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Executive Orders

EXECUTIVE ORDER JBE 21-18

Bond Allocation 2021 Ceiling—Amending JBE 2021-12

WHEREAS, Section 146 of the Internal Revenue Code of 1986 (hereafter the “Act”), as amended (hereafter the “Code”), restricts the total principal amount of certain private activity bonds (hereafter the “Bonds”) that exclude interest from gross income for federal income tax purposes under Section 103 of the Code;

WHEREAS, Act No. 51 of the 1986 Regular Session of the Louisiana Legislature (hereafter “Act No. 51 of 1986”) authorizes the Governor to allocate the volume limit applicable to the Bonds (hereafter the “ceiling”) among the State and its political subdivisions in such a manner as the Governor deems to be in the best interest of the State of Louisiana;

WHEREAS, pursuant to Executive Order Number JBE 2021-12 (the “Allocation Order”) the Louisiana Housing Corporation (hereafter the “Corporation”) was awarded an allocation of the 2021 ceiling to be used in connection with providing funds for the acquisition, rehabilitation, and/or equipping of approximately 118 units of residential rental housing for individuals and families of low and moderate income; and

WHEREAS, the Corporation has requested an extension of the allocation awarded pursuant to the Allocation Order through December 31, 2021, in order to accomplish the closing of the bond issue for which such allocation was made.

NOW THEREFORE, I, JOHN BEL EDWARDS, Governor of the State of Louisiana, by virtue of the authority vested by the Constitution and laws of the State of Louisiana, do hereby order and direct as follows:

SECTION 1: Pursuant to the Allocation Order, the bond issue, as described in this Section, was granted an allocation from the 2021 ceiling in the amount shown:

Amount of Allocation	Name of Issuer	Name of Project
\$7,500,000	Louisiana Housing Corporation	Neil Wagoner & Henderson Project, Series 2021

SECTION 2: The allocation granted herein shall be used only for the bond issue described in Section 1 and for the general purpose set forth in the “Application for Allocation of a Portion of the State of Louisiana's Private Activity Volume Cap” submitted in connection with the bond issue described in Section 1.

SECTION 3: The Allocation Order is hereby amended to provide that the allocation described herein and as awarded pursuant to the Allocation Order shall be valid and in full force and effect through December 31, 2021.

SECTION 4: This Order is effective upon signature and shall remain in effect until amended, modified, terminated, or rescinded by the Governor, or terminated by operation of law.

IN WITNESS WHEREOF, I have set my hand officially and caused to be affixed the Great Seal of Louisiana on this 26th day of October, 2021.

John Bel Edwards
Governor

ATTEST BY
THE GOVERNOR
R. Kyle Ardoin
Secretary of State
2111#008

EXECUTIVE ORDER JBE 21-19

Bond Allocation 2021 Ceiling

WHEREAS, Section 146 of the Internal Revenue Code of 1986 (hereafter the “Act”), as amended (hereafter the “Code”), restricts the total principal amount of certain private activity bonds (hereafter the “Bonds”) that exclude interest from gross income for federal income tax purposes under Section 103 of the Code;

WHEREAS, Act No. 51 of the 1986 Regular Session of the Louisiana Legislature (hereafter “Act No. 51 of 1986”) authorizes the Governor to allocate the volume limit applicable to the Bonds (hereafter the “ceiling”) among the State and its political subdivisions in such a manner as the Governor deems to be in the best interest of the State of Louisiana;

WHEREAS, pursuant to the Act and Act No. 51 of 1986, Executive Order Number JBE 2016-35 was issued to establish:

- (a) the manner in which the ceiling shall be determined,
- (b) the method to be used in allocating the ceiling,
- (c) the application procedure for obtaining an allocation of Bonds subject to such ceiling, and
- (d) a system of record keeping for such allocations; and

WHEREAS, the Louisiana Housing Corporation (hereafter the “Corporation”) has applied for an allocation of the 2021 ceiling to be used in connection with providing funds for the acquisition, construction, rehabilitation, and equipping of residential rental housing for individuals and families of low and moderate income.

NOW THEREFORE, I, JOHN BEL EDWARDS, Governor of the State of Louisiana, by virtue of the authority vested by the Constitution and laws of the State of Louisiana, do hereby order and direct as follows:

SECTION 1: The bond issue, as described in this Section, shall be and is hereby granted an allocation from the 2021 ceiling in the amount shown:

Amount of Allocation	Name of Issuer	Name of Project
\$8,000,000	Louisiana Housing Corporation	England Apartments Series 2021
\$10,000,000	Louisiana Housing Corporation	Malcolm Kenner Series 2021
\$7,370,000	Louisiana Housing Corporation	Lafitte 2017 Series 2021

SECTION 2: The allocation granted herein shall be used only for the bond issues described in Section 1 and for the general purpose set forth in the “Application for Allocation of a Portion of the State of Louisiana's Private Activity Volume Cap” submitted in connection with the bond issue described in Section 1.

SECTION 3: The allocation granted herein shall be valid and in full force and effect through December 31, 2021.

SECTION 4: This Order is effective upon signature and shall remain in effect until amended, modified, terminated, or rescinded by the Governor, or terminated by operation of law.

IN WITNESS WHEREOF, I have set my hand officially and caused to be affixed the Great Seal of Louisiana on this 26th day of October, 2021.

John Bel Edwards
Governor

ATTEST BY
THE GOVERNOR
R. Kyle Ardoin
Secretary of State
2111#009

EXECUTIVE ORDER JBE 21-20

Bond Allocation 2021 Ceiling—Amending JBE 2021-12

WHEREAS, Section 146 of the Internal Revenue Code of 1986 (hereafter the “Act”), as amended (hereafter the “Code”), restricts the total principal amount of certain private activity bonds (hereafter the “Bonds”) that exclude interest from gross income for federal income tax purposes under Section 103 of the Code;

WHEREAS, Act No. 51 of the 1986 Regular Session of the Louisiana Legislature (hereafter “Act No. 51 of 1986”) authorizes the Governor to allocate the volume limit applicable to the Bonds (hereafter the “ceiling”) among the State and its political subdivisions

in such a manner as the Governor deems to be in the best interest of the State of Louisiana;

WHEREAS, pursuant to Executive Order Number JBE 2021-12 (the “Allocation Order”) the Louisiana Housing Corporation (hereafter the “Corporation”) was awarded an allocation of the 2021 ceiling to be used in connection with providing funds for the acquisition, rehabilitation, and/or equipping of approximately 118 units of residential rental housing for individuals and families of low and moderate income; and

WHEREAS, the Corporation has requested an extension of the allocation awarded pursuant to the Allocation Order through December 31, 2021, in order to accomplish the closing of the bond issue for which such allocation was made.

NOW THEREFORE, I, JOHN BEL EDWARDS, Governor of the State of Louisiana, by virtue of the authority vested by the Constitution and laws of the State of Louisiana, do hereby order and direct as follows:

SECTION 1: Pursuant to the Allocation Order, the bond issue, as described in this Section, was granted an allocation from the 2021 ceiling in the amount shown:

Amount of Allocation	Name of Issuer	Name of Project
\$60,000,000	Louisiana Housing Corporation	Single Family Mortgage Revenue Bonds (Home Ownership Program) Series 2021D (Non-AMT)

SECTION 2: The Allocation Order is hereby amended to provide that the allocation described herein and as awarded pursuant to the Allocation Order shall be valid and in full force and effect through December 31, 2021.

SECTION 3: This Order is effective upon signature and shall remain in effect until amended, modified, terminated, or rescinded by the Governor, or terminated by operation of law.

IN WITNESS WHEREOF, I have set my hand officially and caused to be affixed the Great Seal of Louisiana on this 28th day of October, 2021.

John Bell Edwards
Governor

ATTEST BY
THE GOVERNOR
R. Kyle Ardoin
Secretary of State
2111#051

Emergency Rules

DECLARATION OF EMERGENCY

Department of Children and Family Services Economic Stability Section

TANF NRST Benefits and Post-FITAP Transitional Assistance (LAC 67:III.1229, 5329, 5551, and 5729)

The Department of Children and Family Services (DCFS), Economic Stability, has exercised the emergency provision of the Administrative Procedure Act, R.S. 49:953(B) to amend LAC 67:III, Subpart 2, Section 1229 Income; Subpart 13, Section 5329 Income; Subpart 15, Section 5551 Community Response Initiative; and Subpart 16, Section 5729 Support Services. This declaration is necessary to extend the original Emergency Rule for the maximum period allowed by the APA and will expire before the Final Rule takes effect. This Emergency Rule extension is effective on November 28, 2021, and shall remain in effect for the maximum period allowed by the APA until adoption of a Final Rule, whichever occurs first.

Pursuant to Louisiana's Temporary Assistance for Needy Families (TANF) Block Grant, amendment of Sections 1229 and 5329 is required to allow TANF nonrecurrent, short-term (NRST) benefit payments to FITAP and KCSP recipients to mitigate the impact of a specific crisis situation or episode of need such as an economic crisis, disaster, pandemic, etc. Under the American Rescue Plan Act of 2021, \$7,905,732 has been allotted to Louisiana in Pandemic Emergency Assistance Funds (PEAF), which are a supplemental appropriation to the basic TANF block grant, to assist needy families impacted by the COVID-19 pandemic. The proposed change would allow the department to issue PEAF-funded NRST benefits directly to TANF-eligible recipients of FITAP and KCSP.

Section 5551 is being amended to change earned income eligibility for those services meeting TANF goals 1 and 2 from 200 to 250 percent of the federal poverty level.

Section 5729 is being amended to provide time-limited Post-FITAP transitional assistance to families who are leaving cash assistance when their FITAP case closes due to earned income. Families that leave TANF for work continue to face hardships in making ends meet once cash assistance ends and may be unable to maintain employment. Transitional benefits provided to working families can reduce poverty by providing transitional assistance on top of the earnings families receive when they go to work and improve their ability to maintain employment.

The department considers emergency action necessary to facilitate the expenditure of TANF funds. The authorization to promulgate emergency rules to facilitate the expenditure of TANF funds is contained in Act 119 of the 2021 Regular Session of the Louisiana Legislature.

Title 67

SOCIAL SERVICES

Part III. Economic Stability

Subpart 2. Family Independence Temporary Assistance Program

Chapter 12. Application, Eligibility, and Furnishing Assistance

Subchapter B. Conditions of Eligibility

§1229. Income

A. - D. ...

E. Payment Amount

1. For FITAP basic assistance, the budgetary deficit is the amount remaining after subtracting applicable income from the total assistance needs (flat grant amount). Round down to the next lower dollar of the budgetary deficit to determine the payment amount. Prorate the initial assistance payment from the date of application if otherwise eligible.

2. Within the limits of appropriations, a FITAP household may also receive a nonrecurrent, short-term (NRST) benefit that meets the regulatory definition (45 CFR 260.31(b)(1)) to mitigate the impact of a specific crisis situation broadly affecting needy families or a specific episode of need affecting a specific family, such as an economic crisis, disaster, pandemic, etc. The department has flexibility to respond with a sufficient and appropriate response regarding the duration of payments up to four months, type of payment (lump-sum or monthly installments), number of NRST benefits provided for different episodes of crisis or need, payment amount for each NRST benefit, and any lifetime limits imposed for eligible families.

F. - G. ...

AUTHORITY NOTE: Promulgated in accordance with 42 USC 601 et seq., and 10602(c), R.S. 36:474, R.S. 46:231.1(B), R.S. 46:231.2, P.L. 108-447, Act 16, 2005 Reg. Session, and 7 CFR 273.2(j).

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Family Support, LR 25:2449 (December 1999), amended LR 26:1342 (June 2000), LR 26:2831 (December 2000), LR 31:2956 (November 2005), LR 32:1616 (September 2006), LR 32:1912 (October 2006), LR 34:2678 (December 2008), amended by the Department of Children and Family Services, Economic Stability and Self-Sufficiency Section, LR 36:2524 (November 2010), amended by the Department of Children and Family Services, Economic Stability Section, LR 40:1675 (September 2014), LR 42:1651 (October 2016), LR 44:444 (March 2018), LR 47:

Subpart 13. Kinship Care Subsidy Program (KCSP)

Chapter 53. Application, Eligibility, and Furnishing Assistance

Subchapter B. Conditions of Eligibility

§5329. Income

A. - C. ...

D. Payment Amount

1. ...

2. Within the limits of appropriations, a KCSP household may also receive a nonrecurrent, short-term (NRST) benefit that meets the regulatory definition (45 CFR 260.31(b)(1)) to mitigate the impact of a specific crisis situation broadly affecting needy families or a specific episode of need affecting a specific family, such as an economic crisis, disaster, pandemic, etc. The department has flexibility to respond with a sufficient and appropriate response regarding the duration of payments up to four months, type of payment (lump-sum or monthly installments), number of NRST benefits provided for different episodes of crisis or need, payment amount for each NRST benefit, and any lifetime limits imposed for eligible families.

AUTHORITY NOTE: Promulgated in accordance with 42 U.S.C. 601 et seq. and 10602(c), R.S. 36:474, R.S. 46:231.1.B, R.S. 46:237, and P.L. 108-447, Act 16, 2005 Reg. Session, 7 CFR 273.2(j).

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Family Support, LR 26:353 (February 2000), amended LR 26:2832 (December 2000), LR 31:2958 (November 2005), LR 32:1617 (September 2006), LR 32:1913 (October 2006), repromulgated LR 32:2098 (November 2006), amended by the Department of Children and Family Services, Economic Stability and Self-Sufficiency Section, LR 36:2537 (November 2010), LR 38:1390 (June 2012), amended by the Department of Children and Family Services, Economic Stability Section, LR 45:1443 (October 2019), LR 47:

Subpart 15. Temporary Assistance for Needy Families (TANF) Initiatives

Chapter 55 TANF Initiatives

§5551. Community Response Initiative

A. The department may enter into Memoranda of Understanding or contracts to develop innovative and strategic programming solutions suited to the unique needs of Louisiana's communities.

B. The services provided by the various partners must meet one, or a combination of, the four TANF goals:

1. Goal 1—to provide assistance to needy families so that children may be cared for in their own homes or in the homes of relatives;

2. Goal 2—to end dependence of needy parents on government benefits by promoting job preparation, work, and marriage;

3. Goal 3—to prevent and reduce the incidence of out-of-wedlock pregnancies; and

4. Goal 4—to encourage the formation and maintenance of two-parent families.

C. Eligibility for those services meeting TANF goals 1 and 2 is limited to needy families, that is, a family in which any member receives a Family Independence Temporary Assistance Program (FITAP) grant, Kinship Care Subsidy Program (KCSP) grant, Supplemental Nutrition Assistance Program (SNAP) benefits, Child Care Assistance Program (CCAP) services, Title IV-E, Medicaid, Louisiana Children's Health Insurance Program (LaChip) benefits, Supplemental Security Income (SSI), Free or Reduced Lunch, or who has earned income at or below 250 percent of the federal poverty level. For TANF goals 1 and 2 a family consists of minor children residing with custodial parents, or caretaker relatives of minor children.

D. Eligibility for those services meeting TANF goals 3 and 4 may include any family in need of the provided services regardless of income. For TANF goals 3 and 4 a family consists of a minor child residing with a custodial parent or caretaker relative of the minor child, and non-custodial parents, and legal guardians.

E. Services are considered non-assistance by the agency.

AUTHORITY NOTE: Promulgated in accordance with 42 U.S.C. 601 et seq.; R.S. 46:231 and R.S. 36:474; Act 13, 2002 Reg. Session, Act 18, 2007 Reg. Session.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Family Support, LR 28:2374 (November 2002), amended LR 34:695 (April 2008), amended by the Department of Children and Family Services, Economic Stability Section, LR 47:

Subpart 16. Strategies to Empower People (STEP) Program

Chapter 57 Strategies to Empower People (STEP) Program

Subchapter C. STEP Program Process

§5729. Support Services

A. Clients may be provided support services that include but are not limited to:

1. a full range of case maintenance and case management services designed to lead to self-sufficiency;

2. transportation assistance;

3. Supplemental Nutrition Assistance Program (SNAP) benefits;

4. Medicaid benefits;

5. child care;

6. TANF-funded services;

7. other services necessary to accept or maintain employment; and

8. Post-FITAP transitional assistance benefits.

a. Effective September 1, 2021, these services may be provided to participants who are or become ineligible for cash assistance due to earned income within the limits of appropriations. They include a monthly transportation payment, other supportive service payments used to cover certain costs deemed necessary for employment, housing assistance used to address a specific episode of need deemed necessary to maintain employment, educational assistance, and a work retention incentive. The payments may begin with the first month of FITAP ineligibility and continue through the twelfth month of ineligibility or through the last month of employment, whichever comes first. The twelve months need not be consecutive.

B. Support services may be provided to:

1. persons participating in the family assessment;

2. persons referred by the department to other activities, such as drug counseling, prior to their participation in a work activity;

3. FITAP recipients participating in approved activities necessary to meet exemptions to the FITAP time limits;

4. FITAP recipients to facilitate their attendance in the FITAP Drug Testing Program or Parenting Skills Program;

5. allow participation in educational activities for FITAP recipients who are exempt from STEP.

C. Electronic disbursement of support services payments shall be mandatory for all payment types.

1. Electronic disbursement of support services payments includes direct deposit to the STEP participant's bank account (checking or savings) or payments to a stored value card account for the STEP participant.

D. The department shall inform participants of available supportive services as part of the initial family assessment and shall integrate the provision of any necessary supportive services to the family success agreement developed and signed by the department and the participant.

AUTHORITY NOTE: Promulgated in accordance with P.L. 104-193, R.S. 46:231, R.S. 46:460, and Act 58, 2003 Reg. Session, ACYF-IM-CC-05-03.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Family Support, LR 30:500 (March 2004), amended LR 32:2098 (November 2006), amended by the Department of Children and Family Services, Economic Stability and Self-Sufficiency Section, LR 38:1391 (June 2012), amended by the Department of Children and Family Services, Economic Stability Section, LR 40:1678 (September 2014), LR 47:

Marketa Garner Walters
Secretary

2111#023

DECLARATION OF EMERGENCY

Department of Children and Family Services Licensing Section

Sanctions and Child Placing Supervisory Visits
Residential Homes (Type IV), and Child Placing Agencies
(LAC 67:V.7109, 7111, 7311, 7313, and 7321)

The Department of Children and Family Services (DCFS), Licensing Section, has exercised the emergency provision of the Administrative Procedure Act, R.S. 49:953(B) to amend LAC 67:V, Subpart 8, Sections 7109, 7111, 7311, 7313, and 7321. This declaration is necessary to extend the original Emergency Rule since it is effective for the maximum period allowed by the APA and will expire before the Final Rule takes effect. This Emergency Rule extension is effective on November 28, 2021, and shall remain in effect for the maximum period allowed by the APA or until adoption of a Final Rule, whichever occurs first.

The implementation of this rule to Sections 7109, 7111, and 7311 grants the Department the authority to institute intermediate sanctions and levy fines to licensed providers that fail to comply with the requirement of a state central registry clearance for individuals owning, working in, and having access to children/youth in DCFS licensed facilities and agencies. In accordance with Act 31 of the 2021 Regular Legislative Session, it is necessary to promulgate an Emergency Rule to implement R.S. 46:1430 effective August 1, 2021.

Pursuant to Children's Code Article 1213, as amended by Act 6 of the 2021 Regular Legislative Session, the department is adopting rules to Sections 7313 and 7321 in accordance with the amended law effective August 1, 2021. The department considers emergency action necessary to meet the requirements of Children's Code Article 1213, as amended by Act 6 of the 2021 Regular Legislative Session.

Title 67

SOCIAL SERVICES

Part V. Child Welfare

Subpart 8. Residential Licensing

Chapter 71. Residential Homes - Type IV

Subchapter B. Conditions of Eligibility

§7109. Critical Violations/Fines

A. - A.5. ...

6. §7107.A.8, §7107.A.9, §7107.D.4.f.iv, §7107.E.2.g, §7111.A.2.c.iii, §7111.A.5.c, §7111.B.2.a.x, §7112.A-D, and/or §7117.A.14.k state central registry clearance effective August 1, 2021.

B. - E.1.k. ...

1. When the cited critical violation was for a state central registry clearance not being completed prior to hire as required, but obtained before the individual was on the premises and/or had access to a resident or child of a resident, the fine shall be decreased by \$25.

m. When the cited critical violation was for state central registry clearance not being completed prior to the individual being on the premises and/or having access to a resident or child of a resident, the fine shall be increased by \$25.

F. - H.4. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:1401 et seq.

HISTORICAL NOTE: Promulgated by the Department of Children and Family Services, Licensing Section, LR 43:258 (February 2017), amended LR 43:1725 (September 2017), LR 44:1991 (November 2018), effective December 1, 2018, amended by the Department of Children and Family Services, Licensing Section, LR 45:521 (April 2019), effective May 1, 2019, LR 46:674 (May 2020), effective June 1, 2020, LR 47:

§7111. Provider Requirements

A. - A.2.c.ii. ...

iii. have a state central registry clearance form from Child Welfare as required in §7112;

A.2.c.iv. - J.1. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:477 and R.S. 46:1401 et seq.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Community Service, LR 36:811 (April 2010), amended by the Department of Children and Family Services, Division of Programs, Licensing Section, LR 38:979, 984 (April 2012), LR 42:221 (February 2016), amended by the Department of Children and Family Services, Licensing Section, LR 43:261 (February 2017), LR 43:1725 (September 2017), LR 44:1992 (November 2018), effective December 1, 2018, amended by the Department of Children and Family Services, Licensing Section, LR 45:521 (April 2019), effective May 1, 2019, LR 46:674 (May 2020), effective June 1, 2020, amended LR 47:

Chapter 73. Child Placing Agencies—General Provisions

§7311. Licensing Requirements—Foster Care, Adoption, Transitional Placing

A. - M.1.c. ...

d. §7309.B., §7311.B.5.d.viii., §7311.B.5.g.v-vi., §7311.B.5.h.iv., §7311.C.2.h., §7313.I.10., §7313.L.6., §7313.M.2., §7315.C., and/or §7321.J.1-2, state central registry clearance effective August 1, 2021.

2. - 7.i. ...

j. When the cited critical violation was for a state central registry clearance not being completed prior to hire as required, but obtained before the individual was on the premises and/or had access to a child/youth, the fine shall be decreased by \$25.

k. When the cited critical violation was for state central registry clearance not being completed prior to the individual being on the premises and/or having access to a child/youth, the fine shall be increased by \$25.

M.8. - N.4. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:477 and R.S. 46:1401 et seq.

HISTORICAL NOTE: Promulgated by the Department of Children and Family Services, Licensing Section, LR 45:359 (March 2019), effective April 1, 2019, LR 46:681 (May 2020), effective June 1, 2020, amended LR 47:350 (March 2021), effective April 1, 2021, repromulgated LR 47:441 (April 2021), amended LR 47:

§7313. Administration and Operation

A. - H.6.d. ...

7. Effective April 1, 2019, staff conducting supervisory visits with foster parents, children/youth in certified foster home placements, and/or youth in transitional placing placements shall possess, at a minimum, a bachelor's degree in social work or a human service related bachelor's degree.

8. Effective August 1, 2021, in accordance with ACT 6 of the 2021 regular legislative session, all supervisory visits noted in Section 7321.H. shall be conducted by a social worker in the employ of the licensed adoption agency, licensed social worker, licensed professional counselor, licensed psychologist, medical psychologist, licensed psychiatrist, or licensed marriage and family therapist.

I. - U.5. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:1407(D).

HISTORICAL NOTE: Promulgated by the Department of Children and Family Services, Licensing Section, LR 45:368 (March 2019), effective April 1, 2019, LR 46:683 (May 2020), effective June 1, 2020, LR 47:351 (March 2021), effective April 1, 2021, repromulgated LR 47:441 (April 2021), amended LR 47:

§7321. Adoption Services

A. - H.1. ...

2. Provider shall conduct an initial in home in-person supervisory visit with the child and one adoptive parent within seven calendar days of the child's placement. Effective August 1, 2021 in accordance with Act 6 of the 2021 Regular Legislative Session, the next in home in-person supervisory visit shall occur within 30 calendar days of the initial in home in-person supervisory visit.

3. ...

4. Provider shall conduct a private supervisory visit without the presence of the adoptive parents with each child age one year and above every other month with at least a segment of the visit occurring in the adoptive home.

5. - 10. ...

11. Effective August 1, 2021 and in accordance with Act 6 of the 2021 legislative session, provider shall submit a confidential report to DCFS, Child Welfare concerning requirements noted in §7321.H.2-10 upon completion and to the court prior to the hearing on the final decree of the adoption. If DCFS requests additional information, the provider shall submit the requested information to the

department by the date specified in the notification correspondence.

I. - L. ...

1. In domestic adoptions, DCFS may request information or documents from the provider required to be submitted to the court. The provider shall submit the requested information and documents to the department by the date specified in the notification correspondence.

L.2. - M.4. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:1407(D).

