solely by fingerprint classification numbers must provide the querying agency with a set of fingerprints of the individual seeking access. LCLE-Privacy and Security Form No. 1 shall be used for this purpose;

B. Submitting any required positive identifiers, including fingerprints, for the purposes of establishing both the identity of the requesting individual and correctly locating the records sought;

C. Paying a five dollar fee for each affected criminal justice agency to be queried. An additional five dollar fee may be levied by the querying agency for each query forwarded.

§3.7 When criminal history record information is requested by a personal representative under LAC 17-3:3.3 through LAC 17-3: 3.6, the representative must present positive proof of the identity of the individual actually involved as well as a sworn authorization from the involved individual. Positive proof of identity in this subsection shall be understood to mean fingerprints. Upon presentation of the authorization and positive identifier, the representative shall be permitted to request, examine, and/or challenge the criminal history record information specifically relating to the involved individual.

§3.8 Queries directed to any criminal justice agency shall be launched from any affected sheriff's office or police department. In the parish of Orleans, individuals shall initiate queries through the New Orleans Police Department.

§3.9 If the information requested by the individual must be obtained from the Central State Repository (CSR), the CSR shall forward the information to the requesting agency within forty-five days of receipt of the request, and the requesting agency shall permit the viewing of the information within a reasonable time after receipt. The viewing individual may make a written summary of the information viewed, and may take with him such a summary. A copy of the record obtained from the Central State Repository shall be furnished to the individual upon request. Such copy should be prominently marked or stamped to indicate that the copy is for review and challenge only and that any other use thereof would be a violation of 42 United States Code Section 3771.

§3.10 Every affected criminal justice agency shall post a public notice informing individuals of their right to access and to administratively challenge the completeness or accuracy of their individual criminal history records. Additionally, every individual seeking to avail himself of the querying procedures set forth in this regulation shall be provided with a list of all affected agencies, and informed of the significance of querying a nonaffected agency.

§3.11 Every affected criminal justice agency which has custody of, control over, or access to automated or manual individual criminal history record information shall make available facilities and personnel necessary for such viewing, and shall in all respects maintain a cooperative attitude toward individuals requesting viewing. Viewing shall occur only within the facilities of a criminal justice agency, and only under the supervision and in the presence of a designated employee or agent of a criminal justice agency.

§3.12 Every affected criminal justice agency shall, in every instance, diligently seek to provide the information requested. Every out-of-parish criminal justice agency listed on the request for viewing shall be contacted by mail, communication device, or personally within seven days of receipt of the request for viewing. Five dollars shall be assessed for each agency queried by the agency to which the individual submits his request, and shall be forwarded to each queried agency along with the request for viewing. An additional five dollar fee may be levied by the querying agency for every query forwarded. Querying agencies shall provide positive identifiers in accordance with LAC 17-3: 3.6.

§3.13 Every affected criminal justice agency which receives a request for information must make every effort to locate the information requested, and shall in any event forward a reply to the requesting agency within seven normal working days of receipt of the request, except as provided for requests to the Central State Repository. In such instances where the responding agency maintains criminal history record files accessible solely by fingerprint classification numbers, the response time may be extended up to a maximum of thirty days to allow for the classification of the fingerprints accompanying the query. Such classification may be performed by the responding agency or by the Central State Repository.

§3.14 Every affected sheriff's office or police department shall fingerprint individuals requesting that the Central State Repository be queried. In such instances where an authorized representative is presenting a query to the Central State Repository on behalf of an individual, the representative shall supply at least two sets of the represented individuals' fingerprints on standard fingerprint cards. The fee charged for querying the Central State Repository and supplying a copy of the results of such query shall be ten dollars. Five dollars of this amount shall be forwarded to the Central State Repository along with the query, and the remaining five dollars shall be placed in the treasury of the criminal justice agency to which the individual submits the request for viewing.

§3.15 Individual viewing may, at the discretion of each criminal justice agency, be limited to ordinary daylight business hours.

§3.16 A record of each individual viewing shall be maintained by each affected criminal justice agency by the completion and preservation of LCLE—Privacy and Security Form No. 2. Each such form shall be completed and signed by the supervisory employee or agent present at the review. The reviewing individual shall be required to certify by his signature that he has viewed the criminal history record information requested.