HISTORICAL NOTE: Promulgated by the Department of Children and Family Services, Licensing Section, LR 45:388 (March 2019), effective April 1, 2019, LR 47:353 (March 2021), effective April 1, 2021, repromulgated LR 47:443 (April 2021), amended LR 47:

Marketa Garner Walters
Secretary

2111#022

DECLARATION OF EMERGENCY

Office of the Governor Board of Examiners for New Orleans and Baton Rouge Steamship Pilots for the Mississippi River

Standards of Conduct
(LAC 46:LXX.6311)

In accordance with the emergency provisions of the Administrative Procedure Act, R.S. 49:953.1, and under the authority of R.S. 34:1041 et seq. and Title 46, Professional and Occupational Standards, Part LXX, River Pilots, Subpart 3, Board of Examiners for the New Orleans and Baton Rouge Steamship Pilots et seq. the Board of Examiners for New Orleans- Baton Rouge Steamship Pilots for the Mississippi River declares an emergency to exist and adopts by emergency process the attached regulation for the increased mandatory rest period for New Orleans—Baton Rouge Steamship Pilots.

Due to the safety sensitive nature of the duties performed by state commissioned pilots, this board has a strong commitment to the public and maritime industry. The board has promulgated standards of conduct, in order to further enhance the safety and wellbeing of the citizens of Louisiana and New Orleans—Baton Rouge Steamship Pilots as well as to prevent any imminent peril to public health, safety and welfare, and to achieve and maintain reliable, safe and efficient pilotage services.

The board has the authority to compel each and every individual pilot to be available for and accept orders for pilotage assignments in declared emergency situations or in other overriding operational conditions. This Emergency Rule amends LAC 46:LXX.6311 to provide for an increased mandatory rest period for New Orleans—Baton Rouge Steamship Pilots.

This Emergency Rule becomes effective upon the signature of the President of the Board of Examiners for New Orleans—Baton Rouge Steamship Pilots for the Mississippi River, November 3, 2021, and shall remain in effect for the maximum time allowable by the Administrative Procedure Act, unless rescinded, renewed, or until permanent rules and regulations become effective.

Title 46
PROFESSIONAL AND OCCUPATIONAL
STANDARDS

Part LXX. River Pilots

**Subpart 3. Board of Examiners for the New Orleans and
Baton Rouge Steamship Pilots**

Chapter 63. Standards of Conduct

§6311. Mandatory Rest Period

A. For the purpose of this rule, a turn is the time period from dispatch to the termination of the allotted travel time.

B. All pilots shall have a minimum of 12 hours rest period between turns.

C. For the purpose of this rule, the rest period begins at the termination of the allotted travel time at the completion of one turn and ends at the time of dispatching for the next turn.

D. Notwithstanding Subsection B, the captain of the station and shift pilots shall be exempt from the minimum 12 hours rest period in between turns. However, in no case shall the captain of the station and shift pilots exceed 12 bridge hours in any 24-hour period.

E. Notwithstanding Subsection B, any pilot completing a turn lasting less than 4 bridge hours or receiving a discharge, shall not be required to comply with the mandatory 12 hours rest period. However, in no case shall any pilot acquire more than 12 hours in a 24-hour period. Pilots requesting twelve hours rest period shall not be called or dispatched in less than 12 hours from the completion of their finishing time.

F. Notwithstanding Subsection B, during a state of declared emergency all pilots shall be exempt from the minimum 8 hours rest period in between turns. However, in no case shall any pilot exceed 12 bridge hours in any 24-hour period.

AUTHORITY NOTE: Promulgated in accordance with R.S. 34:1041 et seq.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of Examiners for New Orleans and Baton Rouge Steamship Pilots, LR 31:56 (January 2005), amended by the Office of the Governor, Board of Examiners for New Orleans and Baton Rouge Steamship Pilots for the Mississippi River, LR 36:500 (March 2010), LR 38:3167 (December 2012), LR 47:

Captain Casey E. Clayton
President

2111#014

DECLARATION OF EMERGENCY

Office of the Governor

Board of Examiners of Certified Shorthand Reporters

Continuing Education Credits
(LAC 46:XXI.661)

In accordance with the emergency provisions of the Administrative Procedure Act, R.S. 49:953.1, the Board of Examiners of Certified Shorthand Reporters declares an emergency to exist because of the ongoing effect of the pandemic and adopts by emergency process the attached Rule relative to accepting live webinars for continuing education credits.

This Rule shall have the force and effect of law on October 15, 2021, and will remain in effect for the maximum period allowed by the Administrative Procedure Act, unless

renewed by the Board of Examiners of Certified Shorthand Reporters, or until permanent rules are promulgated in accordance with the law.

Title 46
PROFESSIONAL AND OCCUPATIONAL
STANDARDS

Part XXI. Certified Shorthand Reporters

Chapter 6. Continuing Education

**§611. Activities Not Acceptable for Continuing
Education Credits**

A. Completion of any certified pulmonary respiratory course will not be accepted for continuing education credits.

B. Attendance at or participation in tours, exhibits, entertainment, recreation, committee service, association business, home study, or on-line courses or seminars will not be accepted for continuing education credits, except that live webinars will be accepted for continuing education credits.

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

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Board of Examiners of Certified Shorthand Reporters, LR 21:931 (September 1995), amended by the Office of the Governor, Board of Examiners of Certified Shorthand Reporters, LR 33:2420 (November 2007), LR 47:

Nhung Nguyen
Administrator

2111#002

DECLARATION OF EMERGENCY

Department of Health
Bureau of Health Services Financing

Programs and Services Amendments Due to the Coronavirus
Disease 2019 (COVID-19) Public Health Emergency

On January 30, 2020, the World Health Organization declared a public health emergency of international concern and on January 31, 2020, U.S. Health and Human Services Secretary Alex M. Azar II declared a public health emergency for the United States, effective as of January 27, 2020, in response to the recent coronavirus disease 2019 (hereafter referred to as COVID-19) outbreak. On March 11, 2020, Governor John Bel Edwards declared a statewide public health emergency to exist in the State of Louisiana as a result of the imminent threat posed to Louisiana citizens by COVID-19. Likewise, the presidential declaration of a national emergency due to COVID-19 has an effective date of March 1, 2020.

In response to these public health emergency declarations and the rapid advancement of COVID-19 throughout Louisiana, the Department of Health, Bureau of Health Services Financing, the Office of Aging and Adult Services (OAAS), the Office of Behavioral Health (OBH), and the Office for Citizens with Developmental Disabilities (OCDD) promulgated Emergency Rules which amended the provisions of Title 50 of the *Louisiana Administrative Code* in order to adopt temporary measures to provide for the continuation of essential programs and services to ensure the health and welfare of the citizens of Louisiana (*Louisiana Register*, Volume 46, Number 4). The department subsequently promulgated an Emergency Rule, adopted on June 24, 2020, which further amended Title 50 of the

Louisiana Administrative Code due to the COVID-19 public health emergency. This Emergency Rule included provisions waiving the timeframe for Medicaid applicants and enrollees to request a fair hearing and established a post-eligibility review process for asset verification (*Louisiana Register*, Volume 46, Number 7). The department rescinded the extension of the timeframe for fair hearing requests effective July 1, 2021 and is also no longer performing post-eligibility asset verification reviews; however, due to a clerical error, those provisions were included in the Emergency Rule promulgated effective October 21, 2021 in order to continue the expiring provisions of the June 24, 2020 Emergency Rule. This Emergency Rule is being promulgated to rescind the October 21, 2021 Emergency Rule which included the erroneous provisions and adopt the following provisions in its place. This Emergency Rule shall be in effect for the maximum period allowed under the Act or the duration of the COVID-19 public health emergency declaration, whichever comes first.

Effective October 20, 2021, the Department of Health, Bureau of Health Services Financing hereby amends Title 50 of the *Louisiana Administrative Code* to continue the following provisions of the Emergency Rule adopted on June 24, 2020 throughout the duration of the COVID-19 public health emergency declaration:

Medicaid Eligibility (LAC 50:III.Subpart 1)

For the duration of the COVID-19 public health emergency declaration, the following requirements for coverage under the Medical Assistance Program (Medicaid) will be relaxed:

Chapter 23. Eligibility Groups and Medicaid Programs

The department shall provide coverage under the Medical Assistance Program for uninsured individuals described at section 1902(a)(10)(A)(ii)(XXIII) and 1902(ss) of the Social Security Act as follows:

In accordance with section 1902(a)(10)(XVIII) of the Social Security Act, the medical assistance made available to uninsured individuals (as defined in subsection 1902(ss)) eligible for medical assistance only because of subparagraph (A)(ii)(XXIII) is limited to medical assistance for any in vitro diagnostic product described in section 1905(a)(3)(B) administered during the COVID-19 public health emergency declaration (and the administration of such product) and any visit described in section 1916(a)(2)(G) furnished during the emergency period.

Services for Special Populations - Hospice Recipient Eligibility—Waiver of Payment for Other Services (LAC 50:XV.3503)

During the COVID-19 public health emergency declaration, the department waives the provisions requiring daily visits by the hospice provider to all clients under the age of 21 in order to facilitate continued care while maintaining the safety of staff and beneficiaries. Visits will still be completed based on clinical need of the beneficiary and family, and availability of staff as requested by the family. The use of telemedicine visits as an alternative is allowed.

Medical Transportation Program—Emergency Medical Transportation—Ground Transportation Reimbursement (LAC 50:XXVII.325)

For the duration of the COVID-19 public health emergency declaration, reimbursement will be allowed for ambulance providers for allowable services on site without transport. Services provided by the ambulance provider shall be within established treatment protocols, under the direct supervision of a licensed physician.

Pharmacy—Copayment and Maximum Quantity (LAC 50:XXIX.111 and 119)

During the period of state or federal declared emergency, member co-pays may be waived and select pharmacy edits may be revised to encourage recipients to get all necessary maintenance medications during one pharmacy visit.

Members are able to start receiving up to a 90-day supply, as appropriate, of maintenance medications that are not controlled substances. These include cardiovascular drugs (hypertension, coronary artery disease, thrombosis), diabetes drugs, respiratory drugs (inhaled and oral), contraceptives, antiretrovirals, direct-acting antivirals for hepatitis C, immunosuppressives, antipsychotics, and antidepressants, among others.

Implementation of the provisions of this Rule may be contingent upon the approval of the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS), if it is determined that submission to CMS for review and approval is required.

Interested persons may submit written comments to Patrick Gillies, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821-9030. Mr. Gillies is responsible for responding to inquiries regarding this Emergency Rule. A copy of this Emergency Rule is available for review by interested parties at parish Medicaid offices.

Dr. Courtney N. Phillips
Secretary

2111#003

DECLARATION OF EMERGENCY

**Department of Health
Office of Public Health**

Added Controlled Dangerous Substances
(LAC 46:LIII.2704)

The Department of Health, Office of Public Health (LDH/OPH), pursuant to the rulemaking authority granted to the Secretary of LDH by R.S. 40:962(C) and (H), hereby adopts the following Emergency Rule for the protection of public health. This rule is being promulgated in accordance with the Administrative Procedure Act (R.S. 49:950 et seq.), effective October 15, 2021, and shall remain in effect for the maximum period allowed under the Act or until adoption of a final Rule, whichever occurs first.

Based on the criteria, factors, and guidance set forth in R.S. 40:962(C) and 40:963, the secretary, under this

rulemaking, has determined that the below listed substances have a high potential for abuse and should be scheduled as controlled dangerous substances to avoid an imminent peril to the public health, safety, or welfare. In reaching the decision to designate the below-listed substances as controlled dangerous substances under Schedule I, the secretary has considered the criteria provided under R.S. 40:963 and the specific factors listed under R.S. 40:962(C). The secretary has determined that Schedule I is the most appropriate due to her findings that the substances added herein have a high potential for abuse, the substances have no currently accepted medical use for treatment in the United States, and there is a lack of accepted safety for use of the substances under medical supervision.

Title 46

PROFESSIONAL AND OCCUPATIONAL STANDARDS

Part LIII. Pharmacists

Chapter 27. Controlled Dangerous Substances

Subchapter A. General Provisions

§2704. Added Controlled Dangerous Substances

A. The following drugs or substances are added to Schedule I of the Louisiana Uniform Controlled Dangerous Substances Law, R.S. 40:961 et seq.:

1. N,N-diethyl-2-[(4-isopropoxyphenyl)methyl]-5-nitro-1H-benzimidazole-1-ethanamine (Isotonitazene);
2. N,N-diethyl-2-[(4-methoxyphenyl)methyl]-5-nitro-1H-benzimidazole-1-ethanamine (Metonitazene);
3. N,N-diethyl-2-[(4-butoxyphenyl)methyl]-5-nitro-1H-benzimidazole-1-ethanamine (Butonitazene);
4. N,N-diethyl-2-[(4-fluorophenyl)methyl]-5-nitro-1H-benzimidazole-1-ethanamine (Flunitazene);
5. N,N-diethyl-2-[(4-propoxyphenyl)methyl]-5-nitro-1H-benzimidazole-1-ethanamine (Protonitazene);
6. 2-[(4-ethoxyphenyl)methyl]-5-nitro-1-[2-(pyrrolidino-1-yl)ethyl]-1H-benzimidazole (N-Pyrrolidino Etonitazene);
7. N,N-diethyl-2-[(4-ethoxyphenyl)methyl]-1H-benzimidazole-1-ethanamine (Etodesnitazene);
8. N,N-diethyl-2-[(4-methoxyphenyl)methyl]-1H-benzimidazole-1-ethanamine (Metodesnitazene).

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:962, R.S. 40:963, and R.S. 49:953.1.

HISTORICAL NOTE: Promulgated by the Department of Health, Office of Public Health, LR 47:

Dr. Courtney N. Phillips
Secretary

2111#001

DECLARATION OF EMERGENCY

Department of Treasury Deferred Compensation Commission

Administration and Distributions
(LAC 32:VII.701, 707, 711, and 1105)

The Louisiana Deferred Compensation Commission has exercised the emergency provision in accordance with the Administrative Procedure Act, R.S. 49:953(B) and pursuant to the authority set forth in R.S. 42:1303, to amend LAC 32:VII.701, 707, 711 and 1105 regarding qualified birth and

adoption distributions, required minimum distributions, the age at which participants may make in-service distributions, and repayment of certain loans to qualified participants. This Emergency Rule is necessary to allow plan participants who qualify for the relief provided by the Setting Every Community Up for Retirement Enhancement (“SECURE”) Act (effective December 20, 2019) and the Coronavirus Aid, Relief, and Economic Security (“CARES”) Act (effective March 27, 2020).

The Louisiana Deferred Compensation Commission hereby finds that the following circumstances constitute an immediate danger to the public health, safety, or welfare: Due to public health threat created by COVID-19, on March 11, 2020, Governor John Bel Edwards declared a public health emergency in the State of Louisiana (Proclamation No. JBE 2020-25). In addition, on March 13, 2020, President Donald J. Trump declared a national emergency. As of October 22, 2021, 755,631 cases of COVID-19 have been confirmed in Louisiana, resulting in 14,462 deaths. The economic impact to individuals in Louisiana, including plan participants has also been devastating. Many businesses and governmental entities have been forced to furlough or lay off employees, resulting in even greater financial hardship. The COVID-19 pandemic has caused an immediate threat to the public health, safety, and welfare of many participants in the Louisiana Deferred Compensation Plan.

In order to provide relief to those plan participants who have been adversely affected by the COVID-19 pandemic, the following emergency rule is necessary so that qualifying plan participants may take advantage of the relief provided in the SECURE Act and CARES Act.

This Emergency Rule was adopted on October 19, 2021, and shall be effective on October 19, 2021. This Emergency Rule shall remain in effect 120 days, unless renewed by the Louisiana Deferred Compensation Commission, or until permanent rules are promulgated in accordance with the law.

Title 32

EMPLOYEE BENEFITS

Part VII. Public Employee Deferred Compensation

Subpart 1. Deferred Compensation Plan

Chapter 7. Distributions

§701. Conditions for Distributions

A. Payments from the participants §457 Deferred Compensation Plan account to the participant or beneficiary shall not be made, or made available, earlier than:

1. - 4. ...

5. the participant makes a qualified birth or adoption distribution pursuant to Section 113 of the Setting Every Community Up for Retirement Act of 2019. Any such qualified birth or adoption distribution shall not exceed \$5,000 per birth or adoption. The commission or plan administrator may rely upon a participant’s birth or adoption certificate for purposes of determining eligibility; or

6. the calendar year in which an in-service participant attains age 59 1/2.

B. ...

C. In order to implement the provisions of the Setting Every Community Up for Retirement Enhancement (SECURE) Act, enacted on December 20, 2019, relating to required minimum distributions, including but not limited to §707 and §711 of the Plan, the Commission is hereby authorized to enter into any and all agreements with the Plan

Administrator so that the Plan is in compliance with all federal laws and regulations.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:1301-1308 and IRC §457.

HISTORICAL NOTE: Promulgated by the Department of the Treasury, Deferred Compensation Commission, LR 24:1967 (October 1998), amended LR 28:1497 (June 2002), LR 32:121 (January 2006), LR 47:

§707. Deferred Commencement Date at Separation from Service

A. Following the date in which the participant severs employment, the participant may select a deferred commencement date for all or a portion of the participant's account balance. If the participant elects to defer the entire account balance, the future commencement date may not be later than April 1 of the calendar year following the calendar year in which the participant attains age 72.

B. - B.2.. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:1301-1308 and IRC §457.

HISTORICAL NOTE: Promulgated by the Department of the Treasury, Deferred Compensation Commission, LR 24:1967 (October 1998), amended LR 28:1498 (June 2002), LR 32:122 (January 2006), LR 47:

§711. Death Benefits

A. - B. ...

C. Death of Participant before Participant's Required Beginning Date. If the participant dies before the required beginning date, the participant's entire interest will be distributed, or begin to be distributed, no later than as follows.

1. If the participant's surviving spouse is the participant's sole designated beneficiary, then, except as provided in this §711, distributions to the surviving spouse will begin by December 31 of the calendar year immediately following the calendar year in which the participant died, or by December 31 of the calendar year in which the participant would have attained age 72, if later.

D. - E. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:1301-1308 and IRC §457.

HISTORICAL NOTE: Promulgated by the Department of the Treasury, Deferred Compensation Commission, LR 24:1968 (October 1998), amended LR 28:1498 (June 2002), LR 32:122 (January 2006), LR 47:

Chapter 11. Participant Loans

§1105. Repayment of Loan

A. Each loan shall mature and be payable, in full and with interest, within five years from the date such loan is made, unless:

1. the loan is used to acquire any dwelling unit that within a reasonable time (determined at the time the loan is made) will be used as the principal residence of the participant; or

2. loan repayments are, at the employer's election, suspended as permitted by IRC §414(u)(4) (with respect to qualified military service); or

3. the loan is made to a qualified participant, is outstanding on or after March 27, 2020, and is due during the period beginning March 27, 2020, and ending December 31, 2020. The due date for any such loan shall be delayed for a period of one year, and any subsequent repayments

pursuant to that loan shall be appropriately adjusted to reflect the delayed due date.

a. For purposes of LAC 32:VII.1105.A.3, the term *qualified participant* shall mean the same as *qualified individual* under Sec. 2202(a) of the CARES Act, which defines a qualified individual as an individual:

i. who is diagnosed with the virus SARS-CoV-2 or with coronavirus disease 2019 (COVID-19) by a test approved by the Centers for Disease Control and Prevention;

ii. whose *spouse* or *dependent* (as defined in section 152 of the Internal Revenue Code of 1986) is diagnosed with such virus or disease by such a test; or

iii. who experiences adverse financial consequences as a result of being quarantined, being furloughed or laid off or having work hours reduced due to such virus or disease, being unable to work due to lack of child care due to such virus or disease, closing or reducing hours of a business owned or operated by the individual due to such virus or disease, or other factors as determined by the Secretary of the U.S. Treasury.

AUTHORITY NOTE: Promulgated in accordance with R.S. §42:1301-1308 and IRC §457.

HISTORICAL NOTE: Promulgated by the Department of the Treasury, Deferred Compensation Commission, LR 28:1500 (June 2002), amended LR 47:

Whit Kling
Chairman

2111#004

DECLARATION OF EMERGENCY

**Department of Wildlife and Fisheries
Wildlife and Fisheries Commission**

In-Person Appearance Requirement Suspension

for Oyster Lease Renewal ApplicantsThe Wildlife and Fisheries Commission has established by rule in LAC 76:VII.501.C.2 that all applicants must appear in person at the oyster lease section office to apply for an oyster lease renewal. Due to the devastation in coastal communities caused by Hurricane Ida, and the continued concern over the Covid-19 pandemic, the Wildlife and Fisheries Commission hereby suspends the in-person appearance requirement for oyster lease renewal applicants for the 2021-22 renewal period and directs the Department of Wildlife and Fisheries to develop an alternative method for applicants to submit oyster lease renewal applications by mail and in compliance with all other applicable laws and rules.

The Wildlife and Fisheries Commission finds that the significant losses suffered by coastal communities because of Hurricane Ida has made it difficult for applicants to appear in person. It is necessary to adopt this Declaration of Emergency to suspend the requirement for in-person appearance to assist individuals who have suffered devastating losses and may not be able to appear in person at this time.

This Declaration of Emergency is promulgated in accordance with the emergency provisions of the

Administrative Procedure Act, R.S. 49:953.1 et seq., and shall become effective on November 5, 2021. It shall expire on March 1, 2022.

Jerri G. Smitko
Chair

2111#020

DECLARATION OF EMERGENCY

**Workforce Commission
Office of Unemployment Insurance Administration**

Clarification of the Duties and Responsibilities of the Secretary of the Louisiana Workforce Commission under Act No. 297 of the 2021 Regular Legislative Session (LAC 40:IV.387)

The Louisiana Workforce Commission (LWC) is exercising the emergency provisions of the Administrative Procedure Act, R.S. 49:953.1, to promulgate a Rule to clarify the duties and responsibilities of the Secretary of the Louisiana Workforce Commission under Act No. 297 of the 2021 Regular Legislative Session (the enacted version of SB 244).

Act No. 297 creates the Fresh Start Proper Worker Classification Initiative and Louisiana Voluntary Disclosure Program (VDA Program) for the voluntary and anonymous reporting of undisclosed liabilities for withholding taxes administered by the Department of Revenue (DOR) and unemployment taxes administered by LWC. The LWC adopted Emergency Rule 385 to delay the implementation of provisions of Act No. 297 that are not in conformity with Federal Unemployment Compensation (UC) law. This Emergency Rule is necessary to clarify the duties and responsibilities of the Secretary of the Louisiana Workforce Commission regarding the agency’s administration of the Fresh Start Proper Worker Classification Initiative and Louisiana Voluntary Disclosure Program. A delay in promulgating this Rule will have an adverse impact on the Louisiana Workforce Commission’s implementation of Act

No. 297, which was signed into law by the Governor on June 14, 2021, and is effective on January 1, 2022. It is imperative that the LWC proceed expediently and take immediate action with this Rule because of the adverse impact COVID-19 has had on the UC trust fund balance and businesses in the state. It is also imperative that the LWC promulgate this Rule to prevent imminent peril to the public health, safety, and welfare. Failure to adopt this Rule on an emergency basis may jeopardize LWC’s ability to administer the Fresh Start Proper Worker Classification Initiative and Louisiana Voluntary Disclosure Program.

This declaration of emergency is effective January 1, 2022, and shall remain in effect for the maximum period allowed under the Administrative Procedure Act, R.S. 49:953.1, or until adoption of the final Rule, whichever occurs first.

Title 40

LABOR AND EMPLOYMENT

Part IV. Employment Security

Chapter 3. Employment Security Law

§387. Clarification of the Duties and Responsibilities of the Secretary of the Louisiana Workforce Commission under Act No. 297 of the 2021 Regular Legislative Session

A. The Louisiana Workforce Commission shall have authority to promulgate rules and regulations for the administration of the Fresh Start Proper Worker Classification Initiative under Act No. 297.

AUTHORITY NOTE: Promulgated in accordance with Act No. 297, Title 23 of the Revised Statutes of 1950, as amended and reenacted or enacted, R.S. 36:303 and R.S. 36:304.

HISTORICAL NOTE: Promulgated by the Louisiana Workforce Commission, Office of Unemployment Insurance Administration, LR 47:

Inquiries concerning the proposed enactment may be sent to Assistant Secretary Robert Wooley, UI Administration, 1001 North 23rd Street, Baton Rouge, LA 70802 or at Rwooley@lwc.la.gov.

Ava Cates
Secretary

2111#021

Rules

RULE

Office of the Governor Division of Administration Racing Commission

Colors (LAC 35:VII.Chapter 85)

In accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., and through the authority granted in R.S. 4:148, the Racing Commission has amended LAC 35:VII.8501, 8509, and 8511.

The amendment to §8501 specifies the requirements for owners to provide racing colors for thoroughbred horses and the consequences for not following those requirements. The amendment to §8509 adds the exception that owners can request approval from the stewards to run with a trainer's racing colors. The amendment to §8511 adds to the list of people and entities responsible for ensuring that the correct racing colors are worn and consequences for failing to follow the requirements. This Rule is hereby adopted on the day of promulgation.

Title 35

HORSE RACING

Part VII. Equipment and Colors

Chapter 85. Colors

§8501. Supplied and Registered

A. Owners of horses must provide themselves with suitable racing colors which must be registered with the racing secretary, except at tracks where colors are furnished by the association.

B. Owners of thoroughbred horses must provide themselves with suitable racing colors which must be registered with the racing secretary and their racing colors may not be furnished by an association.

C. On dates where an owner of thoroughbred horses has multiple horses entered on the same race card, the owner must provide colors for each horse entered.

D. Failure of an owner of thoroughbred horses to provide themselves with colors and/or register them with the racing secretary is a finable offense. The fine for such failure shall be \$100.00 for a first offense, with increasing fines for subsequent offenses. However, an owner shall not be fined the first time each meet that they fail to provide themselves with colors and/or register them with the racing secretary, and it shall not count as an offense.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:147 and R.S. 4:148.

HISTORICAL NOTE: Adopted by the Racing Commission in 1971, promulgated by the Department of Commerce, Racing Commission, LR 2:442 (December 1976), amended LR 3:38 (January 1977), LR 4:283 (August 1978), amended by Office of the Governor, Division of Administration, Racing Commission, LR 47:1636 (November 2021).

§8509. Exceptions

A. Exceptions to the above may be allowed by the commission upon request and approval.

B. Owners may request approval from the stewards to run in the colors of the trainer of record.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:147 and R.S. 4:148.

HISTORICAL NOTE: Adopted by the Racing Commission in 1971, promulgated by the Department of Commerce, Racing Commission, LR 2:443 (December 1976), amended LR 3:39 (January 1977), LR 4:283 (August 1978), amended by Office of the Governor, Division of Administration, Racing Commission, LR 47:1636 (November 2021).

§8511. Responsibility for Wearing Correct Colors

A. The clerk of scales, the valet serving a jockey, the colors custodian, and the jockey room custodian shall all be present on the association premises at their customary station during racing and shall all be jointly responsible for having the correct colors and cap on each rider when leaving the jockey room for the paddock.

B. Each association shall implement and maintain a system of receipts and accounting for the custody, control, and return of colors to the rightful owner.

C. If an owner has provided colors and the association fails to place the correct colors on any horse running in a race, the association, the clerk of scales, the valet serving a jockey, the colors custodian, and the jockey room custodian are all subject to a separate fine for each incident.

D. If the association cannot locate colors registered with the racing secretary, the association shall reimburse the owner \$150.00 for each set of missing silks.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:147 and R.S. 4:148.

HISTORICAL NOTE: Promulgated by the Department of Commerce, Racing Commission, LR 2:443 (December 1976), amended LR 3:39 (January 1977), LR 4:283 (August 1978), amended by Office of the Governor, Division of Administration, Racing Commission, LR 47:1636 (November 2021).

Charles A. Gardiner III
Executive Director

2111#013

RULE

Office of the Governor Division of Administration Racing Commission

Declaring a Horse Ineligible to be Claimed at Time of Entry
(LAC 35:XI.9902)

In accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., and through the authority granted in R.S. 4:148, the Racing Commission has adopted LAC 35:XI.9902.

The Rule specifies who may declare a horse ineligible to be claimed at the time of entry and establishes the qualifying factors of horses that can be declared ineligible to be claimed. This Rule is hereby adopted on the day of promulgation.

**Title 35
HORSE RACING**

Part XI. Claiming Rules and Engagements

Chapter 99. Claiming Rule

§9902. Declaring a Horse Ineligible to be Claimed at Time of Entry

A. At the time of entry, the owner, trainer, or authorized agent may declare a horse ineligible to be claimed provided: The horse has been laid off and has not started in a race for a minimum of 120 days and is entered for a claiming price equal to or greater than the price at which the horse last started. For counting purposes, the day following the horse's last race will count as day one. The horse is eligible to start on day 121.

B. Failure to declare the horse ineligible to be claimed at the time of entry may not be remedied.

C. A horse that enters a claiming race and is declared ineligible to be claimed in such race, cannot consider that race for eligibility in any starter type race or optional claiming race.

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

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Racing Commission, LR 47:1637 (November 2021).

Charles A. Gardiner III
Executive Director

2111#014

RULE

**Office of the Governor
Division of Administration
Racing Commission**

Permitted Medications in Quarter Horses (LAC 35:I.1506)

In accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., and through the authority granted in R.S. 4:148, the Racing Commission has amended LAC 35:I.1506.

The amendment adds Albuterol as a prohibited substance in horses participating in quarter horse races. This Rule is hereby adopted on the day of promulgation.

**Title 35
HORSE RACING**

Part I. General Provisions

Chapter 15. Permitted Medication

§1506. Permitted Medications in Quarter Horses

A. Any racehorse participating in a quarter horse race shall comply with the medication rules set forth herein, specifically LAC 35:I.Chapter 15 and LAC 35:I.Chapter 17, however the following exception(s) shall apply.

1. Clenbuterol is a prohibited substance in quarter horses and other breeds racing with quarter horses. There is no applicable withdrawal guideline for such horses.

2. Albuterol is a prohibited substance in quarter horses and other breeds racing with quarter horses. There is no applicable withdrawal guideline for such horses.

B. Any quarter horse reported positive for Clenbuterol and/or Albuterol by the commission's laboratory and following a written ruling by the Stewards shall be placed on the Stewards List and is not eligible to be entered in a race for a period of 60 days from the race date of the positive.

C. Penalties assessed pursuant to Subsection B are in addition to any set forth in LAC 35:I:1797.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:148.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Racing Commission, LR 45:247 (February 2019), amended LR 46:182 (February 2020), LR 47:1637 (November 2021).

Charles A. Gardiner III
Executive Director

2111#012

RULE

**Office of the Governor
Division of Administration
Racing Commission**

Protective Helmets and Safety Vests (LAC 35:I.309)

In accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., and through the authority granted in R.S. 4:148, the Racing Commission has amended LAC 35:I.309.

The amendment updates the people who need to wear protective helmets and safety vests. The amendment also specifies the authorities who can impose fines and suspensions for non-compliance. This Rule is hereby adopted on the day of promulgation.

**Title 35
HORSE RACING**

Part I. General Provisions

Chapter 3. General Rules

§309. Protective Helmets and Safety Vests

A. All persons mounted on horseback are compelled to wear protective helmets recommended by the stewards and approved by the commission, and a safety vest designed to provide shock-absorbing protection to the upper body, as evidenced by a label with a rating of five, by the British Equestrian Trade Association. This shall also apply to association outriders, pony riders in post parade, and assistant starters. Anyone failing to comply with this requirement may be fined or suspended at the discretion of the stewards and/or commission.

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

HISTORICAL NOTE: Adopted by the Racing Commission in 1971, promulgated by the Department of Commerce, Racing Commission, LR 2:423 (December 1976), amended LR 3:19 (January 1977), LR 4:271 (August 1978), amended by the Office of the Governor, Division of Administration, Racing Commission, LR 33:844 (May 2007), LR 47:1637 (November 2021).

Charles A. Gardiner III
Executive Director

2111#011

RULE

**Department of Health
Bureau of Health Services Financing**

Laboratory and Radiology Services
Reimbursement Methodology
(LAC 50:XIX.4301 and 4334)

The Department of Health, Bureau of Health Services Financing has amended LAC 50:XIX.4301 and §4334 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq. This Rule is hereby adopted on the day of promulgation.

Title 50

PUBLIC HEALTH—MEDICAL ASSISTANCE

Part XIX. Other Healthcare Services

Subpart 3. Laboratory and Radiology Services

Chapter 43. Reimbursement

§4301. Laboratory Services Reimbursement

Methodology

A. - B. ...

C. For newly added laboratory services, the Medicaid fee shall be set at 75 percent of the current year’s Medicare allowable fee.

1. In the absence of a Medicare fee, the fee shall be set at the Medicaid fee for a similar service or the Medicaid fee for other states. In the absence of a similar service or a Medicaid fee for other states, the fee shall be set at the cost of performing the service.

C.2. - I. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:153, R.S. 49:1008(A), P.L. 98-369, and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of Family Security, LR 5:388 (December 1979), amended LR 8:75 (February 1982), LR 8:144 (March 1982), LR 10:1034 (December 1984), LR 12:679 (October 1986), LR 22:107 (February 1996), repromulgated (for LAC) LR 28:1024 (May 2002), amended by the Department of Health, Bureau of Health Services Financing, LR 47:251 (February 2021), LR 47:1638 (November 2021).

§4334. Radiology Services Reimbursement

Methodology

A. - B. ...

C. For newly added radiology services, the Medicaid fee shall be set at 75 percent of the current year’s Louisiana Region 99 Medicare allowable fee.

1. In the absence of a Medicare fee, the fee shall be set at the Medicaid fee for a similar service or the Medicaid fee for other states. In the absence of a similar service or a Medicaid fee for other states, the fee shall be set at the cost of performing the service.

D. - I. ...

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 35:1897 (September 2009), amended LR 36:1248 (June 2010), LR 36:2563 (November 2010), LR 37:3029 (October 2011), LR 39:1284 (May 2013), LR 41:539 (March 2015), amended by the Department of Health, Bureau of Health Services Financing, LR

44:283 (February 2018), amended by the Department of Health, Bureau of Health Services Financing, LR 47:252 (February 2021), LR 47:1638 (November 2021).

Implementation of the provisions of this Rule may be contingent upon the approval of the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS), if it is determined that submission to CMS for review and approval is required.

Dr. Courtney N. Phillips
Secretary

2111#037

RULE

**Department of Health
Bureau of Health Services Financing**

Medical Transportation Program
(LAC 50:XXVII.Chapters 5 and 7)

The Department of Health, Bureau of Health Services Financing has repealed and replaced the provisions of LAC 50:XXVII.Chapter 5 and adopt Chapter 7 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This Rule is promulgated in accordance with the provisions of the Administrative Procedures Act, R.S. 49:950 et seq. This Rule is hereby adopted on the day of promulgation

Title 50

PUBLIC HEALTH-MEDICAL ASSISTANCE

Part XXVII. Medical Transportation Program

Chapter 5. Non-Emergency Medical Transportation

Subchapter A. General Provisions

§501. Introduction

A. Non-emergency medical transportation (NEMT) is provided to Medicaid beneficiaries to and/or from a medically necessary Medicaid covered service. NEMT is intended to provide transportation only after all reasonable means of free transportation have been explored and found to be unavailable.

NOTE: Non-emergency ambulance transportation (NEAT) is a form of NEMT; NEAT provisions are located in LAC 50:XXVII.Chapter 7.

B. Medicaid covered transportation is available to Medicaid beneficiaries when:

- 1. the beneficiary is enrolled in a Medicaid benefit program that explicitly includes transportation services; and
- 2. the beneficiary or their representative has stated that they have no other means of transportation.

C. This Chapter applies to the fee-for-service and managed care programs for the provision of NEMT to and/or from medically necessary Medicaid covered services.

1. Managed care entities may utilize fully credentialed NEMT providers within their networks to transport managed care enrollees to non-Medicaid covered services when approved by the department as a value-added benefit at the managed care entity’s expense.

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

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing, LR 47:1638 (November 2021).

§503. Prior Approval and Scheduling

A. The department or its designee will review and approve or deny the transportation requests, prior to scheduling, for beneficiary eligibility and verification of the following:

1. that the originating or destination address belongs to a healthcare provider or facility; or
2. that the service is a prior authorized Medicaid covered service performed in the community.

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

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing, LR 47:1639 (November 2021).

§505. Requirements for Coverage

A. Payment shall only be authorized for the least costly means of transportation available. The least costly means of transportation shall be determined by the department or its designee and considered the beneficiary's choice of transportation, the level of service required to safely transport the beneficiary (e.g., ambulatory, wheelchair, transfer), and the following hierarchy:

1. public providers;
2. gas reimbursement providers who are enrolled in the Medicaid Program;
3. non-profit providers who are enrolled in the Medicaid Program; and
4. profit providers enrolled in the Medicaid Program.

B. Beneficiaries shall be allowed a choice of transportation profit providers as long as it remains the least costly means of transportation.

C. Beneficiaries are encouraged to utilize healthcare providers of their choice in the community in which they reside when the beneficiary requires Medicaid reimbursed transportation services.

1. Beneficiaries may seek medically necessary services in another state when it is the nearest option available.

2. In the managed care program, transportation will only be approved to and/or from a healthcare provider within the department's geographic access standards, unless granted an extension by the department or its designee.

D. Beneficiaries and healthcare providers should give advance notice when requesting transportation.

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

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing, LR 47:1639 (November 2021).

Subchapter B. Beneficiary Participation

§511. General Provisions

A. Beneficiaries shall participate in securing transportation at a low cost and shall agree to use public transportation or solicit transportation from family and friends as an alternative to costlier means of transport.

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

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing, LR 47:1639 (November 2021).

Subchapter C. Provider Responsibilities

§517. Provider Enrollment

A. All NEMT providers must comply with all applicable federal, state, and local laws and regulations, including, but

not limited to, those pertaining to enrollment and participation in the Medicaid Program.

B. Non-emergency medical transportation profit providers shall have a minimum liability insurance coverage of \$25,000 per person, \$50,000 per accident and \$25,000 property damage policy.

1. The liability policy shall cover:

- a. any autos, hired autos, and non-owned autos; or
- b. scheduled autos, hired autos, and non-owned autos.

2. Statements of insurance coverage from the agent writing the policy are not acceptable. Proof must include the dates of coverage and a 30-day cancellation notification clause. Proof of renewal must be received by the department or its designee no later than 48 hours prior to the end date of coverage. The policy must provide that the 30-day cancellation notification be issued to the department or its designee.

3. Upon notice of cancellation or expiration of the coverage, the department or its designee will suspend the provider's Medicaid enrollment, effective on the date of cancellation or expiration.

C. As a condition of reimbursement for transporting Medicaid beneficiaries to and/or from healthcare services, gas reimbursement providers must maintain a current valid vehicle registration, the state minimum automobile liability insurance coverage, and a current valid driver's license. Proof of compliance with these requirements must be submitted to the department or its designee during the enrollment process. Gas reimbursement providers are allowed to transport up to five specified Medicaid beneficiaries or all members of one household. Individuals transporting more than five Medicaid beneficiaries or all members of one household shall be considered profit providers and shall be enrolled as such and comply with all profit provider requirements.

D. A provider must agree to cover the entire parish or parishes for which he or she provides non-emergency medical transportation services.

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

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing, LR 47:1639 (November 2021).

Subchapter D. Reimbursement

§523. General Provisions

A. Reimbursement for NEMT services shall be based upon the current fee schedule.

B. Reimbursement will not be made for any additional person(s) who must accompany the beneficiary to the medical provider.

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

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing, LR 47:1639 (November 2021).

Chapter 7. Non-Emergency Ambulance Transportation

§701. Introduction

A. Non-emergency ambulance transportation (NEAT) is ground or air ambulance transportation provided to Medicaid beneficiaries to and/or from a medically necessary Medicaid covered service when the beneficiary's condition is such that

use of any other method of transportation is contraindicated or would make the beneficiary susceptible to injury.

B. Medicaid covered transportation is available to Medicaid beneficiaries when:

1. the beneficiary is enrolled in a Medicaid benefit program that explicitly includes transportation services; and
2. the beneficiary or their representative has stated that they have no other means of transportation.

C. This Chapter applies to the fee for service and managed care programs for the provision of NEAT to and/or from medically necessary Medicaid covered services.

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

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing, LR 47:1639 (November 2021).

§703. Provider Responsibilities

A. All ambulance providers must be licensed by the Department of Health, Bureau of Emergency Medical Services.

B. All NEAT providers must comply with all applicable federal, state, local laws, and regulations, including, but not limited to, those pertaining to enrollment and participation in the Medicaid Program.

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

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing, LR 47:1640 (November 2021).

§705. Prior Approval and Scheduling

A. The department or its designee must review and approve or deny the transportation requests, prior to scheduling, for beneficiary eligibility and verification of the following:

1. that the originating or destination address belongs to a healthcare provider or facility; and
2. that a completed certification of ambulance transportation form is received for the date of service.

B. Out-of-state NEAT and non-emergency air ambulance services may require additional approval.

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

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing, LR 47:1640 (November 2021).

§707. Reimbursement

A. Reimbursement for NEAT services shall be based upon the current Medicaid fee schedule.

B. Reimbursement for NEAT claims shall be allowed only when accompanied by the certification of ambulance transportation form justifying the need for ambulance services.

C. Reimbursement will not be made for any additional person(s) who must accompany the beneficiary to the medical provider.

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

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing, LR 47:1640 (November 2021).

Implementation of the provisions of this Rule may be contingent upon the approval of the U.S. Department of Health and Human Services, Centers for Medicare and

Medicaid Services (CMS), if it is determined that submission to CMS for review and approval is required.

Dr. Courtney N. Phillips
Secretary

2111#038

RULE

Department of Health Board of Pharmacy

Controlled Dangerous Substance License for Hemp Facility
(LAC 46:LIII.2701, 2705, and 2707)

In accordance with the provisions of the Administrative Procedure Act (R.S. 49:950 et seq.) and the Pharmacy Practice Act (R.S. 37:1161 et seq.), the Louisiana Board of Pharmacy has amended three sections within Chapter 27 of its rules relative to the issuance of a controlled substance license to hemp seed producers, hemp growers, and hemp processors. The change in §2701 inserts a new entry in the list of terms defined in that section and defines a hemp facility. The change in §2705 adds a hemp facility to this section on the issuance of a controlled substance license to a facility and identifies the required documentation on the application. The change in §2707 adds licenses from the Dept. of Agriculture and Forestry to the list of licenses which are excluded from the requirement for a criminal background check. This Rule is hereby adopted on the day of promulgation.

Title 46

PROFESSIONAL AND OCCUPATIONAL STANDARDS

Part LIII. Pharmacists

Chapter 27. Controlled Dangerous Substances

Subchapter A. General Provisions

§2701. Definitions

A. Words not defined in this Chapter shall have their common usage and meaning as stated in the Merriam Webster's

Collegiate Dictionary—Tenth Edition, as revised, and other similarly accepted reference texts. As used in this Chapter, the following terms shall have the meaning ascribed to them in this Section unless the context clearly indicates otherwise:

* * *

Hemp Facility—a facility licensed by the Louisiana Department of Agriculture and Forestry as a hemp seed producer, hemp grower, or hemp processor.

* * *

LDAF—Louisiana Department of Agriculture and Forestry, or its successor.

* * *

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:972.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 34:2127 (October 2008), amended by the Department of Health, Board of Pharmacy, LR 46:569 (April 2020), LR 47:1640 (November 2021).

§2705. Licenses and Exemptions

A. - D.3. ...

E. Healthcare Facilities and Hemp Facilities

1. The issuance of a CDS license to a healthcare facility, and the renewal thereof, shall require the possession of a valid and

verifiable license or other credential issued by the department, or its successor.

2. The issuance of a CDS license to a hemp facility, and the renewal thereof, shall require the following:

a. a valid and verifiable license as a hemp seed producer, hemp grower or hemp processor issued by the Louisiana

Department of Agriculture and Forestry (LDAF).

b. documentation verifying applicant’s compliance with ISO/IES 17025 accreditation standards.

F. - J. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:972.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 34:2129 (October 2008), amended LR 39:312 (February 2013), amended by the Department of Health, Board of Pharmacy, LR 46:570 (April 2020), LR 47:1640 (November 2021).

§2707. Licensing Procedures

A. Application for Initial Issuance of CDS License

1. - 3. ...

4. Applicants not in possession of a valid and verifiable license or other credential from a standing professional board of the State of Louisiana, or from the Department of Health, Bureau of Health Services Financing, Health Standards, or their successors, or from the Louisiana Department of Agriculture and Forestry, shall submit to a criminal history record check upon request by the board. The applicant shall pay for the cost of the criminal history record check. The board shall evaluate the findings of the report of the criminal history record check prior to the issuance of the CDS license.

A.5. - D.5.e. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:972.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 34:2131 (October 2008), amended by the Department of Health, Board of Pharmacy, LR 43:957 (May 2017), LR 46:570 (April 2020), LR 47:1641 (November 2021).

Malcolm J. Broussard
Executive Director

2111#006

RULE

**Department of Health
Board of Pharmacy**

Pharmacists, Pharmacies and Prescriptions
(LAC 46:LIII.Chapters 5, 11, 24, 25 and 27)

In accordance with the provisions of the Administrative Procedure Act (R.S. 49:950 et seq.) and the Pharmacy Practice Act (R.S. 37:1161 et seq.), the Louisiana Board of Pharmacy has amended several sections of its rules relative to pharmacists, pharmacies and prescriptions. Pursuant to Act 454 of the 2018 Legislature, the board conducted a public hearing on June 26, 2019 to solicit comments and

testimony as to whether any of its rules were contrary to law, outdated, unnecessary, overly complex or burdensome. Subsequent to its evaluation of those comments, the board solicited additional stakeholder input in formulating these Rule changes. The changes in §521 update and simplify the rule relative to medication administration. The changes in §1103 removed outdated minimum specifications for prescription departments. The changes in §1105 provides additional time for the reporting of changes in the pharmacist-in-charge at pharmacies to the board. The change in §1107 provides that no person credentialed by the board may be forced to practice pharmacy for longer than six hours without a rest break. The changes in §1123 permit the disposal of hard copy prescription records after they have been imaged and stored in the electronic recordkeeping system and make technical corrections. The change in §1131 removes an outdated requirement relative to applications for pharmacy permits. The changes in §2425 remove outdated minimum specifications for prescription departments in telepharmacy dispensing sites, provides that pharmacy technician candidates may not practice in such sites, clarify the patient counseling requirements in such sites, and make technical corrections. The changes in §2511 remove a provision relative to facsimile prescriptions which expired in December 2016. The changes in §2513 clarify the responsibilities of pharmacists receiving and verifying prescriptions. The change in §2521 extends the quantity of medication which a pharmacist may dispense pursuant to an emergency refill. The changes in §§2519, 2525, 2745 and 2747 extend the expiration date of prescriptions for controlled substances listed in Schedule V from six months to one year in conformance with the federal rules and make technical corrections. This Rule is hereby adopted on the day of promulgation.

Title 46

**PROFESSIONAL AND OCCUPATIONAL
STANDARDS**

Part LIII. Pharmacists

Chapter 5. Pharmacists

Subchapter B. Professional Practice Procedures

§521. Administration of Medications

A. Pharmacists and pharmacy interns who intend to administer medications to their patients shall obtain a medication administration registration from the board prior to engaging in such activity. Pharmacy interns in possession of the medication administration registration may only administer medications while under the supervision of a pharmacist in possession of a medication administration registration.

B. Medication Administration Registration

1. Eligibility

a. The applicant shall possess a pharmacist license or pharmacy intern registration issued by the board; and further, such credential shall be active and valid for practice.

b. The applicant shall demonstrate current life safety certification by the American Heart Association through its Basic Cardiac Life Support (BLS) for Healthcare Providers course, or its successor, or by a board-approved equivalent.

c. The applicant shall demonstrate successful completion of a certificate program for medication administration which has been approved by the board. The

board may approve any program which is an evidence-based didactic course that meets current Centers for Disease Control and Prevention (CDC) training guidelines, or other guidelines as designated by the board, and provides a minimum of 20 hours of instruction and experiential training in the following content areas:

- i. standards for medication administration practices;
- ii. basic immunology;
- iii. recommended medication administration schedules;
- iv. vaccine storage and management;
- v. informed consent;
- vi. physiology and techniques for medication administration;
- vii. pre- and post-administration assessment and counseling;
- viii. medication administration record management; and
- ix. management of adverse events, including identification and appropriate response, as well as documentation and reporting.

2. Application for Initial Issuance

a. The applicant shall complete the application form supplied by the board and furnish the information requested.

b. The applicant shall retain evidence of their education, training and continuing competency; and further, shall furnish copies of such documentation upon request by the board.

c. The board shall issue the registration with an expiration date matching the expiration date of the life safety certification card supplied with the application.

3. Renewal

a. In the event the pharmacist license or pharmacy intern registration expires before the expiration date of the medication administration registration, then the authority to administer medications shall terminate. The authority to administer medications requires the primary credential as well as the medication administration registration to be active at the same time.

b. The renewal of an expired medication administration registration requires documentation of a current life safety certification as described above.

c. To maintain continuing competency for medication administration, the pharmacist shall acquire at least one hour of continuing education per year related to this topic. Continuing education activities obtained for this purpose shall be acquired from a provider accredited by the Accreditation Council for Pharmacy Education (ACPE); and further, the credit earned for such programs may be included within the total number of credits required to renew the pharmacist license.

C. Vaccines.

1. The pharmacist shall maintain and furnish the following information to the practitioner within 24 hours of the administration:

- a. name and address of the patient;
- b. age of the patient, if under 14 years of age;
- c. name of the patient's primary care physician as provided by the patient or patient's agent;
- d. name, manufacturer, and lot number of the vaccine administered;

- e. amount administered;
- f. date of vaccine administration;
- g. site of vaccine administration;
- h. route of administration; and
- i. name, address, and telephone number of the pharmacist administering the vaccine.

2. The immunizing pharmacist or his designee shall report the immunization to the state immunization registry within 72 hours of the administration of the immunization.

D. Pharmacies hosting immunization activities, as well as pharmacists administering immunizations in a location other than a pharmacy, shall comply with the following minimum standards.

1. There shall be sufficient staffing available for the pharmacist to administer the immunization and monitor the patient afterward without distraction from other responsibilities.

2. To facilitate emergency management of anaphylactic reactions, there shall be adequate supplies of medication and equipment, as well as pre-determined procedures for the arrangement of emergency medical services.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1182.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 14:708 (October 1988), effective January 1989, amended LR 29:2085 (October 2003), effective January 1, 2004, LR 34:1409 (July 2008), amended by the Department of Health, Board of Pharmacy, LR 46:578 (April 2020), LR 47:1641 (November 2021).