LAC 17-3: 4 Individual Right to Administrative Review of the Content, Completeness or Accuracy of Individual Criminal History Record Information

§4.1 It is the purpose of this regulation to provide a means for administrative challenge, and ultimate correction of incomplete or inaccurate individual criminal history records.

§4.2 Each viewing individual shall have the right to challenge and request correction of the content, completeness, or accuracy of his individual criminal history record. Each individual shall be informed at the time of viewing of his rights of challenge under this regulation. Individuals shall have a right of administrative appeal under this regulation to seek redress for the denial of rights granted by any of these regulations.

§4.3 This regulation provides the exclusive means for initial challenge of the content, completeness, or accuracy of individual criminal history record information, provided that where the individual criminal history record information under challenge originated from any file, automated or manual, maintained by the judiciary for the purpose of recording process and results of public court proceedings, this regulation shall not be applicable. In the instance last provided for, the sole formal means of challenge or correction shall be a civil suit filed in a State or Federal district court.

§4.4 If after viewing his individual criminal history record, the individual wishes to challenge or request correction of such record, he may do so by submitting to the criminal justice agency which originated the challenged entries LCLE-Privacy and Security Form No. 3, a complaint which shall contain particularized written exceptions to the criminal history record's contents, completeness, or accuracy. The complaint shall include an affirmance, signed by the individual or his legal representative, that the exceptions are made in good faith and are true to the best of the affiant's knowledge, information, and belief. A copy of the complaint shall be forwarded to the LCLE Privacy and Security Committee. If, subsequent to viewing, an individual who was not previously fingerprinted wishes to challenge or correct his record, he must submit to fingerprinting so that it can be absolutely assured that the challenging individual is the subject of the record which he seeks to challenge or correct.

§4.5 Within each affected criminal justice agency, a review officer shall be designated as the person responsible for receiving and processing complaints received under LAC 17-3: 4.4 above. Upon receipt of such complaints, each review officer shall, within forty-five days, conduct an audit of the individual's criminal history record to determine the validity of the exceptions. The Privacy and Security Committee and the challenging individual or his legal representative shall be informed in writing of the results of the audit within fifteen days after such results are final. LCLE-Privacy and Security Form No. 4 shall be used for this purpose.

§4.6 Should the audit referred to in subsection LAC 17-3: 4.5 disclose inaccuracies or omissions in the information, the criminal justice agency shall cause appropriate alterations or additions to be made to the information and shall cause notice of such alterations or additions to be given to LCLE, the individual involved, and to any other criminal justice agencies or private organizations to which that individual's criminal history record information has been disseminated within the previous ninety days, and in every instance the Central State Repository shall be notified of the substance of the alteration or addition.

§4.7 If the criminal justice agency declines to modify or supplement the individual's criminal history record in whole or in part, the individual or his legal representative may require review of the criminal justice agency's decision by perfecting, within thirty days of the mailing of the audit results, an appeal to the LCLE Privacy and Security Committee. The Privacy and Security Committee shall appoint hearing officers to hear such appeals. Failure to timely perfect an appeal shall bar subsequent challenges of that portion of the individual criminal history record in controversy.

§4.8 Appeals shall be perfected upon actual delivery to the Privacy and Security Committee of a petition for review. The petition for review shall be signed and in writing and shall include a concise statement of the alleged deficiencies or inaccuracies of the individual's criminal history record, shall state the date and result of any review by the criminal justice agency, and shall be accompanied by a sworn verification of the facts alleged in the petition for review. LCLE-Privacy and Security Form No. 5 may be used for perfecting the appeal.

§4.9 Upon receipt of the petition for review, the hearing officer shall docket the case and notify the criminal justice agency and the individual or his legal representative of the time, place, and nature of the hearing; the legal authority and jurisdiction under which the hearing is to be held; the particular statutes, rules, and regulations involved; the nature of the matters asserted in the petition for appeal. Both the individual and the criminal justice agency shall have adequate opportunity to respond and present evidence on all issues of fact involved and argument on all issues of law and policy involved and to conduct such cross-examination as may be required for a full and true disclosure of the facts.

§4.10 Rules of evidence, oaths and affirmations, subpoenas, depositions and discovery, confidential privileged information, examination of evidence by agency, decisions and order, rehearings, ex parte consultations and recusations, judicial review and other such matters shall be governed by the provisions of the Louisiana Administrative Procedures Act, R.S. 49:951 et seq.