Chapter 11. Pharmacies

Subchapter A. General Requirements

§1103. Prescription Department Requirements

A. A prescription department of a pharmacy shall provide sufficient floor space, fixtures, equipment and supplies commensurate with the nature and scope of the pharmacy's practice to ensure that drugs are compounded and dispensed in a well-lighted, ventilated, climate controlled, and safely enclosed structure.

B. Restricted. A prescription department is a restricted area.

C. Prescription Department Plumbing. A sink equipped with hot and cold running water shall be located within the prescription department. A sink located in a pharmacy restroom shall not be sufficient to satisfy this requirement.

D. Electronic Record Keeping System. An electronic record keeping system shall be utilized in a pharmacy department and shall be a complete, accurate, and readily retrievable prescription record keeping and storage system.

E. Drug Inventory

1. Storage. The pharmacy shall provide an adequate prescription inventory in order to compound and dispense prescription orders. Drugs that require special storage shall be properly stored.

2. Missing or Damaged Inventory. When significant drug inventory is missing or damaged for any reason, the pharmacy owner or pharmacist-in-charge shall file with the board a signed statement of the circumstances of such occurrence and evidence that the appropriate law enforcement authorities were notified as required by law.

F. Pharmacy Security. The prescription department or the premises housing the prescription department shall be adequately secured by the installation of partitions and

secured entrances, which shall be locked by a pharmacist and made inaccessible when the prescription department is closed. The prescription department or any premises housing a prescription department shall be adequately secured by an alarm system.

G. Emergency Access. An additional key to the prescription department may be maintained in a secure location outside the prescription department for use during an emergency. A log shall be maintained with the key, indicating the name of each non-pharmacist using this key, the date and time of entry, and the nature of the emergency.

H. References. The current edition of the Louisiana Board of Pharmacy Laws and Regulations shall be maintained and readily available within the prescription department of a pharmacy. The pharmacy shall maintain access to current and appropriate reference materials pertinent to the pharmacy practice, including but not limited to, veterinary pharmacy.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1182.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 23:1310 (October 1997), amended LR 29:2087 (October 2003), effective January 1, 2004, LR 39:315 (February 2013), amended by the Department of Health, Board of Pharmacy, LR 46:579 (April 2020), LR 47:1642 (November 2021).

§1105. Pharmacist-in-Charge

A. - H. ...

I. Change of Pharmacist-in-Charge. Written notice to the board shall be required when the pharmacist-in-charge designation for a pharmacy has changed.

1. The permit holder shall notify the board within 30 days of the prior pharmacist-in-charge's departure date. The permit holder shall designate a new pharmacist-in-charge within 10 days of the departure of the prior pharmacist-in-charge.

2. The new pharmacist-in-charge shall afford the board written notice of his newly designated pharmacist-in-charge status within 30 days of the departure of the prior pharmacist-in-charge.

3. A pharmacist-in-charge who voluntarily leaves a pharmacy shall give written notice to the board and the owner of the permit at least 10 days prior to the voluntary departure, unless replaced in a shorter period of time.

J. - K. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1182.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 23:1310 (October 1997), amended LR 29:2088 (October 2003), effective January 1, 2004, LR 38:1239 (May 2012), amended by the Department of Health, Board of Pharmacy, LR 46:579 (April 2020), LR 47:1643 (November 2021).

§1107. Pharmacy Operation

A. - B. ...

C. No person credentialed by the board shall be required to engage in the practice of pharmacy for a period of time longer than six hours without a rest break.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1182.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 23:1310 (October 1997), amended LR 29:2088 (October 2003), effective January 1, 2004, amended LR 34:1408 (July 2008), amended by the

Department of Health, Board of Pharmacy, LR 47:1643 (November 2021).

Subchapter B. Pharmacy Records

§1123. Records

A. - A.4. ...

B. A pharmacy may use one of the following types of pharmacy information systems.

1. A system that utilizes the original hard copy prescription or chart order to document the initial dispensing, but utilizes a computerized system to dispense refills that does not document the positive identification of the pharmacist responsible for the practice of pharmacy. In order to document positive identification, this system shall require the manual signature or initials of a pharmacist on a hard copy record as specified in Subsection E of this Section.

B.2. - J.4. ...

5. The prescription is not for a controlled dangerous substance.

K. - K.1. ...

2. For those pharmacies utilizing an electronic imaging system as described in Subsection J of this Section, written prescription drug order forms may be disposed of in a manner which protects the confidentiality of protected health information.

K.3. - L.1.c. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1182.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 23:1312 (October 1997), amended LR 29:2090 (October 2003), effective January 1, 2004, LR 36:755 (April 2010), LR 40:2253 (November 2014), effective January 1, 2015, amended by the Department of Health, Board of Pharmacy, LR 46:580 (April 2020), LR 47:1643 (November 2021).

Subchapter C. Pharmacy Opening, Closing, Change of Ownership, and Change of Location Procedures

§1131. Pharmacy Opening Procedures

A. The board has established the following procedures as a prerequisite to the opening of any pharmacy:

1. Application Form. The applicant shall obtain the appropriate application form(s) from the board. The completed form(s) shall be signed by the pharmacist-in-charge and returned to the board office, with appropriate fees, not less than 30 days prior to the anticipated opening of the pharmacy.

2. - 3. ...

4. repealed

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1182.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 29:2091 (October 2003), effective January 1, 2004, amended by the Department of Health, Board of Pharmacy, LR 47:1643 (November 2021).

Chapter 24. Limited Service Providers

Subchapter C. Telepharmacy Services

§2425. Telepharmacy Dispensing Site

A. - C.2. ...

D. Closure of Permit

1. When the owner of the permit intends to close the telepharmacy dispensing site permanently, the owner's managing officer and the pharmacist-in-charge shall be

accountable to the board for the proper closure of the pharmacy in compliance with §1133 of this Part.

2. ...

E. Standards of Practice

1. Environmental Standards

a. The prescription department shall consist of sufficient space commensurate with the nature and scope of the pharmacy's practice; this space shall be restricted to authorized personnel only and not accessible to the general public.

b. - g. ...

2. Minimum Staffing Requirements

a. The pharmacist-in-charge of the supervising central pharmacy shall be the pharmacist-in-charge of the telepharmacy dispensing site, and this requirement shall operate as an exception to the contrary provisions of §1105 of this Part. However, the pharmacist-in-charge shall comply with the remaining provisions of §1105 of this Part.

b. - c. ...

d. A pharmacy intern or pharmacy technician candidate may not practice at a telepharmacy dispensing site.

e. ...

3. Operational Standards

a. The telepharmacy dispensing site shall comply with the provisions of Chapters 11, 25, 27 and 29 of this Part except when this Subchapter grants exceptions or imposes more stringent requirements.

E.3.b. - E.3.f. ...

g. A pharmacist shall comply with the rules for drug utilization review and patient counseling in Chapter 5 of this Part, using HIPAA compliant technology in the telepharmacy system.

E.3.h. - E.4.d. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1182.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 21:2149 (October 2015), amended by the Department of Health, Board of Pharmacy, LR 46:586 (April 2020), LR 47:1643 (November 2021).

Chapter 25. Prescriptions, Drugs, and Devices

Subchapter B. Prescriptions

§2511. Prescriptions and Chart Orders

A. - B. ...

C. Written Prescriptions. A written prescription shall conform to the following format:

1. - 4. ...

5. Receipt via Facsimile

a. Pharmacies may elect to receive written prescriptions via a facsimile machine located within the prescription department. The paper used to print such prescriptions shall produce a non-fading image. The pharmacy may elect to scan such documents in compliance with the provisions of §1123 of this Part.

b. Pharmacies may elect to receive written prescriptions via electronic facsimile directly within their pharmacy information system. The pharmacy shall retain such records in compliance with §1123 of this Part.

c. Repealed.

d. Repealed.

C.6. - F.3.d. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1182.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 14:708 (October 1988), effective January 1, 1989, amended LR 29:2102 (October 2003), effective January 1, 2004, LR 41:98 (January 2015), LR 41:2147 (October 2015), amended by the Department of Health, Board of Pharmacy, LR 43:2162 (November 2017), LR 46:585 (April 2020), LR 47:1644 (November 2021).

§2513. Prescription Receipt and Verification of Prescription Drug Orders and Chart Orders

A. The receiving pharmacist is responsible for verification of the authenticity of the prescription.

B. The dispensing pharmacist is responsible for the accuracy of the medications or devices dispensed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1182.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 14:708 (October 1988), effective January 1, 1989, amended LR 29:2103 (October 2003), effective January 1, 2004, amended by the Department of Health, Board of Pharmacy, LR 47:1644 (November 2021).

§2519. Prescription Refills; Medication Synchronization and Refill Consolidation

A. - B. ...

C. Controlled Dangerous Substances

1. ...

2. A prescription for a drug listed in Schedule III or IV may be refilled up to five times, if so indicated at the time issued.

3. A prescription for a drug listed in Schedule V may be refilled if so indicated at the time issued subject to the one-year expiration date of the prescription.

D. Medication Synchronization and Refill Consolidation. These terms refer to a service which a pharmacist may perform for his patient, at the request of the patient, wherein he may proactively adjust the medication dispensing quantity and/or the refill schedule of a prescription in order to manage the patient's medication therapy, with the goal of improved medication adherence by the patient.

1. ...

2. With respect to prescriptions for controlled substances where refills have been authorized, pharmacists may utilize partial fills, as described in §2747.C.5 of this Part, but may not exceed the dispensing quantity noted on the original prescription.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1182.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 14:708 (October 1988), effective January 1, 1989, amended LR 29:2104 (October 2003), effective January 1, 2004, LR 33:1133 (June 2007), amended by the Department of Health, Board of Pharmacy, LR 42:1519 (September 2016), LR 46:575 (April 2020), LR 47:1644 (November 2021).

§2521. Emergency Refills

A. Using sound professional judgment, a pharmacist may refill adequate medication for a quantity not to exceed a 30-day supply when an emergency for medication has been adequately demonstrated and the prescribing practitioner is not available. The 30-day supply limitation shall not apply to multiple-dose unit-of-use containers.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1182.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 14:708 (October

1988), effective January 1, 1989, amended LR 29:2104 (October 2003), effective January 1, 2004, amended by the Department of Health, Board of Pharmacy, LR 47:1644 (November 2021).

§2525. Prescription Expiration

A. A prescription for a drug other than a controlled dangerous substance listed in Schedules II through IV shall expire one year after the date written.

B. A prescription for a controlled dangerous substance shall expire:

1. ...

2. six months after the date of issue if the drug is listed in Schedule III or IV.

C. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1182.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 14:708 (October 1988), effective January 1, 1989, amended LR 29:2104 (October 2003), effective January 1, 2004, amended by the Department of Health, Board of Pharmacy, LR 42:1090 (July 2016), amended LR 47:1645 (November 2021).

Chapter 27. Controlled Dangerous Substances

Subchapter F. Production, Distribution and Utilization

§2745. Prescriptions

A. - G.1.e. ...

2. Expiration Date of Prescriptions

a. A prescription for a controlled substance listed in Schedule III or IV shall expire six months after the date of issue, or following the acquisition of the number of refills authorized by the prescriber on the original prescription, whichever shall first occur.

b. A prescription for a controlled substance listed in Schedule V shall expire one year after the date of issue, or following the acquisition of the number of refills authorized by the prescriber on the original prescription, whichever shall first occur.

c. No pharmacist shall dispense any controlled substances pursuant to an expired prescription.

3. Refilling of Prescriptions

a. The prescriber may authorize the refilling of a prescription for a controlled substance listed in Schedule III or IV by including specific refill instructions on the prescription prior to its issuance. The maximum number of refills the prescriber may authorize is five.

b. The prescriber may authorize the refilling of a prescription for a controlled substance listed in Schedule V by including specific refill instructions on the prescription prior to its issuance. There is no limitation on the number of refills the prescriber may authorize, subject however to the one year expiration date of the prescription.

c. In the absence of specific refill instructions on the original prescription from the prescriber, the prescription shall not be refilled.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:972.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 34:2149 (October 2008), amended LR 41:685 (April 2015), amended by the Department of Health, Board of Pharmacy, LR 42:1090 (July 2016), amended LR 47:1645 (November 2021).

§2747. Dispensing Requirements

A. - C.2.c. ...

3. Expiration Date

a. A prescription for a controlled substance listed in Schedule III or IV shall expire six months after the date of issue, or following the acquisition of the number of refills authorized by the prescriber on the original prescription, whichever shall first occur.

b. A prescription for a controlled substance listed in Schedule V shall expire one year after the date of issue, or following the acquisition of the number of refills authorized by the prescriber on the original prescription, whichever shall first occur.

c. No pharmacist shall dispense any controlled substance pursuant to an expired prescription.

4. Refilling of Prescriptions

a. No prescription for a controlled substance listed in Schedule III or IV shall be filled or refilled more than six months after the date on which such prescription was issued and no such prescription authorized to be refilled may be refilled more than five times. No prescription for a controlled substance listed in Schedule V shall be filled or refilled more than one year after the date on which such prescription was issued.

b. - c.v. ...

5. Partial Filling of Prescriptions. The partial filling of a prescription for a controlled substance listed in Schedule III, IV, or V is permissible, provided that:

a. - b.ii. ...

c. no dispensing shall occur more than six months after the date on which the prescription for a controlled substance listed in Schedule III or IV was issued, or more than one year after the date on which a prescription for a controlled substance listed in Schedule V was issued.

6. Labeling of Medications and Filing of Prescriptions

a. -d. ...

e. All prescription forms shall be maintained in accordance with the requirements of Paragraph 2731.B.7 of this Chapter.

C.7. - C.8.a.i. ...

ii. ensure that all information required to be on a prescription pursuant to Subsection 2745.C of this Chapter is transmitted to the central fill pharmacy (either on the face of the prescription or in the electronic transmission of information);

C.8.a.iii. - D.4. ...

5. a bound record book for dispensing of controlled substances under this Paragraph is maintained by the pharmacist, which book shall contain the name and address of the purchaser, the name and quantity of controlled substance purchased, the date of each purchase, and the name or initials of the pharmacist who dispensed the controlled substance to the purchaser; further the book shall be maintained in conformance with the recordkeeping requirements identified in Paragraph 2731.B.7 of this Chapter;

D.6. - F. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:972.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 34:2152 (October 2008), LR 41:685 (April 2015), amended by the Department of Health, Board of Pharmacy, LR 46:577 (April 2020), LR 47:1645 (November 2021).

Malcolm J Broussard
Executive Director

2111#005

RULE

Department of Insurance Office of the Commissioner

Regulation 117—Submission of Contact Information for Risk-Bearing Entities (LAC 37:XIII.Chapter 175)

The Department of Insurance, pursuant to the authority of the Louisiana Insurance Code, R.S. 22:1 and 22:11 et seq., and in accordance with the Administrative Procedure Act, R.S. 49:950 et seq., has promulgated Regulation 117—Submission of Contact Information for Risk-Bearing Entities. Regulation 117:

(1) establishes a procedure for the submission of required contact information for risk-bearing entities;

(2) sets a specific date and method for the submission of the annual filing to inform the commissioner of the contact information required pursuant to R.S. 22:41.2;

(3) establishes the procedure and time limitation to notify the commissioner of a change in the contact information that was provided with the annual filing; and

(4) provides for penalties for the failure to timely make the annual filing or to submit a notice of change in the contact information to the commissioner.

This Rule is hereby adopted on the day of promulgation.

Title 37

INSURANCE

Part XIII. Regulations

Chapter 175. Regulation Number 117— Submission of Contact Information for Risk Bearing Entities

§17501. Purpose

A. The purpose of this regulation is to establish a procedure for the submission of required contact information for risk-bearing entities, to set a specific date and method for submission of the annual filing of the contact information, to establish the procedure and time limitation to notify the commissioner of a change in the contact information that was provided with the annual filing, and to provide for penalties for the failure to timely make the annual filing or to submit a notice of change in the contact information to the commissioner.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:2E, 22:11, 22:18, 22:41.2, 22:337(A)(5), and the Administrative Procedure Act, R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 47:1646 (November 2021).

§17503. Definitions

A. The following terms when used in this Chapter shall have the following meanings:

Commissioner—the Louisiana Commissioner of Insurance.

Department—the Louisiana Department of Insurance.

Risk-Bearing Entity—any entity included in R.S. 22:48.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:2E, 22:11, 22:18, 22:41.2, 22:337(A)(5), and the Administrative Procedure Act, R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 47:1646 (November 2021).

§17505. Required Contacts

A. The following shall be required contacts for each risk-bearing entity:

1. an individual responsible for the receipt of and response to consumer complaints filed with the department;

2. an individual responsible for the receipt of rules, regulations or other directives from the commissioner;

3. an individual responsible for the receipt of and response to inquiries from the department regarding the financial condition of the entity;

4. an individual responsible for the receipt of and response to inquiries from the department regarding tax payments;

5. an individual responsible for the receipt of and response to inquiries from the department regarding data security and data breaches;

6. an individual responsible for the receipt of and response to inquiries from the department in the event of a catastrophe or disaster;

7. an individual responsible for the receipt of and response to inquiries from the department regarding market conduct issues.

B. The risk-bearing entity may designate more than one individual to meet any one of the requirements of this section.

C. The risk-bearing entity may designate one individual as its primary contact to satisfy any one or more of the required contact requirements.

D. If the phone number provided is a general phone number of the risk-bearing entity, the contact information submitted shall include the extension of the individual.

E. The commissioner may provide additional contact types for which a risk-bearing entity may submit contact information to facilitate communication with the department.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:2E, 22:11, 22:18, 22:41.2, 22:337(A)(5), and the Administrative Procedure Act, R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 47:1646 (November 2021).

§17507. Annual Notification of Contact Information

A. No later than March 1st annually, every risk-bearing entity conducting business in Louisiana shall provide notice to the commissioner that sets forth the name, mailing address, phone number, and electronic mail address for each required contact as set forth above in §17505.

B. This notice shall be made electronically using the department's industry access system or any subsequent program provided by the commissioner.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:2E, 22:11, 22:18, 22:41.2, 22:337(A)(5), and the Administrative Procedure Act, R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 47:1646 (November 2021).

§17509. Notice of Change of Contact Information

A. Every risk-bearing entity shall notify the commissioner within 30 days of any change in the contact information that was provided with the annual filing.

B. The notification of change may be made by using the department's Industry Access System or through an electronic filing of a uniform notification created by the National Association of Insurance Commissioners.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:2E, 22:11, 22:18, 22:41.2, 22:337(A)(5), and the Administrative Procedure Act, R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 47:1647 (November 2021).

§17511. Violations

A. Failure to provide notice to the commissioner of the required contact information on or before March 1st or to provide a notification of change to the commissioner within 30 days of any change in the contact information may be determined by the commissioner to be a violation of R.S. 22:41.2 and may result in or subject a risk-bearing entity to penalties pursuant to R.S. 22:18 or 22:337(A)(5).

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:2E, 22:11, 22:18, 22:41.2, 22:337(A)(5), and the Administrative Procedure Act, R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 47:1647 (November 2021).

James J. Donelon
Commissioner

2111#007

RULE

**Department of Natural Resources
Office of Conservation**

Fire Hazards (LAC 43:XIX.115)

The Department of Natural Resources, Office of Conservation has amended LAC 43:XIX, Subpart 1 in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., and pursuant to the power delegated under the laws of the state of Louisiana. This Rule is hereby adopted on the day of promulgation.

Title 43

NATURAL RESOURCES

Part XIX. Office of Conservation—General Operations

Subpart 1. Statewide Order No. 29-B

Chapter 1. General Provisions

§115. Fire Hazards

A.1. - B. ...

1. Each permanent oil, tank or battery of tanks that are located within the corporate limits of any city, town or village, or where such tanks are closer than 500 feet to any

highway or inhabited dwelling or closer than 1000 feet to any school or church, must:

a. be surrounded by a dike (or firewall) or retaining wall of at least the capacity of such tank or battery of tanks, with the exception of such areas where such dikes (or firewalls) or retaining walls would be impossible such as in water areas. At the discretion of the Commissioner of Conservation, firewalls of 100 percent capacity can be required where other conditions or circumstances warrant their construction;

b. be enclosed by a fence no less than four feet high and at a minimum, composed of four strands of wire and a lockable gate which shall be locked when the site is unmanned and the fence and gate shall be properly maintained at all times. Conservation shall be provided a means to unlock the gate;

c. all hatches to the tank, which do not serve as a pressure relief device, must be sealed when the site is unmanned;

d. a warning sign must be prominently displayed on or immediately adjacent to the tank or ladder providing access to the tank and the gate providing entry to the site, denoting danger, flammable contents;

e. the above safety regulations must be implemented within three months of their promulgation.

C.2. - F. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:80 et seq.

HISTORICAL NOTE: Promulgated by Department of Natural Resources, Office of Conservation, (August 1943), amended (March 1955), (December 1963), amended by the Department of Natural Resources, Office of Conservation, LR 47:1647 (November 2021).

Richard P. Ieyoub
Commissioner

2111#024

RULE

**Department of Revenue
Policy Services Division**

Consolidated Filer Sales Tax Returns, Form R-1029—
Electronic Filing and Payment Requirement
(LAC 61.III.1547 and 1548)

Under the authority of R.S. 47:1511, 47:1519, 47:1520 and in accordance with the Administrative Procedure Act, R.S. 49:950 et seq., the Department of Revenue has adopted rules to require electronic filing and payment requirements for consolidated filers who are filing the Louisiana Sales Tax Return, Form R-1029.

R.S. 47:1519(B)(1) authorizes the secretary to require payments by electronic funds transfer, and R.S. 47:1520(A)(2) grants the secretary the discretion to require electronic filing of tax returns or reports by administrative rule promulgated with legislative oversight in accordance with the Administrative Procedure Act, R.S. 49:950 et seq. The purpose of this regulation is to require consolidated filers to electronically file all sales tax returns and electronically submit all related sales and use tax payments. Recent legislative changes have required more specific tracking of sales tax revenues. Requiring consolidated filers

to file returns and make payments electronically allows for targeted tracking while maintaining convenience for consolidated filers. This Rule is hereby adopted on the day of promulgation.

Title 61

REVENUE AND TAXATION

Part III. Administrative and Miscellaneous Provisions

Chapter 15. Mandatory Electronic Filing of Tax Returns and Payment

§1547. Consolidated Filers—Electronic Filing Requirements

A. Definitions

Consolidated Filer—taxpayers approved, according to LAC 61:I.4351.A.1.a, to file consolidated sales tax returns to report sales from multiple locations on one consolidated monthly return

B. For tax periods beginning on or after December 1, 2021, consolidated filers shall be required to file the Form R-1029, Louisiana Sales Tax Return, electronically.

C. Consolidated filers may not file paper versions of any required returns.

D.1. Failure to comply with the electronic filing requirement of this section will result in the assessment of a penalty as provided for in R.S. 47:1520(B).

2. Waiver of the penalty provided for in paragraph 1 of this subsection shall only be allowed as provided for in R.S. 47:1520(B).

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1511 and 47:1520.

HISTORICAL NOTE: Promulgated by the Department of Revenue, LR 47:1648 (November 2021).

§1548. Consolidated Filers - Electronic Payment Required

A. R.S. 47:1519(B)(1) allows the secretary to require consolidated filers to pay sales and use tax by electronic funds transfer.

B. Effective for all taxable periods beginning on or after December 1, 2021, all payments by any consolidated filer shall be electronically transferred to the department on or before the twentieth day following the close of the reporting period using the electronic format provided.

C. For purposes of this Rule, specific requirements relating to the procedures for making payments by electronic funds transfer are set forth in R.S. 47:1519 and LAC 61.I.4910(E).

D. Failure to comply with the electronic funds transfer requirements shall result in the tax payment being considered delinquent and subject to penalties and interest as provided under R.S. 47:1601 and 1602.

E. If a consolidated filer has made a good faith attempt and exercises due diligence in initiating a payment under the provisions of R.S. 47:1519, this Rule, and LAC 61.I.4910(E), but because of unexpected problems arising at financial institutions, Federal Reserve facilities, the automated clearinghouse system, or state agencies, the payment is not timely received, the delinquent penalty may be waived as provided by R.S. 47:1603. Before a waiver will be considered, consolidated filers must furnish the department with documentation proving that due diligence was exercised and that the delay was clearly beyond their control.

F. In any case where the consolidated filer can prove payment by electronic funds transfer would create an undue hardship, the secretary may exempt the taxpayer from the requirement to transmit funds electronically.

G. The tax returns must be filed electronically; separately from the electronic transmission of the remittance.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1511 and 47:1519.

HISTORICAL NOTE: Promulgated by the Department of Revenue, LR 47:1648 (November 2021).

Kimberly J. Lewis
Secretary

2111#025

RULE

Department of Revenue Policy Services Division

Mandatory Electronic Filing of Consumable Hemp Products Tax Returns and Payment of Tax (LAC 61.III.1535 and 1536)

Under the authority of R.S. 47:1511, 47:1519, 47:1520, and 47:1695, and in accordance with the Administrative Procedure Act, R.S. 49:950 et seq., the Department of Revenue, Policy Services Division, has amended LAC 61.III.1535 and 1536, regarding mandatory electronic filing and payment requirements for the Industrial Hemp-Derived CBD Tax Return. Act 336 of the 2021 Regular Session (“Act 336”) changed the name of the tax to Consumable Hemp Products Tax and expanded its applicability.

R.S. 47:1519(B)(1) authorizes the secretary to require payments by electronic funds transfer, and R.S. 47:1520(A)(2) authorizes the secretary the discretion to require electronic filing of tax returns or reports by administrative rule promulgated with legislative oversight in accordance with the Administrative Procedure Act, R.S. 49:950 et seq. The purpose of this amendment is to revise the terminology in the regulation consistent with the changes to the tax statutes made by Act 336. This Rule is hereby adopted on the day of promulgation.

Title 61

REVENUE AND TAXATION

Part III. Administrative and Miscellaneous Provisions Chapter 15. Mandatory Electronic Filing of Tax Returns and Payment

§1535. Industrial Hemp-Derived CBD and Consumable Hemp Products Tax Return—Electronic Filing Requirements

A.1. For tax periods beginning on or after January 1, 2020 and before August 1, 2021, every industrial hemp-derived CBD retailer shall be required to file the Industrial Hemp-Derived CBD Tax return electronically with the Department of Revenue using the electronic format prescribed by the department.

2. For tax periods beginning on or after August 1, 2021, every consumable hemp products retailer shall be required to file the Consumable Hemp Products Tax return

electronically with the Department of Revenue using the electronic format prescribed by the department.

B. - C.2. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1511, and 47:1520.

HISTORICAL NOTE: Promulgated by the Department of Revenue, Policy Services Division, LR 45:1810 (December 2019), amended by the Department of Revenue, Policy Services Division, LR 47:1648 (November 2021).

§1536. Industrial Hemp-Derived CBD and Consumable Hemp Products Tax—Electronic Payment Required

A. R.S. 47:1519(B)(1) allows the secretary to require payment of tax by electronic funds transfer.

B.1. Effective for all taxable periods beginning on or after January 1, 2020 and before August 1, 2021, all payments by an industrial hemp-derived CBD retailer shall be electronically transferred to the Department of Revenue on or before the twentieth day following the close of the reporting period using the electronic format provided by the department.

2. Effective for all taxable periods beginning on or after August 1, 2021, all payments by a consumable hemp products retailer shall be electronically transferred to the Department of Revenue on or before the twentieth day following the close of the reporting period using the electronic format provided by the department.

C. - G. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1511, 47:1519, 47:1520 and 47:1695.

HISTORICAL NOTE: Promulgated by the Department of Revenue, Policy Services Division, LR 45:1810 (December 2019), amended by the Department of Revenue, Policy Services Division, LR 47:1649 (November 2021).

Kimberly J. Lewis
Secretary of Revenue

2111#026

RULE

**Department of Wildlife and Fisheries
Wildlife and Fisheries Commission**

**Derelict Crab Trap Removal Program
(LAC 76:VII.367)**

In accordance with the Administrative Procedure Act, R.S. 49:950 et seq., and through the authority granted in R.S. 56:332(N), the Wildlife and Fisheries Commission has amended LAC 76:VII.367 to temporarily close a portion of state inside waters to the use of crab traps in order to facilitate the removal of abandoned crab traps in these waters.

These abandoned crab traps can cause navigational hazards, user-group conflicts, and cause stress on the state blue crab stock by continuing to fish after being abandoned or displaced. Traps are often displaced or abandoned due to storm and tidal movements, theft, captured in another fisherman’s gear, or from having the floats cut by propellers. The removal of these traps is necessary to keep Louisiana’s coast pristine and to facilitate improvement in the blue crab stock.

The Wildlife and Fisheries Commission has amended the provisions in LAC 76:VII.367 governing the locations of temporary crab trap closures to address problems in portions of state waters resulting from large numbers of abandoned and derelict crab traps (*Louisiana Register, Volume 30, Number 1; Volume 31, Number 1; Volume 32, Number 2; Volume 33, Number 1; Volume 34, Number 1; Volume 36; Number 1; Volume 38, Number 1; Volume 38, Number 12; Volume 40, Number 1; Volume 41, Number 1; Volume 42, Number 1; Volume 42, Number 12; Volume 44, Number 1; Volume 45, Number 2; Volume 45, Number 12; Volume 46, Number 11*). The Wildlife and Fisheries Commission took action on August 5, 2021 to describe a new portion of state waters to be temporarily closed to the use of crab traps for the purpose of conducting a crab trap cleanup. This Rule is hereby adopted on the day of promulgation.

Title 76

WILDLIFE AND FISHERIES

Part VII. Fish and Other Aquatic Life

**Chapter 3. Saltwater Sport and Commercial Fishery
§367. Derelict Crab Trap Removal Program**

A. The use of crab traps shall be prohibited for a 14-day period from 12:00 a.m. February 1, 2022 through 11:59 p.m. February 14, 2022 within portions of Terrebonne Parish as described below:

1. from a point originating at the intersection of the eastern shoreline of Bayou Dularge and the southern shoreline of Falgout Canal (29 degrees 24 minutes 42.57 seconds north latitude, 90 degrees 46 minutes 59.40 seconds west longitude); thence westerly along the southern shoreline of Falgout Canal to its intersection with Lake de Cade (29 degrees 24 minutes 51.57 seconds north latitude, 90 degrees 49 minutes 55.05 seconds west longitude); thence southwesterly along the eastern and southern shorelines of Lake de Cade to the northern shoreline of Bayou de Cade; thence southwesterly along the northern shoreline of Bayou de Cade to its intersection with Lost Lake; thence westerly and southerly along the northern and western shorelines of Lost Lake to its intersection with the western shoreline of Rice Bayou; thence southerly along the western shoreline of Rice Bayou to its intersection with Blue Hammock Bayou (29 degrees 18 minutes 19.26 seconds north latitude, 91 degrees 05 minutes 05.33 seconds west longitude); thence westerly along the northern shore of Blue Hammock Bayou to Four League Bay (29 degrees 17 minutes 43.49 seconds north latitude, 91 degrees 07 minutes 26.81 seconds west longitude); thence southerly along the eastern shoreline of Four League Bay to the mouth of Oyster Bayou; thence southerly along the eastern shoreline of Oyster Bayou to a point along the inside-outside shrimp line as defined in LAC 76:VII.370 (29 degrees 13 minutes 17.52 seconds north latitude, 91 degrees 07 minutes 45.76 seconds west longitude); thence easterly along the inside-outside shrimp line to the eastern shoreline of Bayou Grand Caillou; thence northerly along the eastern shoreline of Bayou Grand Caillou to its intersection with the southern shoreline of the Tennessee Gas Pipeline (29 degrees 14 minutes 56.52 seconds north latitude, 90 degrees 48 minutes 17.97 seconds west longitude); thence northwesterly across Bayou Grand Caillou to the western shoreline of Bayou Grand Caillou (29

degrees 15 minutes 4.23 seconds north latitude, 90 degrees 48 minutes 27.57 seconds west longitude); thence northerly to the northern shoreline of the Tennessee Gas Pipeline Canal (29 degrees 15 minutes 5.55 seconds north latitude, 90 degrees 48 minutes 26.46 seconds west longitude); thence northwesterly along the northern shoreline of the Tennessee Gas Pipeline Canal to the eastern shore of Bayou Dularge (29 degrees 17 minutes 48.98 seconds north latitude, 90 degrees 52 minutes 23.57 seconds west longitude); thence northerly along the eastern shoreline of Bayou Dularge and terminating at its origin.

B. The use of crab traps shall be prohibited for a 14-day period from 12:00 a.m. February 1, 2022 through 11:59 p.m. February 14, 2022 within portions of Iberia, St. Mary, and Vermilion Parishes as described below:

1. originating from a point on the northern shoreline of the Gulf Intracoastal Waterway where it intersects the Acadiana Navigational Channel (29 degrees 50 minutes 37.17 seconds north latitude, 91 degrees 50 minutes 32.40 seconds west longitude); thence to a point on the southern shoreline of the Gulf Intracoastal Waterway (29 degrees 50 minutes 28.22 seconds north latitude, 91 degrees 50 minutes 35.30 seconds west longitude); thence southwestward along the Acadiana Navigational Channel red buoy line to the red navigational marker number 12 on the Marsh Island shoreline near Southwest Pass (29 degrees 36 minutes 10.81 seconds north latitude, 92 degrees 00 minutes 17.16 seconds west longitude); thence easterly along the northern shoreline of Marsh Island to 29 degrees 33 minutes 51.30 seconds north latitude, 91 degrees 43 minutes 00 seconds west longitude; thence north along 91 degrees 43 minutes 00 seconds west longitude to the northern shoreline of West Cote Blanche Bay (29 degrees 44 minutes 21.17 seconds north latitude, 91 degrees 43 minutes 00 seconds west longitude); thence westerly along the northern shoreline of West Cote Blanche Bay to its intersection with the Ivanhoe Canal (29 degrees 45 minutes 03.58 seconds north latitude, 91 degrees 44 minutes 15.16 seconds west longitude); thence northerly along the eastern shoreline of the Ivanhoe Canal to its intersection with the Gulf Intracoastal Waterway (29 degrees 45 minutes 45.92 seconds north latitude, 91 degrees 44 minutes 20.76 seconds west longitude); thence north to the northern shoreline of the Gulf Intracoastal Waterway (29 degrees 45 minutes 52.14 seconds north latitude, 91 degrees 44 minutes 23.78 seconds west longitude); thence westerly along the northern shoreline of the Gulf Intracoastal Waterway and terminating at the origin.

C. The use of crab traps shall be prohibited for a 14-day period from 12:00 a.m. February 7, 2022 through 11:59 p.m. February 20, 2022 within portions of Jefferson, Lafourche, and Plaquemines Parishes as described below:

1. from a point originating at the intersection of the Gulf Intracoastal Waterway and the northern shore of Hero Canal (29 degrees 48 minutes 12.73 seconds north latitude, 90 degrees 04 minutes 09.21 seconds west longitude); thence westerly to a point along the western shore of the Gulf Intracoastal Waterway at 29 degrees 48 minutes 15.14 seconds north latitude, 90 degrees 04 minutes 18.67 seconds west longitude; thence southerly along the western shore of

the Gulf Intracoastal Waterway to a point opposite the western shore of Bayou Perot (29 degrees 40 minutes 56.67 seconds north latitude, 90 degrees 11 minutes 36.79 seconds west longitude); thence easterly to a point on the western shore of Bayou Perot at 29 degrees 40 minutes 50.66 seconds north latitude, 90 degrees 11 minutes 25.48 seconds west longitude; thence southerly along the western shore of Bayou Perot and Little Lake to Bay L'Ours; thence westerly and southerly around the shoreline of Bay L'Ours to Brusle Lake; thence southerly and easterly following the shoreline of Brusle Lake to a point on the southern shoreline of Bayou De Chene at 29 degrees 29 minutes 14.83 seconds north latitude, 90 degrees 12 minutes 02.02 seconds west longitude; thence easterly along the southern shoreline of Bayou De Chene to Round Lake (29 degrees 29 minutes 10.15 seconds north latitude, 90 degrees 11 minutes 38.40 seconds west longitude); thence southerly and easterly along the shoreline of Round Lake to a point on the western shoreline of East Fork Bayou L'Ours (29 degrees 28 minutes 52.30 seconds north latitude, 90 degrees 09 minutes 32.60 seconds west longitude); thence southerly along the western shoreline of East Fork Bayou L'Ours to a point at 29 degrees 27 minutes 35.00 seconds north latitude, 90 degrees 08 minutes 48.23 seconds west longitude; thence eastward along 29 degrees 27 minutes 35.00 seconds north latitude to the eastern shore of Wilkinson Canal (29 degrees 27 minutes 35.00 seconds north latitude, 89 degrees 57 minutes 04.11 seconds west longitude); thence northerly along the eastern shore of Wilkinson Canal to its termination; thence northerly to the western shore of the Mississippi River at 29 degrees 38 minutes 24.94 seconds north latitude, 89 degrees 57 minutes 01.21 seconds west longitude; thence northerly along the western shore of the Mississippi River to a point easterly of the northern shoreline of Hero Canal (29 degrees 47 minutes 09.60 seconds north latitude, 90 degrees 01 minutes 17.77 seconds west longitude); thence westerly to the northern shore of Hero Canal; thence westerly along the northern shore of Hero Canal and terminating at the origin.

D. The use of crab traps shall be prohibited for a 6-day period from 12:00 a.m. February 18, 2022 through 11:59 p.m. February 23, 2022 within portions of Cameron Parish as described below:

1. from a point located where the north bound lane of Highway 27 intersects the northern shoreline of West Cove Canal at 29 degrees 52 minutes 00.52 seconds north latitude, 93 degrees 27 minutes 13.66 seconds west longitude; thence southwestward along the north bound lane of Highway 27 to its intersection with the southern shoreline of West Cove Canal (29 degrees 52 minutes 00.17 seconds north latitude, 93 degrees 27 minutes 14.29 seconds west longitude); thence southeasterly along the southern shoreline of West Cove Canal to its intersection with the Calcasieu Lake – West Cove (henceforth known as West Cove) at 29 minutes 51 degrees 44.10 seconds north latitude, 93 degrees 26 minutes 36.26 seconds west longitude; thence southeasterly following the western and southern shorelines of West Cove to its intersection with the southern shoreline of the Calcasieu Pass West Fork (29 degrees 49 minutes 54.53 seconds north latitude, 93 degrees 23 minutes 15.81 seconds

west longitude); thence southerly and easterly along southern shoreline of the Calcasieu Pass West Fork to its intersection with the Calcasieu Lake Ship Channel (29 degrees 49 minutes 13.82 seconds north latitude, 93 degrees 21 minutes 01.03 seconds west longitude); thence northerly to a point on the northern shoreline of the Calcasieu Lake West Fork (29 degrees 49 minutes 27.26 seconds north latitude, 93 degrees 20 minutes 59.79 seconds west longitude); thence northwesterly along the northern shoreline of the Calcasieu Lake West Fork to its intersection with West Cove (29 degrees 49 minutes 45.45 seconds north latitude, 93 degrees 22 minutes 56.75 seconds west longitude); thence easterly along the southern shoreline of West Cove to the eastern shoreline of West Cove; thence northerly along the eastern shoreline of West Cove to the northern shoreline of West Cove; thence westerly and southerly along the northern and western shorelines of West Cove to its intersection with the northern shoreline of West Cove Canal (29 degrees 51 minutes 46.11 seconds north latitude, 93 degrees 26 minutes 35.43 seconds west longitude); thence northwesterly along the northern shoreline of West Cove Canal and terminating at the origin.

E. All crab traps remaining in the closed area during the specified period shall be considered abandoned. Crab trap removal regulations do not provide authorization for access to private property; authorization to access private property can only be provided by individual landowners. Crab traps may be removed only between one-half hour before sunrise to one-half hour after sunset. Department of Wildlife and Fisheries personnel or its designees are authorized to remove these abandoned crab traps within the closed area. All traps removed during a closed area are to be brought to the designated disposal area. The Wildlife and Fisheries Commission authorizes the secretary of the Department of Wildlife and Fisheries to designate disposal sites and determine the final disposition of crab traps removed from the closure areas, including but not limited to disposal, buy-back, recycling, or returned to industry members participating in the retrieval of crab traps from within a closure area.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:332(N).

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission LR 30:101 (January 2004), amended LR 31:108 (January 2005), LR 32:266 (February 2006), LR 33:113 (January 2007), LR 34:97 (January 2008), LR 36:77 (January, 2010), LR 38:146 (January 2012), LR 38:3250 (December 2012), LR 40:96 (January 2014), LR 41:155 (January 2015), LR 42:70 (January 2016), amended by the Department of Wildlife and Fisheries, Office of Fisheries and the Wildlife and Fisheries Commission LR 42:2196 (December 2016), LR 44:100 (January 2018), LR 45:78 (January 2019), repromulgated LR 45:282 (February 2019), amended LR 45:1815 (December 2019), LR 46:1613 (November 2020), LR 47:1649 (November 2021).

Jack Montoucet
Secretary

2111#027

RULE

Department of Wildlife and Fisheries Wildlife and Fisheries Commission

Special Bait Dealer's Permit (LAC 76:VII.329)

In accordance with the Administrative Procedure Act, R.S. 49:950 et seq., and through the authority granted in R.S. 56:497(C), the Wildlife and Fisheries Commission has amended a Rule, LAC 76:VII.329, which provides for a special bait dealer's permit program. The amendment to the current Rule will allow fishermen utilizing a special bait dealer's permit to use the same fishing gear that is currently allowed during the inside waters open shrimp seasons. This gear change will allow for larger nets, compared to those currently allowed by Rule, to be fished during closed seasons to be able to adequately provide live bait intended solely for the benefit of the recreational fishing public that desires to use live bait, while allowing uninterrupted operation for the commercial establishments that sell live bait. The use of this expanded gear will only be authorized through the 2023 commercial license year, so that the effects of the regulation on the resource and the industry may be evaluated at such time. This Rule is hereby adopted on the day of promulgation.

Title 76

WILDLIFE AND FISHERIES

Part VII. Fish and Other Aquatic Life

Chapter 3. Saltwater Sport and Commercial Fishery

§329. Special Bait Dealer's Permit

A. - B.8. ...

C. Operations

1. The entire original permit must be in the possession of the commercial fisherman while operating under the conditions of the permit. Only the vessel and those commercial fishermen specified at the time of application shall operate under the permit. No other vessel or commercial fisherman shall be used under this permit.

2. Live wells, aeration tanks, and other vessel facilities to maintain live shrimp or croaker must be carried on or built into this vessel while operating under the conditions of the permit.

3. No person shall transfer any shrimp or croaker taken under a permit from one vessel to another unless both vessels are permitted under the same wholesale/retail seafood dealer, and the captain of the harvesting vessel has signed a trip ticket for the harvested bait, and the bait is then transported directly to the wholesale/retail seafood dealer under which both vessels are operating; upon receiving the harvested bait the dealer shall complete the trip ticket.

4. While operating under the conditions of the permit, no shrimp or croaker may be sold from the vessel to anyone other than the licensed wholesale/retail seafood dealer listed on the permit during the closed shrimp seasons.

5. Signs which identify the vessel as working under the special bait dealer's permit shall be posted on the vessel. These signs shall be visible from either side of the vessel and from the air; the word "BAIT" and the permit number shall be placed on these signs in letters at least 12 inches high.

6. No more than two gallons of dead shrimp or croaker or combination thereof may be aboard the vessel while it is operating under the permit. All dead shrimp or croaker or combination thereof in excess of two gallons must be immediately returned to the water. Shrimp or croaker dying in onshore holding facilities may be sold for bait use only.

7. Trawl and skimmer vessels operating under a special bait dealer's permit must adhere to a tow time, not exceeding, 15 minutes. Tow times are measured from the time the codend enters the water until it is completely removed from the water. The net must be completely emptied of catch on the deck after the codend is removed from the water.

8. Except as provided in Paragraph 9, permitted gear is limited to one trawl not to exceed 25 feet along the cork line 33 feet along the lead line or two skimmer nets having an individual net frame size not more than 16 feet measured horizontally or 12 feet measured vertically or 20 feet measured diagonally.

a. These are the only commercial fishing gears which can be used or carried aboard the permitted vessel while the vessel is operating under the permit; no other commercial fishing gear other than unserviceable crab traps as described in R.S. 56:322(G) may be on the vessel when it is being used under the special bait dealer's permit.

9. Notwithstanding any portion of this Section to the contrary, permitted gear when operating under the special bait dealer's permit is as follows:

a. One trawl measuring 50 feet long and less along the cork line and 66 feet long or less along the lead line. Mesh size must be at least 5/8-inch bar or 1-1/4 inches stretched and 3/4-inch bar or 1-1/2 inches stretched during the fall inshore shrimp season from the western shore of Vermilion Bay and Southwest Pass at Marsh Island to the Atchafalaya River.

b. Double skimmer nets may have an opening circumference of no more than 72 feet for each net and a maximum lead line length of 33 feet. Skimmer nets may be mounted to the horizontal net frame at any distance from the gunwale of the vessel as long as the mounting distance and horizontal length of the net frame does not exceed 20 feet from the gunwale. Mesh size must be at least 5/8-inch bar or 1-1/4 inches stretched and 3/4-inch bar or 1-1/2 inches stretched during the fall inshore shrimp season from the western shore of Vermilion Bay and Southwest Pass at Marsh Island to the Atchafalaya River.

c. The provisions of this Paragraph shall be effective until December 31, 2023.

10. Bait shrimp or croaker may be taken only from official sunrise to official sunset; however, the department at its discretion, may designate the areas and hours of night time operations under the permit provided permitted vessels are equipped with a working vessel monitoring system as described in LAC 76:VII.371.

11. Each time the permit is used the permittee must notify the department by contacting the Communications Section on the designated toll free telephone number provided on the permit and recording the confirmation number received. Before the vessel departs the dock under the permit, the department must be advised of the time of departure and the sub-basin code corresponding to the department's trip ticket sub-basin map in which trawling or skimming will take place; immediately after the permitted vessel returns to the dock the department must be notified of the time of return by contacting the Communications Section on the designated toll free telephone number provided on the permit.

12. The permittee shall maintain an up-to-date record of the activities conducted under the permit on forms provided by the department for that purpose. These records shall be kept onboard the vessel and made available for inspection by agents of the department upon request by said agents at any time and shall include the permittee's name and permit number, date, departure time, fishing location, gear used, confirmation number, return time, and number of live shrimp or live croaker harvested. All applicable record information shall be completed before fishing operations begin. In addition, any agent of the department shall be allowed to make an onsite inspection of any facilities operating under the permit, at any time. Nothing herein this Section shall exempt the permittee from trip ticket reporting requirements as provided for in R.S. 56:306.4.

D. - D.1. ...

AUTHORITY NOTE: Promulgated in accordance with LA R.S. 56:326.3 and 56:497(C).

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, and Wildlife and Fisheries Commission, LR 3:210 (April 1977), amended LR 15:867 (October 1989), LR 19:215 (February 1993), LR 23:86 (January 1997), LR 33:864 (May 2007), LR 36:77 (January 2010), LR 38:3250 (December 2012), LR 47:1651 (November 2021).

Jack Montoucet
Secretary

2111#010

RULE

Workforce Commission Office of Workers' Compensation

Medical Treatment Guidelines (LAC 40:I.2201-2227)

The Louisiana Workforce Commission has amended certain portions of the Medical Guidelines contained in the Louisiana Administrative Code, Title 40, Labor and Employment, Part I, Workers' Compensation Administration, Subpart 2, Medical Guidelines, Chapter 22 regarding Neurological and Neuromuscular Disorder. The purpose of this amendment is to update the medical treatment guidelines in accordance to a reoccurring maintenance schedule and add consistency throughout the guidelines. This Rule is promulgated by the authority vested in the director of the Office of Workers' Compensation found in R.S. 23:1291 and R.S. 23:1310.1(C). This Rule is hereby adopted on the day of promulgation.

Title 40
LABOR AND EMPLOYMENT
Part I. Workers' Compensation Administration
Subpart 2. Medical Guidelines
Chapter 22. Neurological and Neuromuscular
Disorder Medical Treatment Guidelines
Subchapter A. Carpal Tunnel Syndrome (CTS) Medical
Treatment Guidelines

Editor's Note: Repealed.

§2201. Introduction

A. This document has been prepared by the Louisiana Workforce Commission, Office of Workers' Compensation (OWCA) and should be interpreted within the context of guidelines for physicians/providers treating individuals qualifying under Louisiana's Workers' Compensation Act as injured workers with CTS. Although the primary purpose of this document is advisory and educational, these guidelines are enforceable under the Louisiana Workers Compensation Act. All medical care, services, and treatment owed by the employer to the employee in accordance with the Louisiana Workers' Compensation Act shall mean care, services, and treatment in accordance with these guidelines. Medical care, services, and treatment that varies from these guidelines shall also be due by the employer when it is evidence, that a variance from these guidelines is reasonably required to cure or relieve the injured worker from the effects of the injury or occupational disease given the circumstances. Therefore, these guidelines are not relevant as evidence of a provider's legal standard of professional care. To properly utilize this document, the reader should not skip nor overlook any sections.

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1203.1.

HISTORICAL NOTE: Promulgated by the Louisiana Workforce Commission, Office of Workers Compensation Administration, LR 37:1736 (June 2011), amended LR 47:1653 (November 2021).

§2203. General Guideline Principles

A. The principles summarized in this section are key to the intended implementation of all Office of Workers' Compensation medical treatment guidelines and critical to the reader's application of the guidelines in this document.

1. Application of Guidelines. The OWCA provides procedures to implement medical treatment guidelines and to foster communication to resolve disputes among the provider, payer, and patient through the ~~Office of Worker's~~ Compensation Act.

2. Education. Education of the patient and family, as well as the employer, insurer, policy makers and the community should be the primary emphasis in the treatment of workers' compensation injuries. Currently, practitioners often think of education last, after medications, manual therapy, and surgery. Practitioners must implement strategies to educate patients, employers, insurance systems, policy makers, and the community as a whole. An education-based paradigm should always start with inexpensive communication providing reassuring and evidence-based information to the patient. More in-depth education is currently a component of treatment regimens which employ functional, restorative, preventive and rehabilitative programs. No treatment plan is complete without addressing issues of individual and/or group patient education as a means of facilitating self-management of symptoms and

prevention. Facilitation through language interpretation, when necessary, is a priority and part of the medical care treatment protocol.