§4.11 A record of all proceedings shall be preserved and provided as required by R.S. 49:955(E) and (F).

§4.12 Parties shall be entitled to notice of the final decision of the hearing officer, LCLE-Privacy and Security Form No. 6 may be used by the hearing officer to direct such notice to the parties.

§4.13 If, after receiving notice of the decision or order of the hearing officer, the individual or the involved criminal justice agency is reasonably convinced that grounds exist in the record for reversal or modification of the hearing officer's decision or order, a petition for review accompanied by a bond (set by the hearing officer) sufficient to pay the cost of transcribing the record, may be submitted within thirty days to the Privacy and Security Committee. Failure to so petition shall bar subsequent challenges of that portion of the individual criminal history record contested.

§4.14 If the petition for review, accompanied by adequate bond for transcription costs, is timely submitted to the Privacy and Security Committee, copies of the petition for review shall be sent to three members of the Privacy and Security Committee, such members being selected on a rotating basis. Within fourteen days of submission of the petition for review, the same three members shall decide by personal or telephonic vote whether full review by the Privacy and Security Committee will be granted. If full review is denied, the petitioning party may pursue rights of judicial review granted under R.S. 49:964. If full review is granted, the record shall be transcribed and circulated among at least seven members of the Privacy and Security Committee. A time and a date, within thirty days of transcription of the record, shall be set for the presentation of written or oral argument to a quorum of at least five of the seven Privacy and Security members who have read the transcribed record.

§4.15 Decisions, orders, rehearings, and appeals from decisions or orders of the Privacy and Security Committee shall be in accordance with subsections LAC 17-3:4.10 and LAC 17-3:4.12.

§4.16 The Privacy and Security Committee is hereby authorized to seek writs of mandamus or injunction to enforce final, nonappealable orders and decisions of the Committee and the hearing officers.

§4.17 Individual criminal history records challenged under the provisions of this regulation shall be deemed to be accurate, complete, and valid until otherwise ordered.

§4.18 Upon final determination that the content of an individual criminal history record is inaccurate or incomplete, the affected agency which originated the inaccurate or incomplete entry shall provide the individual or his legal representative with a list of the noncriminal justice agencies to which the inaccurate or incomplete criminal history record information has been disseminated within a ninety day period immediately preceding the final disposition of the challenge.

LAC 17-3: 5 Completeness and Accuracy

§5.1 It is the purpose of this regulation to establish minimum standards for reporting criminal dispositions and updating criminal history records to include such dispositions. It is intended that this regulation supplement and reinforce the LCJIS Complete Disposition Reporting System. Because inaccurate or incomplete criminal history record information presents a serious danger to individual rights of privacy and due process, every criminal justice agency should strive to maintain accurate, up-to-date criminal history records.

§5.2 Every affected agency shall report dispositions (as defined in LAC 17-3:1.17) which occur as a result of a transaction initiated by such agency within ninety days of the occurrence of the disposition. Dispositions shall be reported as required by the Louisiana Criminal Justice Information System.

§5.3 Every affected agency shall establish procedures for updating criminal history records using disposition data which shall be distributed by the Louisiana Criminal Justice Information System.

§5.4 Every affected agency shall establish procedures providing for a minimal external search for a disposition prior to disseminating criminal history record information relative to a specific arrest or charge when it appears from the nature of the arrest or charge that a disposition should have occurred, and none is noted in the record.

LAC 17-3: 6 Dissemination and Corrections Records and the Maintenance of Logs

§6.1 It is the purpose of this regulation to provide direction and guidance concerning the control of dissemination and correction of criminal history record information (CHRI) to individuals or agencies as required by the Federal regulations (Title 28), through the maintenance of certain logs, and to provide a vehicle for correcting erroneous information. Since dissemination records are viewed by the regulations as a key restraint on erroneous dissemination, a deterrent to the illegal use of information disseminated and a supporting document to quality assurance audit trails (LAC 17-3: 7), the maintenance of logs is mandatory.