3. Informed Decision Making. Providers should implement informed decision making as a crucial element of a successful treatment plan. Patients, with the assistance of their health care practitioner, should identify their personal and professional functional goals of treatment at the first visit when a workers' compensation injury allows functional improvement. Progress towards the individual's identified functional goals should be addressed by all members of the health care team at subsequent visits and throughout the established treatment plan when a chronic pain condition allows attainment of functional goals. Injured workers may not reach functional goals to return to work and therefore they will require a significantly different plan. Nurse case managers, physical therapists, and other members of the health care team play an integral role in informed decision-making and achievement of functional goals. Patient education and informed decision-making should facilitate self-management of symptoms and prevention of further injury.

4. Treatment Parameter Duration. Time frames for specific interventions commence once treatments have been initiated, not on the date of injury. Obviously, duration will be impacted by patient adherence, as well as availability of services. Clinical judgment may substantiate the need to accelerate or decelerate the time frames discussed in this document. Such deviation shall be in accordance with La. R.S. 23:1203.1.

5. Active interventions emphasizing patient responsibility, such as therapeutic exercise and/or functional treatment, are generally emphasized over passive modalities, especially as treatment progresses. Generally, passive interventions are viewed as a means to facilitate progress in an active rehabilitation program with concomitant attainment of objective functional gains.

6. Active Therapeutic Exercise Program. Exercise program goals should incorporate patient strength, endurance, flexibility, coordination, and education. This includes functional application in vocational or community settings.

7. Positive Patient Response. Positive results are defined primarily as functional gains that can be objectively measured.

a. Objective functional gains include, but are not limited to, positional tolerances, range-of-motion (ROM), strength, and endurance, activities of daily living, ability to function at work, cognition, psychological behavior, and efficiency/velocity measures that can be quantified. Subjective reports of pain and function should be considered and given relative weight when the pain has anatomic and physiologic correlation. Anatomic correlation must be based on objective findings.

8. Re-Evaluation of Treatment Every Three to Four Weeks. If a given treatment or modality is not producing positive results within three to four weeks, the treatment should be either modified or discontinued. Reconsideration of diagnosis should also occur in the event of poor response to a seemingly rational intervention.

9. Surgical Interventions. Surgery should be contemplated within the context of expected functional

outcome and not purely for the purpose of pain relief. The concept of "cure" with respect to surgical treatment by itself is generally a misnomer. All operative interventions must be based upon positive correlation of clinical findings, clinical course, and diagnostic tests. A comprehensive assimilation of these factors must lead to a specific diagnosis with positive identification of pathologic conditions.

10. Pharmacy-Louisiana Law and Regulation. All prescribing will be done in accordance with the laws of the state of Louisiana as they pertain respectively to each individual licensee, including, but not limited to: Louisiana State Board of Medical Examiners regulations governing medications used in the treatment of non-cancer-related chronic or intractable pain; Louisiana Board of Pharmacy Prescription Monitoring Program; Louisiana Department of Health and Hospitals licensing and certification standards for pain management clinics; other laws and regulations affecting the prescribing and dispensing of medications in the state of Louisiana.

11. Six Month-Time Frame. Injuries resulting in temporary total disability require maintenance treatment and may not attain return to work in six months.

12. Return to Work. Return to work is therapeutic, assuming the work is not likely to aggravate the basic problem or increase long-term pain. An injured worker's return-to-work status shall not be the sole cause to deny reasonable and medically necessary treatment under these guidelines. Two good practices are: early contact with injured workers and provide modified work positions for short-term injuries. The practitioner ~~must~~ may provide specific physical limitations and the patient should never be released to non-specific and vague descriptions such as "sedentary" or "light duty." The following physical limitations should be considered and modified as recommended: lifting, pushing, pulling, crouching, walking, using stairs, bending at the waist, awkward and/or sustained postures, tolerance for sitting or standing, hot and cold environments, data entry and other repetitive motion tasks, sustained grip, tool usage and vibration factors. Even if there is residual chronic pain, return-to-work is not necessarily contraindicated. The practitioner should understand all of the physical demands of the patient's job position before returning the patient to full duty and should request clarification of the patient's job duties. Clarification should be obtained from the employer or, if necessary, from including, but not limited to, occupational health nurse, physical therapist, occupational therapist, vocational rehabilitation specialist, or an industrial hygienist chiropractor or another professional. American Medical Association clarifies "disability" as "activity limitations and/or participation restrictions in an individual with a health condition, disorder or disease" versus "impairment" as "a significant deviation, loss, or loss of use of any body structure or body function in an individual with a health condition, disorder or disease".

13. Delayed Recovery. Within the discretion of the treating physician, strongly consider a psychological evaluation, if not previously provided, as well as initiating interdisciplinary rehabilitation treatment and vocational goal setting, for those patients who are failing to make expected progress 6 to 12 weeks after initiation of treatment of an injury. The OWCA recognizes that 3 to 10 percent of all

industrially injured patients will not recover within the timelines outlined in this document despite optimal care. Such individuals may require treatments beyond the limits discussed within this document, but such treatment requires clear documentation by the authorized treating practitioner focusing on objective functional gains afforded by further treatment and impact upon prognosis.

14. Guideline Recommendations and Inclusion of Medical Evidence. Guidelines are recommendations based on available evidence and/or consensus recommendations. When possible, guideline recommendations will note the level of evidence supporting the treatment recommendation. When interpreting medical evidence statements in the guideline, the following apply to the strength of recommendation.

Strong	Level 1 Evidence	We Recommend
Moderate	Level 2 and Level 3 Evidence	We Suggest
Weak	Level 4 Evidence	Treatment is an Option
Inconclusive	Evidence is Either Insufficient or Conflicting	

a. Consensus guidelines are generated by a professional organization that the guidelines are intended to serve. A committee of specialists and experts are selected by the organization to create an unbiased, vetted recommendation for the treatment of specific issues within the realm of their expertise. All recommendations in the guideline are considered to represent reasonable care in appropriately selected cases, regardless of the level of evidence or consensus statement attached to it. Those procedures considered inappropriate, unreasonable, or unnecessary are designated in the guideline as "not recommended."

15. Treatment of Pre-Existing Conditions The conditions that preexisted the work injury/disease will need to be managed under two circumstances:

a. a pre-existing condition exacerbated by a work injury/disease should be treated until the patient has returned to their objectively verified prior level of functioning or Maximum Medical Improvement (MMI); and

b. a pre-existing condition not directly caused by a work injury/disease but which may prevent recovery from that injury should be treated until its objectively verified negative impact has been controlled. The focus of treatment should remain on the work injury/disease.

B. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1203.1.

HISTORICAL NOTE: Promulgated by the Louisiana Workforce Commission, Office of Workers Compensation Administration, LR 37:1736 (June 2011), amended by the Louisiana Workforce Commission, Office of Workers Compensation, LR 40:1158 (June 2014), LR 47:1653 (November 2021).

§2209. Follow-Up Diagnostic Testing Procedures

A. - C. 6. ...

D. Special tests are generally well-accepted tests and are performed as part of a skilled assessment of the patients' capacity to return to work, his/her strength capacities, and physical work demand classifications and tolerance.

1. - 1.c....

d. Frequency: one-time visit for the clinical interview. If psychometric testing is indicated as a part of the initial evaluation, time for such testing shall be allotted at least, six hours of professional time or whatever is deemed appropriate by the health care professional.

i. - iii.(a).

iv. Work Tolerance Screening: is a determination of an individual's tolerance for performing a specific job as based on a job activity or task. It may include a test or procedure to specifically identify and quantify work-relevant cardiovascular, physical fitness and postural tolerance. It may also address ergonomic issues affecting the patient's return-to-work potential. May be used when a full FCE is not indicated.

(a). Frequency: One time for evaluation. May monitor improvements in strength every three to four weeks up to a total of six evaluations.

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1203.1.

HISTORICAL NOTE: Promulgated by the Louisiana Workforce Commission, Office of Workers Compensation Administration, LR 37:1740 (June 2011), LR 47:1654 (November 2021).

§2211. Therapeutic Procedures—Non-Operative

A. - G. ...

H. The following procedures are listed in alphabetical order.

1. - 12.c.iii. ...

13. ...

a. Manual Therapy Techniques are passive interventions in which the providers use his or her hands to administer skilled movements designed to modulate pain; increase joint range of motion; reduce/eliminate soft tissue swelling, inflammation, or restriction; induce relaxation; and improve contractile and non-contractile tissue extensibility. These techniques are applied only after a thorough examination is performed to identify those for whom manual therapy would be contraindicated or for whom manual therapy must be applied with caution. Soft tissue mobilization/manipulation techniques are generally accepted and widely used adjunctive treatment modalities in the treatment of myofascial symptoms related to carpal tunnel syndrome. Mobilization and manipulation can include myofascial release therapy, muscle energy techniques, neural gliding, high velocity, low amplitude (HVLA) technique, osteopathic manipulation, joint mobilization and non-force techniques.

- i. Time to produce effect: two to six treatments
- ii. Frequency: one-to three times/week, decreasing over time
- iii. Optimum duration: four to six weeks
- iv. Maximum duration: eight to ten weeks

13.b. - 14. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1203.1.

HISTORICAL NOTE: Promulgated by the Louisiana Workforce Commission, Office of Workers Compensation Administration, LR 37:1743 (June 2011), amended LR 47:1655 (November 2021).

§2213. Therapeutic Procedures—Operative

A. Surgical Decompression is well-established, generally accepted, and widely used and includes open and endoscopic techniques. There is good evidence that surgery is more

effective than splinting in producing long-term symptom relief and normalization of median nerve conduction velocity.

1. Endoscopic and open techniques can be used based on the experience and discretion of the surgeon.

2. - 3.b. ...

4. Surgery may be considered in cases where electrodiagnostic testing is normal. A second opinion from a hand surgeon is strongly recommended. The following criteria should be considered in deciding whether to proceed with surgery:

- a. the patient experiences significant temporary relief following steroid injection into the carpal tunnel; or
- b. the patient has failed 3 to 6 months of conservative treatment including work site change; and
- c. psychosocial factors have been addressed through psychological screening requirements as defined "Adjunctive Testing" in this Section; and
- d. the patient's signs and symptoms are specific for carpal tunnel syndrome

5. Suggested parameters for return-to-work are:

Time Frame	Activity Level
2 Days	Return to Work with Restrictions on utilizing the affected extremity
2-3 Weeks	Sedentary and non-repetitive work
4-6 Weeks	Case-by-case basis
6-12 Weeks	Heavy Labor, forceful and repetitive

NOTE: All return-to-work decisions are based upon clinical outcome.

B. - C. ...

D. Consideration for Repeat Surgery

1. - 1.d. ...

2. A second opinion by a hand surgeon or qualified surgeon in treating peripheral nerve disorders is required if repeat surgery is contemplated. The decision to undertake repeat surgery must factor in all of the above possibilities. Results of surgery for recurrent carpal tunnel syndrome vary widely depending on the etiology of recurrent symptoms.

E. Post-Operative Treatment.

1. Considerations for post-operative therapy are:

a. - b. ...

c. Supervised Therapy Program: may be helpful in patients who do not show functional improvements post-operatively or in patients with heavy or repetitive job activities. The therapy program may include some of the generally accepted elements of soft tissue healing and return to function:

i. ...

ii. Return to function: Range of motion, therapeutic exercises and stretching exercises, strengthening, activity of daily living adaptations, joint protection instruction, posture/body mechanics education; worksite modifications may be indicated.

- (a). Time to produce effect: two- to four weeks
- (b). Frequency: two- to three times/week
- (c). Optimum duration: four- to six weeks
- (d). Maximum duration: eight weeks

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1203.1.

HISTORICAL NOTE: Promulgated by the Louisiana Workforce Commission, Office of Workers Compensation

Subchapter B. Thoracic Outlet Syndrome

Editor's Note: Repealed.

§2215. Introduction

A. This document has been prepared by the Louisiana Workforce Commission, Office of Workers' Compensation (OWCA) and should be interpreted within the context of guidelines for physicians/providers treating individuals qualifying under Louisiana's Workers' Compensation Act as injured workers with upper extremity involvement. Although the primary purpose of this document is advisory and educational, these guidelines are enforceable under the Louisiana Workers Compensation Act. All medical care, services, and treatment owed by the employer to the employee in accordance with the Louisiana Workers' Compensation Act shall mean care, services, and treatment in accordance with these guidelines. Medical Care, services, and treatment that varies from these guidelines shall also be due by the employer when it is demonstrated to the medical director of the office by a preponderance of the scientific medical evidence, that a variance from these guidelines is reasonably required to cure or relieve the injured worker from the effects of the injury or occupational disease given the circumstances. Therefore, these guidelines are not relevant as evidence of a provider's legal standard of professional care. To properly utilize this document, the reader should not skip nor overlook any sections.

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1203.1.

HISTORICAL NOTE: Promulgated by the Louisiana Workforce Commission, Office of Workers Compensation Administration, LR 37:1750 (June 2011), LR 47:1656 (November 2021).

§2217. General Guidelines Principles

A. The principles summarized in this section are key to the intended implementation of all Office of Workers' Compensation medical treatment guidelines and critical to the reader's application of the guidelines in this document.

1. Application of Guidelines. The OWCA provides procedures to implement medical treatment guidelines and to foster communication to resolve disputes among the provider, payer, and patient through the ~~Office of Worker's~~ Compensation Act.

2. Education. Education of the patient and family, as well as the employer, insurer, policy makers and the community should be the primary emphasis in the treatment of workers' compensation injuries. Currently, practitioners often think of education last, after medications, manual therapy, and surgery. Practitioners must implement strategies to educate patients, employers, insurance systems, policy makers, and the community as a whole. An education-based paradigm should always start with inexpensive communication providing reassuring and evidence-based information to the patient. More in-depth education is currently a component of treatment regimes which employ functional restorative, preventive and rehabilitative programs. No treatment plan is complete without addressing issues of individual and/or group patient education as a means of facilitating self-management of symptoms and prevention. Facilitation through language interpretation, when necessary, is a priority and part of the medical care treatment protocol.

3. Informed Decision Making. Providers should implement informed decision making as a crucial element of a successful treatment plan. Patients, with the assistance of their health care practitioner, should identify their personal and professional functional goals of treatment at the first visit when a chronic pain condition allows functional improvement. Progress towards the individual's identified functional goals should be addressed by all members of the health care team at subsequent visits and throughout the established treatment plan when a chronic pain condition allows attainment of functional goals. Injured workers may not reach functional goals to return to work and therefore they will require a significantly different plan. Nurse case managers, physical therapists, and other members of the health care team play an integral role in informed decision-making and achievement of functional goals. Patient education and informed decision-making should facilitate self-management of symptoms and prevention of further injury.

4. Treatment Parameter Duration. Time frames for specific interventions commence once treatments have been initiated, not on the date of injury. Obviously, duration will be impacted by patient adherence, as well as availability of services. Clinical judgment may substantiate the need to accelerate or decelerate the time frames discussed in this document. Such deviation shall be in accordance with La. R.S. 23:1203.1.

5. Active interventions emphasizing patient responsibility, such as therapeutic exercise and/or functional treatment, are generally emphasized over passive modalities, especially as treatment progresses. Generally, passive interventions are viewed as a means to facilitate progress in an active rehabilitation program with concomitant attainment of objective functional gains.

6. Active Therapeutic Exercise Program. Exercise program goals should incorporate patient strength, endurance, flexibility, coordination, and education. This includes functional application in vocational or community settings.

7. Positive Patient Response. Positive results are defined primarily as functional gains that can be objectively measured.

a. Objective functional gains include, but are not limited to, positional tolerances, range-of-motion (ROM), strength, and endurance, activities of daily living, ability to function at work, cognition, psychological behavior, and efficiency/velocity measures that can be quantified. Subjective reports of pain and function should be considered and given relative weight when the pain has anatomic and physiologic correlation. Anatomic correlation must be based on objective findings.

8. Re-Evaluation of Treatment Every Three to Four Weeks. If a given treatment or modality is not producing positive results within three to four weeks, the treatment should be either modified or discontinued. Reconsideration of diagnosis should also occur in the event of poor response to a seemingly rational intervention.

9. Surgical Interventions. Surgery should be contemplated within the context of expected functional outcome and not purely for the purpose of pain relief. The concept of "cure" with respect to surgical treatment by itself

is generally a misnomer. All operative interventions must be based upon positive correlation of clinical findings, clinical course, and diagnostic tests. A comprehensive assimilation of these factors must lead to a specific diagnosis with positive identification of pathologic conditions.

10. Pharmacy-Louisiana Law and Regulation. All prescribing will be done in accordance with the laws of the state of Louisiana as they pertain respectively to each individual licensee, including, but not limited to: Louisiana State Board of Medical Examiners regulations governing medications used in the treatment of non-cancer-related chronic or intractable pain; Louisiana Board of Pharmacy Prescription Monitoring Program; Louisiana Department of Health and Hospitals licensing and certification standards for pain management clinics; other laws and regulations affecting the prescribing and dispensing of medications in the state of Louisiana.

11. Six Month-Time Frame. Injuries resulting in temporary total disability require maintenance treatment and may not attain return to work in six months.

12. Return to Work. Return to work is therapeutic, assuming the work is not likely to aggravate the basic problem or increase long-term pain. An injured worker's return-to-work status shall not be the sole cause to deny reasonable and medically necessary treatment under these guidelines. Two good practices are: early contact with injured workers and provide modified work positions for short-term injuries. The practitioner may provide specific physical limitations and the patient should never be released to non-specific and vague descriptions such as sedentary or light duty. The following physical limitations should be considered and modified as recommended: lifting, pushing, pulling, crouching, walking, using stairs, bending at the waist, awkward and/or sustained postures, tolerance for sitting or standing, hot and cold environments, data entry and other repetitive motion tasks, sustained grip, tool usage and vibration factors. Even if there is residual chronic pain, return-to-work is not necessarily contraindicated. The practitioner should understand all of the physical demands of the patient's job position before returning the patient to full duty and should request clarification of the patient's job duties. Clarification should be obtained from the employer or, if necessary, from including, but not limited to, occupational health nurse, physical therapist, occupational therapist, vocational rehabilitation specialist, an industrial hygienist, chiropractor or another professional. American Medical Association clarifies "disability" as "activity limitations and/or participation restrictions in an individual with a health condition, disorder or disease" versus "impairment" as "a significant deviation, loss, or loss of use of any body structure or body function in an individual with a health condition, disorder or disease".

13. Delayed Recovery. Within the discretion of the treating physician, strongly consider a psychological evaluation, if not previously provided, as well as initiating interdisciplinary rehabilitation treatment and vocational goal setting, for those patients who are failing to make expected progress 6 to 12 weeks after initiation of treatment of an injury. The OWCA recognizes that 3 to 10 percent of all industrially injured patients will not recover within the timelines outlined in this document despite optimal care. Such individuals may require treatments beyond the limits

discussed within this document, but such treatment requires clear documentation by the authorized treating practitioner focusing on objective functional gains afforded by further treatment and impact upon prognosis.

14. Guideline Recommendations and Inclusion of Medical Evidence. Guidelines are recommendations based on available evidence and/or consensus recommendations. When possible, guideline recommendations will note the level of evidence supporting the treatment recommendation. When interpreting medical evidence statements in the guideline, the following apply to the strength of recommendation.

Strong	Level 1 Evidence	We Recommend
Moderate	Level 2 and Level 3 Evidence	We Suggest
Weak	Level 4 Evidence	Treatment is an Option
Inconclusive	Evidence is Either Insufficient or Conflicting	

a. Consensus guidelines are generated by a professional organization that the guidelines are intended to serve. A committee of specialists and experts are selected by the organization to create an unbiased, vetted recommendation for the treatment of specific issues within the realm of their expertise. All recommendations in the guideline are considered to represent reasonable care in appropriately selected cases, regardless of the level of evidence or consensus statement attached to it. Those procedures considered inappropriate, unreasonable, or unnecessary are designated in the guideline as not recommended.

15. Treatment of Pre-Existing Conditions The conditions that preexisted the work injury/disease will need to be managed under two circumstances:

a. A pre-existing condition exacerbated by a work injury/disease should be treated until the patient has returned to their objectively verified prior level of functioning or Maximum Medical Improvement (MMI); and

b. A pre-existing condition not directly caused by a work injury/disease but which may prevent recovery from that injury should be treated until its objectively verified negative impact has been controlled. The focus of treatment should remain on the work injury/disease.

B. The remainder of this document should be interpreted within the parameters of these guideline principles that may lead to more optimal medical and functional outcomes for injured workers.

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1203.1.

HISTORICAL NOTE: Promulgated by the Louisiana Workforce Commission, Office of Workers Compensation Administration, LR 37:1750 (June 2011), amended by the Louisiana Workforce Commission, Office of Workers Compensation, LR 40:1159 (June 2014), LR 47:1656 (November 2021).

§2223. Follow-up Diagnostic Imaging and Testing Procedures

A. - E. ...

F. Personality/psychological/psychiatric/psychosocial evaluations are generally accepted and well-established diagnostic procedures with selective use in the acute TOS population and more widespread use in the sub-acute and chronic TOS population.

1. - 3. ...

4. The evaluation will determine the need for further psychosocial interventions, and in those cases, a Diagnostic Statistical Manual (DSM) of Mental Disorders diagnosis should be determined and documented. An individual with a PhD, PsyD, or Psychiatric MD/DO credentials should perform initial evaluations, which are generally completed within one to two hours. A professional fluent in the primary language of the patient is strongly preferred. When such a provider is not available, services of a professional language interpreter must be provided. When issues of chronic pain are identified, the evaluation should be more extensive and follow testing procedures as outlined in the OWCA's Chronic Pain Disorder Medical Treatment Guidelines.

a. Frequency—one time visit for evaluation. If psychometric testing is indicated as a portion of the initial evaluation, time for such testing shall be allotted at least, six hours of professional time or whatever is deemed appropriate by the health care professional.

G. - G.5.a. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1203.1.

HISTORICAL NOTE: Promulgated by the Louisiana Workforce Commission, Office of Workers Compensation Administration, LR 37:1753 (June 2011), amended LR 47:1657 (November 2021).

Ava Cates
Secretary

2111#046

Notices of Intent

NOTICE OF INTENT

Department of Agriculture and Forestry Agriculture Finance Authority

Healthy Foods Retail Program (LAC 7:III.Chapter 9)

In accordance with the Administrative Procedure Act, R.S. 49:950 et seq., and pursuant to the authority set forth in R.S. 3:296, notice is hereby given that the Department of Agriculture and Forestry (“Department”) intends to adopt the rules set forth below by promulgating LAC 7:III.901-915. The Healthy Foods Retail Program will directly benefit low and moderate income residents in areas of Louisiana by providing healthy food access, creating jobs, and revitalizing neighborhoods. The Healthy Foods Retail Program will provide a dedicated source of financing for healthy food retailers operating in underserved communities in Louisiana, in both urban and rural areas; to increase access to affordable healthy food so as to improve diets and health; to promote the sale and consumption of fresh fruits and vegetables, particularly those that are Louisiana grown; and to support expanded economic opportunities in low-income and rural communities. This program will offer flexible financing to healthy food retailers, which may include forgivable, interest-bearing, senior, and/or subordinate loans for predevelopment, site assembly and improvement, construction and rehabilitation, equipment installation and upgrades, and inventory and working capital for start-up costs. The goal of this program is to meet the financing needs of food market operators in communities where infrastructure costs and credit needs cannot be filled solely by conventional financial institutions.

Title 7

AGRICULTURE AND ANIMALS

Part III. Agricultural Finance

Chapter 9. Healthy Foods Retail Program

§901. Definitions

A. The words and terms defined in R.S. 3:296 are applicable to this Chapter.

B. As used in this Chapter, the following terms and phrases shall have the meanings hereinafter ascribed to them:

D-CDBG—Disaster Community Development Block Grant.

Commissioner—the commissioner of agriculture and forestry.

Department—the Louisiana Department of Agriculture and Forestry.

Funding—grants, loans, or a combination of grants and loans.

Healthy Food Retailers—for-profit or not-for-profit retailers that sell high quality fresh fruits and vegetables at competitive prices including but not limited to supermarkets, grocery stores, and farmers’ markets.

HFRP—Healthy Food Retail Program.

LAFa—Louisiana Agricultural Finance Authority.

LMI—low- or moderate- income.

OCD—Office of Community Development.

Program—a public-private partnership established to provide a dedicated source of financing for food retailers that increase access to fresh fruits and vegetables and other affordable healthy food for Louisiana residents managed by the Louisiana Department of Agriculture and Forestry.

Program Partner—consists of LDAF, LAFa, and any other contracted nonprofit organization or community development financial institution that assists with administering the program.

Underserved Community—a geographic area that has limited access to healthy food retailers and is located in a lower-income or high-poverty area, or an area that is otherwise determined to have serious healthy food access limitations.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:296.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Agriculture and Finance Authority, LR 48:

§903. Available Funding

A. The Healthy Food Retail Program may provide funding on a one-time basis for projects such as:

1. new construction of supermarkets and grocery stores;
2. store renovations, expansion, and infrastructure upgrades that improve the availability and quality of fresh produce;
3. farmers’ markets and public markets, food cooperatives, mobile markets and delivery projects, and distribution projects that enable food retailers in underserved communities to regularly obtain fresh produce; or
4. other projects that create or improve healthy food retail outlets as determined by LAFa.

B. Funding made available for projects included in Paragraph A of this Section may be used for the following purposes:

1. site acquisition and preparation;
2. construction costs;
3. equipment and furnishings;
4. workforce training;
5. security;
6. certain pre-development costs, such as market studies and appraisals; and
7. working capital for first-time inventory and start-up costs.

C. Applicants shall not use HFRP funding for the following:

1. the sole purpose of refinancing existing debt;
2. payment of any tax arrearages, government fines, or penalties;
3. political or religious activities;
4. buying out any stockholder or equity holder in the borrower’s business;
5. buying out or reimbursing any family member;

6. purchasing instruments or investments for the sole purpose of a return on investment; or

7. any other activity that LAFA sees fit.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:296.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Agriculture and Finance Authority, LR 48:

§905. Application Process

A. Applying to the Healthy Foods Retail Program is a two-step process. The applicant must:

1. complete an initial HFRP Eligibility Application.

All applications will be submitted to the program partner; and

2. if deemed eligible, the applicant will receive confirmation from the program partner, along with an invitation to complete a business loan application from the program partner. Financing eligibility will be determined based criteria set forth by the program partner.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:296.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Agriculture and Finance Authority, LR 48:

§907. Eligibility of Applicant

A. An applicant for a loan through the HFRP may have a for-profit or non-profit status, including but not limited to a sole proprietorship, partnership, limited liability company, corporation, cooperative, nonprofit organization or nonprofit community development entity. An applicant may also be a national chain, regional grocery chain, singular retail outlet or smaller neighborhood food store. All potential applicants must be in good standing with the Louisiana Secretary of State.

B. In order to be eligible to participate in the HFRP, the applicant must demonstrate all of the following:

1. the project for which the applicant seeks funding shall benefit an underserved community;

2. the applicant shall demonstrate a meaningful commitment to sell fresh fruits and vegetables; and

3. generally, the applicant shall accept Food Stamps (Supplemental Nutrition Assistance Program) and WIC (Special Supplemental Nutrition Program for Women, Infants, and Children) benefits.

a. If an applicant is unable to accept Food Stamps or WIC benefits, an alternative may be provided by LDAF to demonstrate a meaningful commitment to make healthy food affordable to low-income households.

C. Applicants for the HFRP shall be evaluated based on the following criteria to determine if funding will be awarded:

1. the applicant demonstrated the capacity to successfully implement the project, including the applicant's relevant experience, and the likelihood that the project will be economically self-sustaining;

2. the ability of the applicant to repay debt;

3. the degree to which the project requires an investment of public funding to move forward, create impact, or be competitive, as well as the level of need in the area to be served;

a. Additional factors that will improve or preserve retail access for low-income residents, such as proximity to public transit lines, also may be taken into account.

4. the degree to which the project will promote sales of fresh produce, particularly Louisiana-grown fruits and vegetables;

5. the degree to which the project will have a positive economic impact on the underserved community, including creating or retaining jobs for local residents; and

6. any other criteria LAFA determines to be consistent with the purposes of this Chapter/Part.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:296.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Agriculture and Finance Authority, LR 48:

§909. Ineligibility of Applicants

A. An applicant will be found ineligible to receive funding from the HFRP if:

1. applicant fails to demonstrate a commitment to offer fresh, healthy foods in the judgment of LDAF, LAFA, and program partners;

2. projects that are primarily restaurants, cafes, or bakeries;

3. large department stores that specialize in many different types of goods, of which groceries are only one department;

4. pharmacies with grocery sections;

5. businesses with alcohol or tobacco retail sales as the primary source of revenue; or

6. public entities.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:296.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Agriculture and Finance Authority, LR 48:

§911. Location of Applicant's Business

A. The applicant's business site must be located in a community or location that meets Low- or Moderate-Income (LMI) criteria. A project will be deemed to meet the LMI criteria if it is within a census tract or service area where at least 51 percent of persons or households are considered low to moderate income, as determined by LDAF, LAFA, or program partners.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:296.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Agriculture and Finance Authority, LR 48:

§913. Borrower Reporting Requirements; Record Keeping; Nonperformance

A. The program partners may enter into a loan agreement with all borrowers. Loan proceeds are subject to audit by the program partners, LAFA, LDAF, OCD, their auditors, the Louisiana Legislative Auditor, HUD, or federal auditors in the scope of any audits which any of them deem prudent to perform. Borrowers may be required for complying with all applicable D-CDBG regulations.

B. Borrowers may be required to submit CPA-audited fiscal year-end financial statements, annual federal tax returns for the borrower and all guarantors, quarterly CPA prepared financial statements and annual personal financial statements for all guarantors. Additional financial and/or compliance documentation may be required.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:296.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Agriculture and Finance Authority, LR 48:

§915. Program Reporting

A. The program partners will annually monitor all recipients for program compliance. Program partners may also require quarterly financial, program, and impact reports from borrowers.

B. LAFA may require annual reports on the funded projects and outcome data. The program partners shall be required to submit quarterly progress and financial reports to LAFA.

C. LAFA and the program partners may require additional reporting.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:296.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Agriculture and Finance Authority, LR 48:

Family Impact Statement

The proposed Rule should not have any known or foreseeable impact on family formation, stability, and autonomy. In particular, the proposed Rule has no known or foreseeable impact on:

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

Poverty Impact Statement

The proposed Rule should not have any known or foreseeable impact on any child, individual or family as defined by R.S. 49:973(B). In particular, there should be no known or foreseeable effect on:

1. the effect on household income, assets, and financial security;
2. the effect on early childhood development and preschool through postsecondary education development;
3. the effect on employment and workforce development;
4. the effect on taxes and tax credits;
5. the effect on child and dependent care, housing, health care, nutrition, transportation, and utilities assistance.

Small Business Analysis

Pursuant to R.S. 49:965.6, methods for reduction of the impact on small business, as defined in the Regulatory Flexibility Act, have been considered when creating this proposed Rule. This proposed Rule is not anticipated to have an adverse impact on small businesses; therefore, a Small Business Economic Impact Statement has not been prepared.

Provider Impact Statement

The proposed Rule should not have any known or foreseeable impact on providers as defined by HCR 170 of the 2014 Regular Legislative Session. In particular, there should be no known or foreseeable effect on:

1. the effect on the staffing level requirements or qualifications required to provide the same level of service;

2. the total direct and indirect effect on the cost to the providers to provide the same level of service; or

3. the overall effect on the ability of the provider to provide the same level of service.

Public Comments

Interested persons may submit written comments, data, opinions and arguments regarding the proposed Rule. Written submissions must be directed to Michelle Ribera, Director of the Louisiana Agricultural Finance Authority, Department of Agriculture and Forestry, 5825 Florida Blvd., Baton Rouge, LA 70806 and must be received no later than 4 p.m. on the 10th day of December 2021.

Mike Strain, DVM
Commissioner

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Healthy Foods Retail Program

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

In FY 22, the proposed rules will not result in any increased costs or revenues to the Louisiana Department of Agriculture and Forestry ("LDAF"), the state, or local governmental units, other than the cost of promulgation that is normally included in the department's annual operating budget. The proposed rules formally set forth eligibility and application requirements for the Healthy Food Retail Program ("HFRP"), a program in the Louisiana Agriculture Finance Authority ("LAFA"), within LDAF. The HFRP was established by statute in 2009 and has been operating and funded entirely through a one-time grant from the Office of Community Development. The proposed rule will not result in any costs or revenues to local governmental units.

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

The proposed rule will have no effect on revenue collections of state or local units as the Healthy Food Retail Program would not yield any additional revenue to LAFA, LDAF, or to other state or local government units.

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

The proposed rules would result in economic benefits to businesses who participate in the program and, indirectly, to the communities where the businesses are located. Specifically, the Healthy Food Retail Program will directly benefit low- and moderate-income residents in areas of Louisiana by providing healthy food access, creating jobs, and revitalizing neighborhoods.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The HFRP will work to result in a positive economic impact on underserved communities, through creating or retaining jobs and revitalizing neighborhoods for residents and providing healthy food access to those areas.

Dane Morgan
Assistant Commissioner
2110#045

Alan M. Boxberger
Deputy Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

Department of Economic Development
Office of Business Development
Office of Entertainment Industry Development

Louisiana Digital Media and Software Tax Credit Program
(LAC 61.I.Chapter 67)

In accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., notice is hereby given that the Department of Economic Development has initiated rulemaking procedures to make amendments to the Rules for the Louisiana Digital Media and Software Tax Credit Program to bring the rules into compliance with current statutory provisions and administrative practices.

Title 61

REVENUE AND TAXATION

Part I. Taxes Collected and Administered by the Secretary of Revenue

Chapter 67. Louisiana Entertainment Industry Tax Credit Programs

§6763. General Description

A. The program offers a tax credit for the producers of digital interactive media products and platform projects.

B. - F3. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:6022.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Business Development, Office of Entertainment Industry Development, LR 35:632 (April 2009), amended LR 36:1981 (September 2010), LR 39:1009 (April 2013), repromulgated by the Department of Economic Development, Office of Business Development, LR 45:886 (July 2019), amended LR 48:

§6765. Definitions

A. - B. ...

* * *

Resident or Resident of Louisiana—a natural person and, for the purposes of determining eligibility for the tax incentives provided by this section, any person domiciled in the state of Louisiana and any other person who maintains a permanent place of abode within the state and spends in the aggregate more than six months of each year within the state. Payments made to employees with an H-1B temporary visa or independent contractors issued 1099 tax forms, shall not be considered payments to Louisiana residents for the purposes of calculating the additional Louisiana resident payroll credit.

* * *

Source within the State—a physical facility in Louisiana, operating with posted business hours and employing at least one full-time equivalent employee.

* * *

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:6022.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Business Development, Office of Entertainment Industry Development, LR 35:633 (April 2009), amended LR 36:1981 (September 2010), LR 39:1010 (April 2013), repromulgated by the Department of Economic Development,

Office of Business Development, LR 45:886 (July 2019), amended LR 48:

§6767. Certification Procedures

A - A.3.c. ...

4. An application is not deemed complete until all information requested and required fees are received by LED. Required fees include both an application fee and an expenditure verification deposit fee.

B - B.3 ...

a. For applications for state-certified productions submitted to the office on or after July 1, 2015 but before July 1, 2017, and subsequently approved by the office and the secretary, tax credits shall be earned by an approved digital media company at the prevailing statutory rate, currently as follows.

i. Qualifying expenditures made within the approved six-month "look back period" but prior to July 1, 2015 shall earn tax credits at the rate of 25 percent of the base investment, qualifying expenditures made after July 1, 2015 shall earn tax credits at the prevailing statutory rate, currently 18 percent of the base investment.

ii. To the extent that base investment is expended on payroll for Louisiana residents employed in connection with a state-certified production, qualifying expenditures made prior to July 1, 2015 shall earn tax credits at 10 percent of payroll, qualifying expenditures made after July 1, 2015 shall earn tax credits at the prevailing statutory rate, currently 7.2 percent of payroll.

iii. The initial certification shall be deemed effective from date of application and shall be valid for qualifying expenditures and activities as outlined between the parties in the initial certification letter.

b. For applications for state-certified productions submitted to the office on or after July 1, 2017, and subsequently approved by the office and the secretary, tax credits shall be earned by an approved digital media company at the prevailing statutory rate, currently as follows.

i. Qualifying expenditures made after July 1, 2017 shall earn tax credits at the prevailing statutory rate, currently 18 percent of the base investment.

ii. To the extent that base investment is expended on payroll for Louisiana residents employed in connection with a state-certified production, qualifying expenditures made after July 1, 2017 shall earn tax credits at the prevailing statutory rate, currently 7 percent of payroll.

iii. The initial certification shall be deemed effective from date of application and shall be valid for qualifying expenditures and activities as outlined between the parties in the initial certification letter.

C. - D.2.b. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:6022 and R.S. 36:104.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Business Development, Office of Entertainment Industry Development, LR 35:633 (April 2009), amended LR 36:1983 (September 2010), LR 39:1011 (April 2013), LR 42:36 (January 2016), repromulgated by the Department of Economic Development, Office of Business Development, LR 45:888 (July 2019), amended LR 48:

§6768. Illustrative Examples of Production Expenses

A. - B 18 ...

19. audio/video content streamed through the internet or mobile platform is not an eligible production expense, unless it includes value added interactive functionality, as verified and approved by the office;

20. - 23. ...

24. online purchases. Production expenses must be taxable transactions made in Louisiana, from a source within the state to qualify. Unless purchased from a source within the state, online purchases do not qualify.

C. - C.7. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:6022.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Business Development, Office of Entertainment Industry Development, LR 39:1012 (April 2013), repromulgated by the Department of Economic Development, Office of Business Development, LR 45:890 (July 2019).

Family Impact Statement

It is anticipated that the proposed Rule amendment will have no significant effect on the: stability of the family, authority and rights of parents regarding the education and supervision of their children, functioning of the family, family earnings and family budget, behavior and personal responsibility of children, ability of the family or a local government to perform the function as contained in the proposed Rule.

Provider Impact Statement

The proposed rulemaking will have no provider impact as described in HCR 170 of 2014.

Small Business Analysis

It is anticipated that the proposed Rule should not have a significant adverse impact on small businesses as defined in the Regulatory Flexibility Act. The agency, consistent with health, safety, environmental and economic factors has considered and, where possible, utilized regulatory methods in drafting the proposed rule to accomplish the objectives of applicable statutes while minimizing any anticipated adverse impact on small businesses.

Poverty Statement

The proposed rulemaking will have no impact on poverty as described in R.S. 49:973.

Public Comments

Interested persons should submit written comments on the proposed Rules to Eric Burton through the close of business on Tuesday January 4, 2022 at 617 North Third Street, 11th Floor, Baton Rouge, LA 70802 or via email to Eric.Burton@la.gov.

Public Hearing

A meeting for the purpose of receiving the presentation of oral comments will be held at 11 a.m. on Wednesday, January 5, 2022 at the La Salle Building, Griffon Room, 617 North Third Street, Baton Rouge, LA 70802.

Anne G. Villa
Undersecretary

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Louisiana Digital Media and Software Tax Credit Program

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

There is no impact on expenditures of the Louisiana Department of Economic Development (LED) as a result of the proposed rule changes. Revisions better align the rules with statutory provisions and administrative practices, including deleting provisions relating to now sunset provisions for applications received prior to July 1, 2015. Any administrative duties brought about by the proposed rule changes will be carried out by utilizing existing staff and resources at LED.

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

There will be reductions in revenues to the State General Fund (Direct) to the extent that entities take advantage of this tax credit; any decrease is indeterminable at this time. The program is uncapped.

The Digital Media & Software Tax Credit Program, established in 2005, encourages development in Louisiana of a strong capital base for the production of digital interactive media products and platforms in order to achieve an independent, self-supporting industry. The total credits certified per year for 2018-2021 are as follows: FY 2018 - \$19.6 M; FY 2019 - \$35.7 M; FY 20 - \$28.9 M; and FY 21 - \$22.4 M.

The proposed rule changes will not affect local governmental units.

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

Firms who are eligible for tax credits may realize a reduction in tax liabilities to the extent they qualify for the credit.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

Companies receiving benefits under this program will continue to gain competitively over companies that do not receive the program's benefits.

Anne G. Villa
Undersecretary
2111#049

Alan M. Boxberger
Deputy Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

**Department of Economic Development
Office of Business Development
Office of Entertainment Industry Development**

Musical and Theatrical Production
Income Tax Credit Program
(LAC 61.I.Chapter 69)

In accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., notice is hereby given that the Department of Economic Development has initiated rulemaking procedures to make amendments to the Rules for the Musical and Theatrical Production Income Tax Credit

Program to bring the rules into compliance with current statutory provisions and administrative practices.

Title 61

REVENUE AND TAXATION

Part I. Taxes Collected and Administered by the Secretary of Revenue

Chapter 69. Musical and Theatrical Production Income Tax Credit Program

§6991. General Description

A. The program offers the following types of tax credits.

1. Base investment credit. A base investment credit may be granted for qualified production expenses made from investments in a state-certified musical or theatrical production;

2. Louisiana resident payroll credit. A Louisiana resident payroll credit may be granted for qualified payroll of Louisiana residents employed in connection with a state-certified musical or theatrical production;

3. Louisiana student payroll credit. A payroll credit may be granted for employment of students enrolled in Louisiana colleges, universities and vocational-technical students in connection with a state-certified musical or theatrical production;

B. Tax credits are earned in the calendar year expended, to the extent the expenditures receive final certification from the department.

C. Tax credits associated with a state-certified musical or theatrical production shall never exceed the total base investment in that production.

D. Beginning July 1, 2017, the total amount of credits granted by the department in any fiscal year shall not exceed ten million dollars. Fifty percent of total tax credits available to be granted annually shall be reserved for state-certified musical or theatrical productions by approved nonprofit organizations.

E. For applications received on or after July 1, 2017, no more than one million dollars in tax credits shall be granted per project.

F. Tax credits shall be available on a first come, first served basis, based upon date of final certification and qualification of expenditures. If the total amount of credits applied for in any particular year exceeds the aggregate amount of tax credits allowed for that year, the excess shall be treated as having been applied for on the first day of the subsequent year.

G. Base investment tax credits shall be transferable only once.

H. No tax credits shall be granted under this program until the rules are approved by the House Committee on Ways and Means and the Senate Committee on Revenue and Fiscal Affairs, in accordance with the provisions of the Administrative Procedures Act.

I. Applicants may apply for more than one entertainment tax credit program administered by the department, provided that:

1. separate applications are submitted for each program;

2. expenditures shall only qualify for one specified program; and

3. multiple applications shall not result in any duplication of tax credits.

J. No credit shall be granted pursuant to this program for applications received on or after July 1, 2025.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:6034(E).

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Business Development, Office of Entertainment Industry Development, LR 35:2173 (October 2009), repromulgated LR 36:2236 (October 2010), amended LR 48:

§6992. Definitions

A. - B. ...

* * *

Base Investment—actual investment made and expended in this state by a state-certified musical or theatrical production as production-related costs directly related to in state production;

Begin Construction—repealed.

* * *

Expenditure—actual payment of cash or cash equivalent, paid by or on behalf of a state certified production exchanged for goods or services, as evidenced by an invoice, receipt or other such document. Cash or cash equivalent transactions may include but not be limited to: commercial or bank financed loans, actual physical transfer of coins and banknotes, other forms of transmission that will turn into cash very quickly, including written checks, credit cards, bank debit cards, and bank wire transfers. However, the receipt of a promissory note, the creation of an account receivable, or the sending of a customer invoice are not, by themselves, evidence of an expenditure. Owner-financed transactions will only qualify as an expenditure when actual cash or cash equivalent payments are made.

* * *

Infrastructure Expenditures—repealed.

Limited State-Certified Musical or Theatrical Production—repealed.

Live Audience—a group of spectators, listeners or viewers collectively at a public event, with a minimum group size of 25 people, as approved by LED.

Live-Streamed Performance—a musical or theatrical production, performed at a physical anchor location before a live audience, which may also be live-streamed or filmed for distribution later to a ticketed audience.

* * *

Multi-Purpose Facility—repealed.

Non-Profit Organization—a non-profit resident theater or producing organization incorporated as a 501(C)(3) organization recognized by the Louisiana Secretary of State, and approved by the Office.

* * *

Physical Anchor Location—a live performance venue in Louisiana, which may include but not be limited to: theatres, music venues, outdoor event venues, stadiums and arenas, as approved by LED.

* * *

Project Completion—completion or end date outlined in the project application, or as otherwise approved in writing by LED.

* * *

Source within the State—a physical facility in Louisiana, operating with posted business hours and employing at least one full-time equivalent employee.

State-Certified Musical or Theatrical Infrastructure Project—repealed.

State-Certified Musical or Theatrical Production—a concert, musical or theatrical production, or a series of productions occurring over the course of a 12-month period, and the recording or filming of such production, which originate, are developed, or have their initial public performance before a live audience within Louisiana, or which have their United States debut within Louisiana, and the production expenditures, expenditures for the payroll of residents, transportation expenditures, and expenditures for employing college and vocational-technical students related to such production or productions, that are certified, verified, and approved as provided for in this Section. Non-profit organizations applying for recertification in subsequent years must provide evidence of substantive creative changes to the series of productions, including but not limited to new or original: creative elements, production elements, scores, scripts, or concepts, as approved by LED. Non-qualifying projects include, but are not limited to non-touring music and cultural festivals, industry seminars, trade shows, and any production activity taking place outside the state of Louisiana.

* * *

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:6034(E).

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Business Development, Office of Entertainment Industry Development, LR 35:2173 (October 2009), repromulgated LR 36:2237 (October 2010), amended LR 39:1015 (April 2013), LR 48:

§6993. Certification Procedures

A. - A.1.c. ...

2. Each application shall identify only one production and only one contact person for such production or project.

3. Expenditure Verification Report Fee. The department shall directly engage and assign a CPA to prepare an expenditure verification report on an applicant's cost report of production or project expenditures. For projects in excess of \$100,000, the fees shall be as follows:

a. at the time of application, the applicant shall submit an advance deposit of \$5,000;

b. prior to final certification of any tax credits, the applicant shall be assessed the department's actual cost for the CPA's expenditure report. The maximum fee shall be \$15,000.

4. An application is not deemed complete until all information requested and required fees are received by LED. Required fees include both an application fee and an expenditure verification deposit fee.

B. Qualification

1. The department shall determine whether a production qualifies, by meeting all requirements of R.S. 47:6034 and these regulations, and taking the following factors into consideration:

a. the contribution of the production to establishing the state as a leader in the live performance industry;

b. the impact of the production on the employment of Louisiana residents;

c. the impact of the production on the overall economy of the state;

d. in the case of productions, the potential for students to gain work experience in an arts related position;

e. whether the application has been submitted prior to the first performance, to allow sufficient time for the state of Louisiana to receive promotional opportunities including but not limited to, an opportunity for an approved LED logo to be included in promotional materials.

C. Initial Certification

1. Upon finding the production qualifies, the department shall issue an initial certification letter which shall include:

a. classification as a state-certified production;

b. a unique identifying number;

c. the total base investment to be expended; and

d. the persons to whom tax credits are to be allocated and the estimated amount of tax credits allocated to each.

2. Brand. As a condition for receiving tax credits, state certified productions may be required to display the state brand or logo. Any such requirement will be detailed in the initial certification letter.

C.3. - E.1.c.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:6034(E).

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Business Development, Office of Entertainment Industry Development, LR 35:2175 (October 2009), repromulgated LR 36:2238 (October 2010), amended LR 39:1016 (April 2013), LR 42:40 (January 2016), LR 48:

§6994. Illustrative Examples of Production Expenses

A. - B.5. ...

6. any amounts that are paid to persons or entities as a result of their participation in profits from the exploitation of the production;

7. the expenditure verification report fee;

8. merchant fees;

9. royalties;

10. online purchases. Production expenses must be taxable transactions made in Louisiana, from a source within the state to qualify. Unless purchased from a source within the state, online purchases do not qualify.

C. - C.4. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:6034(E).

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Business Development, Office of Entertainment Industry Development, LR 39:1016 (April 2013), amended LR 48:

§6995. Additional Program Procedures—State-Certified Musical or Theatrical Production—Receiving Initial Certification prior to July 1, 2015

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:6034(E).

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Business Development, Office of Entertainment Industry Development, LR 35:2175 (October 2009), repromulgated LR 36:2239 (October 2010), amended LR 39:1017 (April 2013), repromulgated LR 42:41 (January 2016), amended LR 48:

§6996. Additional Program Procedures—State-Certified Musical or Theatrical Production—Receiving Initial Certification on or after July 1, 2015

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:6034(E).

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Business Development, Office of Entertainment Industry Development, LR 42:41 (January 2016), amended LR 48:

§6997. Additional Program Procedures—State-Certified Musical or Theatrical Production—Receiving Initial Certification on or after July 1, 2017

A. State-certified musical or theatrical productions receiving initial certification on or after July 1, 2017 shall be eligible for the following types of tax credits at the prevailing statutory rates, currently as follows.

1. Base Investment Credit

a. If the total base investment is more than \$100,000, but less than \$300,000 dollars, a tax credit of 7 percent applies.

b. If the total base investment is more than \$300,000, but less than \$1,000,000, a tax credit of 14 percent applies.

c. If the total base investment is more than \$1,000,000, a tax credit of 18 percent applies.

2. Louisiana Resident Payroll Credit. To the extent that base investment is expended on payroll for Louisiana residents, an additional tax credit of 7 percent applies.

3. Louisiana Student Credit. To the extent that base investment is expended to employ students enrolled in Louisiana colleges, an additional tax credit of 0.07 percent applies.

B. Louisiana Resident Payroll Cap. To the extent that base investment is expended on payroll for Louisiana residents, the additional payroll credit shall exclude any payroll amounts paid to one person exceeding \$1,000,000.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:6034(E).

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Business Development, Office of Entertainment Industry Development, LR 42:41 (January 2016), amended LR 48:

§6998. Certification Procedures—Infrastructure

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:6034(E).

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Business Development, Office of Entertainment Industry Development, LR 35:2177 (October 2009), repromulgated LR 36:2240 (October 2010), amended LR 39:1017 (April 2013), LR 48:

Family Impact Statement

It is anticipated that the proposed Rule amendment will have no significant effect on the: stability of the family, authority and rights of parents regarding the education and supervision of their children, functioning of the family, family earnings and family budget, behavior and personal responsibility of children, ability of the family or a local government to perform the function as contained in the proposed Rule.