§6.2 In order to maintain accountability over the full scale of collection, storage and dissemination of CHRI, dissemination transactions records in the form of a log shall be kept by each criminal justice agency. The logging is required both to support the audit process and as a means of correcting erroneous dissemination. Logs will be kept as shown on LCLE Privacy and Security Form No. 8 and must, as a minimum, contain the following data elements:

A. A tracking, serial, or identification number in order to provide positive identification linkage between CHRI disseminated and the record from which extracted.

B. Agency or individual to which or whom CHRI released.

C. Address of agency or individual.

D. Date of release or notification.

E. Individual to whom information relates.

F. Items of information released and how furnished (i.e., copy provided, written out by hand, mailed, teletyped or computer terminal printout).

G. Original entry or correction (indicate "O" or "C" as appropriate).

H. Releasing official.

§6.3 Since identification of agencies or individuals receiving erroneous CHRI is possible from the dissemination log and since Federal regulations require notification of each recipient of inaccurate or erroneous CHRI (unless it falls outside of the ninety day limit specified in LAC 17-3: 4.6) a corrections record will also be kept using the dissemination log. The minimum data elements for a corrections entry are essentially similar to those specified for a dissemination entry. The tracking or serial number will be identical to the identification number provided for the original information on the dissemination log. The log page number of the original entry will be placed next to the "C" in the "Original or Correction" column of the log in order to maintain audit trail continuity.

§6.4 All logs are to be preserved for a period of not less than one year from the earliest date of release of information or notification or correction. Logs will be made available for audit and verification of compliance with the regulations by the Commission, the Privacy and Security Committee or their designated staff members at such time as they may require.

§6.5 When a response to an inquiry is "No Record" or essentially negative, no logging of the response is required.

§6.6 Corrections to records shall be forwarded in hardcopy form such as letter, teletype, or computer terminal printout within fourteen days after determining erroneous information has been disseminated. If the original dissemination is older than ninety days and a correction is indicated, the correction should be made but need not be transmitted.

LAC 17-3: 7 Audits and Quality Control

§7.1 It is the purpose of this regulation to interpret the requirements of the Federal regulations as they pertain to: (a) the quality of the information the criminal justice agencies collect, store, and disseminate; and, (b) the systematic and annual audits to be performed in order to verify adherence to the Privacy and Security Regulations.

§7.2 The quality of information which the criminal justice agencies collect and use is an important privacy consideration. Quality information issues usually fall into one or both of two categories; namely, completeness and/or accuracy. Achieving high quality record information is largely a matter of good procedures; it requires a rigorous, systematic approach to record-keeping and a high degree of cooperation among the participating agencies. Agencies shall therefore, institute procedures which implement these requirements.

§7.3 Agencies shall likewise develop written procedures which comply with the basic provisions of LAC 17-3: 5.

§7.4 There are basically two types of quality assurance audits required periodically. The systematic audit is required of an agency which collects, maintains and disseminates CHRI as a means of minimizing errors or omissions in the completeness and accuracy of the records. This audit is actually a quality control mechanism and will usually be performed on a periodic and regular basis by the agency itself. In contrast, the annual audit is an examination by an outside agency of the extent to which an agency is complying with the regulations.

§7.5 The systematic audit refers to a combination of systems and procedures employed both to ensure, to the extent possible, completeness and to verify accuracy. The systematic audit is also an internal procedure which basically provides for a comparison between CHRI and source documents or reporting forms, as appropriate, in order to check accuracy and completeness. In addition, this audit provides for an inspection of an agency's systematic record keeping practices. Accordingly, agencies shall implement a systematic audit procedure in accordance with the guidelines furnished by the Louisiana Criminal Justice Information System (LCJIS) staff and utilizing LCLE-Privacy and Security Form No. 9 (Agency Systematic Audit Checkoff List).

§7.6 The annual audit will be performed on a random sample of all affected agencies in the state. All affected agencies must fully cooperate in the conduct of the annual audit.

§7.7 LCJIS shall audit, on a periodic basis, a random sampling of agencies to provide statistically significant examinations of the accuracy and completeness of data maintained and to verify adherence to the regulations. Sampling and detailed audit procedures will be as indicated in LCJIS furnished guidelines and implementing directives.

§7.8 The annual audit will be performed by members of the LCJIS staff who are familiar with the agencies and the requirements of the regulations. Agencies to be audited will be given a minimum of thirty days written notice prior to an annual audit being conducted. On conclusion of the annual audit, the staff will give the agency an oral debriefing and