Provider Impact Statement

The proposed rulemaking will have no provider impact as described in HCR 170 of 2014.

Small Business Analysis

It is anticipated that the proposed Rule should not have a significant adverse impact on small businesses as defined in the Regulatory Flexibility Act. The agency, consistent with health, safety, environmental and economic factors has considered and, where possible, utilized regulatory methods in drafting the proposed rule to accomplish the objectives of applicable statutes while minimizing any anticipated adverse impact on small businesses.

Poverty Statement

The proposed rulemaking will have no impact on poverty as described in R.S. 49:973.

Public Comments

Interested persons should submit written comments on the proposed Rules to Lacey Chataignier through the close of business on Tuesday January 4, 2022 at 617 North Third Street, 11th Floor, Baton Rouge, LA 70802 or via email to Lacey.Chataignier@la.gov.

Public Hearing

A meeting for the purpose of receiving the presentation of oral comments will be held at 10 a.m. on Wednesday, January 5, 2022 at the La Salle Building, Griffon Room, 617 North Third Street, Baton Rouge, LA 70802.

Anne G. Villa
Undersecretary

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES**

**RULE TITLE: Musical and Theatrical Production
Income Tax Credit Program**

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

There is no impact on expenditures of the Louisiana Department of Economic Development (LED) as a result of the proposed rule changes. Revisions better align the rules with statutory provisions and administrative practices, including deleting provisions relating to now sunset provisions for applications received prior to July 1, 2017. Any administrative duties brought about by the proposed rule changes will be carried out by utilizing existing staff and resources at LED.

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

There will be reductions in revenues to the State General Fund (Direct) to the extent that entities take advantage of this tax credit; any decrease is indeterminable at this time. The program is capped at \$10M (\$1M per project), per fiscal year.

The Musical and Theatrical Tax Credit Program, established in 2005, encourages development in and promotion of Louisiana as one of the primary places in the United States in which live performances, from creation to presentation, are present and thriving. The total credits certified per year for 2018-2021 are as follows: FY 2018 \$1,556,220; FY 2019 \$4,042,951; FY 20 \$2,055,060; and FY 21 \$2,222,466.

The proposed rule changes will not affect local governmental units.

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

Firms who are eligible for tax credits may realize a reduction in tax liabilities to the extent they qualify for the credit.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT
(Summary)

Companies receiving benefits under this program will continue to gain competitively over companies that do not receive the program's benefits.

Anne G. Villa
Undersecretary
2111#048

Alan M. Boxberger
Deputy Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

**Department of Economic Development
Office of Business Development**

Ports of Louisiana Tax Credits (LAC 13:I.Chapter 39)

The Department of Economic Development, Office of Business Development, as authorized by and pursuant to the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., and R.S. 36:104, hereby proposes to amend the Rules for the Ports of Louisiana Tax Credits (LA R.S. 47:6036, et seq.) to better align the rules with current statutory provisions and administrative practices, as required by portions of Act 292 of the 2021 Regular Session of the Louisiana Legislature.

Title 13

ECONOMIC DEVELOPMENT

Part I. Financial Incentive Programs

Chapter 39. Ports of Louisiana Tax Credits

Subchapter A. Investor Tax Credit

§3901. Purpose and Definitions

A. - B. ...

Qualifying Project—a project sponsored or undertaken by a public port and an investing company.

a. with a capital cost of not less than one and one-half million dollars, and

b. at which the predominant trade or business activity conducted will constitute industrial, warehousing, or port and harbor operations and cargo handling, including any port or port and harbor activity.

c. it shall not mean bulk liquid or gas facilities.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:6036.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of the Secretary, LR 36:2543 (November 2010), amended LR 48:

§3915. Termination of Program

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:6036.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of the Secretary, LR 36:2546 (November 2010), repealed LR 48:

Subchapter B. Import-Export Tax Credit

§3931. Tax Credit Limitations

A. Tax credits shall be issued on a first come, first served basis, based upon the date of final certification.

B. No applicant shall receive a final certification of tax credits under this program in an amount greater than \$1,800,000 for certified cargo in any calendar year.

C. LED shall not issue final certification of tax credits under this program in a total amount for all applicants greater than \$4,500,000 in any single fiscal year.

D. Applications exceeding the limitations provided in this Section will be deemed reduced to the applicable limits.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:6036.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of the Secretary, LR 40:2240 (November 2014), amended LR 48:

§3937 Termination of Program

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:6036.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of the Secretary, LR 40:2240 (November 2014), repealed LR 48:

§3999. Applicability of Act 125 of the 2015 Legislative Session to the Ports of Louisiana Tax Credits

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:6036.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Business Development, LR 42:223 (February 2016), repealed LR 48:

Subchapter C. Louisiana Import Tax Credit

§3945. Purpose and Definitions

A. Purpose

1. The primary purpose of this Subchapter is to encourage the use of Louisiana public port facilities for cargo imports which in turn will foster the development of new port infrastructure facilities for the manufacturing, distribution, and warehousing of imported goods.

2. This program presents a streamlined and efficient method for applying for and utilizing tax credits for imports that place Louisiana in an equal position with competing states' that have similar programs in place to incentivize the growth of cargo imports.

B. Definitions

Actual Cargo Volume—total amount of imported cargo received (in TEU's) by a port facility user within its port credit incentive period.

Application Date—the date an application, application fee and all information required to make a determination of eligibility is received by LED.

Base Cargo Volume—average amount of imported cargo received (in TEU's) by a port facility user in the three years preceding an application for port credits. Only cargo that is owned by a port facility user at the time the port facility is used may be included in the calculation of base cargo volume.

Base Cargo Volume Period—the three-hundred sixty-five-day period ending on the last day of the month immediately preceding the month in which an application for port credits is submitted to LED, provided that project agreements awarding port credits may specify a different base cargo volume period.

LED—the Louisiana Department of Economic Development.

LDR—the Louisiana Department of Revenue.

Net New TEUs—the number of TEUs of actual cargo volume imported through a public port during the port credit

incentive period in excess of the applicant's base cargo volume during the applicant's base cargo volume period.

Port Credit—a one-time tax credit of up to \$50 per TEU of cargo imported through a Louisiana public port, or up to \$100 per TEU of cargo imported through a Louisiana public port if entering into a project agreement with the state, that may be applied against Louisiana tax liability.

Port Credit Incentive Period—the 365-day period designated by an applicant on its application as the 12-month period in which it is eligible to earn port credits, as approved by LED, provided that the port credit incentive period shall begin no earlier than the first day of the month immediately following the date the application is submitted to LED. Project agreements awarding port credits may specify a port credit incentive period beginning on any date mutually agreed to by the parties.

Port Facility User—any person engaged in the manufacturing, warehousing, or distribution of goods imported through a public port of the state.

Public Port—any deep-water port commission or port, harbor and terminal district as defined in article VI, section 44 of the Constitution of Louisiana, and any other port, harbor, and terminal district established under title 34 of the *Louisiana Revised Statutes* of 1950.

TEU—20-foot equivalent unit, that is a standard measurement in shipping volumes in units of 20-foot long containers.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:6036.1

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of the Secretary, LR 48:

§3947. Eligibility

A. The applicant must be a port facility user engaged in the manufacturing, warehousing, or distribution of goods imported through Louisiana public ports whose primary function is identified by one or more of the NAICS sector codes of 31-33, 42, or 493.

B. The applicant shall be a port facility user that imports more than 50 TEUs of cargo through Louisiana public ports annually or if a new port facility user, then the applicant shall submit a projection of its annual anticipated actual cargo volume, which must exceed 50 TEUs.

C. The applicant shall increase its imported cargo volumes by at least one hundred and five percent during its port credit incentive period as compared to imported cargo volumes during its base cargo volume period.

1. For example, if an applicant established a baseline cargo volume of 250 TEU's, a minimum of an additional 12.50 in TEU's (5 percent) would be required during the incentive period, for a total of 262.50 TEU's (105 percent of base cargo volume).

2. Tax credits shall be calculated based upon the additional, net new TEU only.

D. The applicant shall file an application for port credits with LED.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:6036.1

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of the Secretary, LR 48:

§3949. Application

A. A port facility user seeking to obtain port tax credits shall file an application with LED before commencement of the port credit incentive period or project to include the following information:

1. indication of which type of port credit is being sought:

a. port credits of up to \$50 per TEU based upon cargo volume; or

b. port credits of up to \$100 per TEU based upon an invitation from and a project agreement with the state, as approved by LED and the governor;

2. the port facility user's company name, NAICS code and evidence that the applicant is engaged in the manufacturing, warehousing, or distribution of goods imported through Louisiana public ports;

3. the name of the public port serving as the site of the port facility user's imported cargo;

4. evidence that the applicant's current imported cargo volume through a Louisiana public port exceeds 50 TEU's of cargo annually. If the applicant is a new port facility user, then the applicant shall submit a projection of its anticipated annual actual cargo volume, which must exceed 50 TEUs;

5. evidence of base cargo volume:

a. applicants seeking tax credits based upon cargo volume or project agreement shall include documentation and evidence of the average amount of imported cargo volumes in TEUs for the applicant during the three-year period ending on the last day of the month immediately prior to the date of submission of the application to LED. If the applicant is a new port facility user, the applicant shall propose a base cargo volume, subject to approval by LED.

6. any additional information required by LED.

B. An application fee equal to 0.5 percent (0.005) times the total anticipated tax incentive, with a minimum application fee of \$500 and a maximum application fee of \$15,000, shall be submitted with each application. The fee shall be made payable to Louisiana Economic Development.

C. Applications shall be accepted for port tax credits on or after September 1, 2021, until port tax credits are no longer available subject to the tax credit limitations within this section.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:6036.1 and 36:104.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of the Secretary, LR 48:

§3951. Preliminary Certification or Project Agreement

A. LED shall review the application and determine:

1. eligibility of the applicant;

2. base cargo volume;

3. base cargo volume period; and

4. port credit incentive period.

B. If LED determines that the applicant is eligible, LED shall issue either:

1. a preliminary certification for projects seeking tax credits based upon cargo volume, indicating:

a. a certification of the base cargo volume based upon records from the applicable public port facility confirming the total and average amounts of imported cargo

volumes in TEUs for the applicant during the three-year period immediately preceding the month of the port facility user's application submission; or if a new port facility user, a base cargo volume proposed by the applicant and approved by LED;

b. the 12-month port credit incentive period, during which time an applicant may be eligible to earn port tax credits. This period shall begin no earlier than the first day of the month immediately following the application date and shall begin no later than 90 days following the application date;

c. a preliminary certification of the total anticipated tax incentive allocation which shall be calculated by multiplying total number of net new TEUs by \$50 per TEU; or

2. a project agreement for port facility users seeking port credits based upon an invitation from the state, indicating:

a. a certification of the base cargo volume based upon records from the applicable public port facility confirming the total and average amounts of imported cargo volumes in TEUs for the applicant during the three-year period immediately preceding the month of the port facility user's application submission; or if a new port facility user, a base cargo volume proposed by the applicant and approved by LED;

b. a 36-month port credit incentive period, during which time an applicant may be eligible to earn port tax credits. This period shall begin on any date mutually agreed to by the parties, but no earlier than the month immediately following the date of application submission;

c. a preliminary certification of the total anticipated tax incentive allocation which shall be calculated by multiplying the total number of net new TEUs by the rate per TEU outlined in the project agreement.

C. If LED determines that the applicant is ineligible, LED shall issue a written denial.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:6036.1

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of the Secretary, LR 48:

§3953. Final Certification

A. Applicants shall file a request for final certification of credits within 90 days of the end of the port credit incentive period. Requests received after this date shall not be accepted and any tax credits earned shall be deemed waived, unless applicant receives written approval for late submission from LED prior to the deadline.

B. Port credits are earned based upon actual cargo volumes transiting the applicable public port during the port credit incentive period and as such, requests for final certification of credits shall include:

1. evidence of actual cargo volumes transiting the applicable port during the applicable port credit incentive period supported by records from the applicable public port facility. Only cargo that is owned by the port facility user shall be included in the calculation of actual cargo volume.

2. a summary of actual cargo volumes, net new TEUs, and the percentage increase in imported cargo during the port credit incentive period as compared to imported cargo volumes during the base cargo volume period;

3. any additional information required by LED.

C. After review and a determination that applicant has increased its imported cargo volumes by at least one hundred five percent during its port credit incentive period, LED shall issue a final certification of credits and provide to LDR the name and tax identification number of the applicant approved for credits, total amount of credits, and any other information required by LDR.

D. If LED determines that the applicant has not meet qualification requirements, LED shall issue a written denial.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:6036.1

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of the Secretary, LR 48:

§3955. Tax Credit Limitations

A. Tax credits shall be issued on a first come, first served basis, based upon the date of final certification.

B. Tax credits are earned upon net new TEUs of actual cargo volumes transiting the applicable public port during the port credit incentive period and the certification of actual cargo volumes as set forth in Section 3951.

1. For example, if an applicant established a baseline cargo volume of 250 TEU's, and showed an additional 150 TEU's imported during the incentive period, for a total of 400 TEU's, tax credits would be awarded based upon only the 150 additional net new TEU's imported.

C. A port facility user shall not to be entitled to claim more port credits than are approved by LED pursuant to Section 3951.

D. LED shall not issue final certification of tax credits under this program in a total amount for all applicants greater than four million five hundred thousand dollars in any single fiscal year.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:6036.1

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of the Secretary, LR 48:

§3957. Claiming Tax Credits

A. There shall be allowed a credit against corporate income tax liability of a taxpayer who has received a final certification from LED, provided that the credit shall be allowed only against the tax liability of entity which receives the certification.

B. Tax credits are earned in the tax year in which LED issues final certification.

C. Tax credits may be claimed against a taxpayers income liability for the tax year containing the last day of the port credit incentive period, notwithstanding the carryforward provisions herein.

D. If the tax credit allowed exceeds the amount of taxes due for the tax period, then any unused credit may be carried forward as a credit against subsequent tax liability for a period not to exceed five years.

E. Tax credits are not refundable or transferable.

F. The applicant shall attach the final certification to its return when claiming the credits.

G. A recipient of port credits granted pursuant to this section shall not be eligible for import-export cargo tax credits pursuant to R.S. 47:6036(I) nor shall a recipient of port credits be eligible to receive any other state tax credit, exemption, exclusion, deduction, rebate, or any other tax benefit for which the taxpayer has received a port credit pursuant to this Section. A recipient of import-export cargo

tax credits as provide din R.S. 47:6036(I) shall not be eligible for port credits pursuant to this Section.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:6036.1

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of the Secretary, LR 48:

§3959. Recovery of Tax Credits

A. Credits previously granted to an applicant, but later disallowed, may be recovered by LDR through any collection remedy authorized by R.S. 47:1561.3 and initiated within three years from December 31 of the year in which the credits were earned.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:6036.1

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of the Secretary, LR 48:

Family Impact Statement

The proposed Rule is not anticipated to have an impact on family formation, stability, and autonomy as described in R.S. 49:972.

Provider Impact Statement

The proposed Rule is not anticipated to have an impact on providers of services as described in HCR 170 of the 2014 Regular Legislative Session.

Small Business Analysis

It is anticipated that the proposed Rule should not have a significant adverse impact on small businesses as defined in the Regulatory Flexibility Act. The agency, consistent with health, safety, environmental and economic factors has considered and, where possible, utilized regulatory methods in drafting the proposed rule to accomplish the objectives of applicable statutes while minimizing any anticipated adverse impact on small businesses.

Poverty Statement

The proposed Rule is not anticipated to have an impact on poverty as described in R.S. 49:973.

Public Comments

Interested persons should submit written comments on the proposed Rules to Susan Bigner through the close of business on Tuesday, January 4, 2022 at Department of Economic Development, 617 North 3rd Street, 11th Floor, Baton Rouge, LA 70802 or via email to Susan.Bigner@la.gov.

Public Hearing

A meeting for the purpose of receiving the presentation of oral comments will be held at 9 a.m. on Wednesday, January 5, 2022 at the La Salle Building, Griffon Room, 617 North Third Street, Baton Rouge, LA 70802.

Anne G. Villa
Undersecretary

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Ports of Louisiana Tax Credits

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

The proposed rule change is not anticipated to result in any direct material effect on governmental expenditures or savings for state or local governmental units. The proposed rule incorporates Act 292 of the 2021 Regular Legislative Session for the Louisiana Import Tax Credit Program aimed at importers of containerized cargo. The Louisiana Department of

Economic Development (LED) intends to administer the program with existing resources and personnel.

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

There will be reductions (increased costs) to the State General Fund (Direct) to the extent that companies take advantage of the new imports program created by Act 292 of the 2021 Regular Legislative Session. Over a five year period, the LA Import Tax Credit Program is estimated to cost \$2,391,000 based on the fiscal note for Act 292. The program provides two types of tax credits for importers of containerized cargo: 1) \$50 per TEU (twenty-foot equivalent unit – a standard containerized cargo unit) imported over the level of TEUs in a base period. Participants have to increase TEU imports by at least 5% in an annual period (incentive period) relative to the preceding three-year average of TEU imports (base period), 2) up to \$100 per TEU for importers with a Project Agreement with the State.

Based upon historical data from the Port of New Orleans, the only containerized port in the state, aggregate net new TEU growth may be in excess of the 5% growth threshold, although considerable variability has also occurred with annual aggregate growth among all importers utilizing the Port of New Orleans ranging from -5% to +23% in recent years. The program is subject to an annual program cap of \$4.5 million.

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

The Import Credit could cause a direct economic impact for companies newly eligible to participate in the program, however, even if the utilization of the credit increases, the program cost is limited to the annual program cap.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

Companies receiving benefits under this program will continue to gain competitively over companies that do not receive the program's benefits.

Anne G. Villa
Undersecretary
2111#047

Alan M. Boxberger
Deputy Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

Board of Elementary and Secondary Education

BESE/8(g) Operations
(LAC 28:I.103, 301, 307, 309,
311, 501, 503, 1101, and 1105)

In accordance with the Administrative Procedure Act, R.S. 49:950 et seq., and R.S. 17:6(A)(10), the Board of Elementary and Secondary Education proposes to amend the *Louisiana Administrative Code*, Title 28, Part I, BESE/8(g) Operations (BESE Code). The proposed revisions align state policy with Act 468 of the 2021 Louisiana Legislature.

Title 28

EDUCATION

Part I. BESE/8(g) Operations

Subpart 1. Board of Elementary and Secondary Education

Education

Chapter 1. General Provisions

§103. Definitions

* * *

Constitution—the constitution of the state of Louisiana
Ex Officio—denoting or relating to the persons who are members by virtue of some other position that is held.

House—the Louisiana House of Representatives.

* * *

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 34:409 (March 2008), amended LR 38:3149 (December 2012), LR 48:

Chapter 3. Composition and General Authority

§301. Creation

A. The Board of Elementary and Secondary Education is created as a body corporate. It shall supervise and control the public elementary and secondary schools under its jurisdiction and shall have budgetary responsibility of all funds appropriated or allocated by the state for those schools, all as provided by law. The board shall have other powers, duties, and responsibilities as provided by the Louisiana Constitution or by law, but shall have no control over the business affairs of a city, parish, or other local public school board or the selection or removal of its officers and employees; however, in accordance with law, the board shall have the power to supervise, manage, and operate or provide for the supervision, management, and operation of a public elementary or secondary school which has been determined to be failing, including the power to receive, control, and expend state funds appropriated and allocated pursuant to Louisiana Constitution, Article VIII, §13, any local contribution required by Article VIII, §13, and any other local revenue available to a school board with responsibility for a school determined to be failing in amounts that are calculated based on the number of students in attendance in such a school, all in the manner provided by and in accordance with law.

AUTHORITY NOTE: Promulgated in accordance with Article VIII, Section 3.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 34:409 (March 2008), LR 48:

§307. General Powers and Duties

A. The board exercises its supervision and control over the public elementary and secondary schools under its jurisdiction, and exercises its budgetary responsibility for all funds appropriated or allocated by the state for public elementary, and secondary schools placed under its jurisdiction, through general powers and duties that shall include, but not be limited to, the following:

1. - 3. ...

4. approve budgets of the LDE, including the recovery school district, and all entities under the jurisdiction of the board as provided herein;

5. prescribe and adopt free school books and other materials of instruction for the children of this state at the elementary and secondary levels and all other schools and programs under its jurisdiction for which the legislature provides funds, in accordance with law;

6. adopt or approve courses of study and rules, by-laws, and regulations for the discipline of students and for the governance of the public elementary and secondary schools and other public schools and programs under its jurisdiction, which shall not be inconsistent with law and which shall be enforced by the city, parish, or other local public school boards and the city, parish, or other local public school superintendents;

7. prescribe the qualifications and provide for the certification of teachers in accordance with applicable law, which qualifications and requirements shall be such as to insure that certification shall be a reliable indicator of the 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;

8. adopt minimum standards for the approval of each public elementary and secondary school in the state under its jurisdiction;

9. except as otherwise provided by law, approve private schools in accordance with the provisions of R.S. 17:11 and other applicable laws;

10. issue diplomas for successful completion of programs of study;

11. exercise approval authority over the administration of the recovery school district by the LDE pursuant to law;

12. authorize the operation of type 2, type 4, and type 5 charter schools and provide oversight through the LDE of type 2, type 4, and type 5 charter schools;

a. review each proposed charter in a timely manner and determine whether each proposed charter complies with the law and rules and whether the proposal is valid, complete, financially well-structured, educationally sound, and whether it offers potential for fulfilling the purposes of the charter school law;

b. enter into any proposed charter that complies with the charter school law and policy upon a determination that the charter is a valid, complete, financially well-structured, and educationally sound proposal that offers potential for fulfilling the purposes of the charter school law;

c. determine the policy and provide direction to the LDE for providing the oversight of the operation of charter schools chartered with the board;

13. adopt, amend, or repeal rules, regulations, and policies necessary or proper for the conduct of the business of the board.

AUTHORITY NOTE: Promulgated in accordance with La. Const. art. VIII, §8 and R.S. 17:6(A), 17:7(2)(a), 17:7(3), 17:7(4), 17:7(5), 17:7(6)(a)(i), 17:7(7), 17:7(8), 17:4.1, 17:43, 17:348, 17:6(A)(10), 17:6(A)(11), 17:10.5, 17:1990 and 17:3981.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 34:410 (March 2008), amended LR 38:3150 (December 2012), LR 39:3262 (December 2013), LR 44:1995 (November 2018), LR 48:

§309. State Superintendent

A. - D.3. ...

4. The state superintendent may delegate, subject to the approval of the board, the appointing authority conferred upon him/her by law as to the recovery school district to the recovery school district supervising executive. The state superintendent may delegate administrative authority conferred upon him/her by law as to the recovery school district to the recovery school district supervising executive, subject to any restrictions provided by law, rule, or policy.

E. - E.6.c. ...

d. The state superintendent shall employ/appoint and fix the salaries and duties of employees of the LDE, including the recovery school district, subject to applicable Civil Service laws, rules, and regulations, and other applicable laws, rules, regulations, and policies.

e. The selection of appointees to all unclassified positions shall be based on professional, technical, and/or clerical qualifications appropriate to each position.

f. No person shall, on the basis of race, color, religion, sex, age, national origin, handicap, veteran status, or any other non-merit factor, be discriminated against in any employment practice.

g. In addition to the above, the state superintendent shall exercise his/her responsibilities for personnel matters in accordance with the constitution and laws of the state.

7. - 9. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), 17:21(C), 17:6(B), 17:21(B), 17:21(D), 17:21(A), 17:1990, 17:24(A), 17:24(B), 17:24(C), 17:24(D), 17:22(2)(f), 36:645, 17:22(6), 17:88(B), 17:88(D), 17:92, 17:10.6(A)(2), 17:3983, 17:43, 17:1945, 36:642(C)(1), and 36:648.1.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 34:410 (March 2008), amended LR 37:886 (March 2011), LR 38:3150 (December 2012), LR 39:3262 (December 2013), LR 44:1995 (November 2018), LR 48:

§311. The Special School District

A. Functions of the Special School District

1. The special school district is a local education agency that includes Louisiana Schools for the Deaf (LSD) and Louisiana School for Visually Impaired (LSVI) and the special school programs, an education service agency. The special school district is available to all eligible students regardless of their place of residence within the state.

a. LSD and LSVI are state-operated schools providing educational programs and services for residential and/or day students. LSD and LSVI are established to provide a free appropriate public education for children with low incidence disabilities who meet the admission criteria (i.e., deaf, blind, orthopedically impaired) for each such special school and who are enrolled in such special school.

b. The special school programs, an education service agency, provide educational services to students enrolled in state-approved programs in non-traditional settings such as those provided by the Department of Health's Office for Citizens with Developmental Disabilities and the Office of Behavioral Health, the Office of Juvenile Justice, and the Department of Public Safety and Corrections.

B. Administration

1. The special school district shall be under the administration and supervision of the special school district Board of Directors.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), 17:4.1, R.S. 17:6(B), 17:43, 17:1945, 36:642(C)(1), and 36:648.1.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 34:412 (March 2008), amended LR 38:3151 (December 2012), LR 39:3262 (December 2013), LR 44:1995 (November 2018), LR 48:

Chapter 5. Organization

§501. Committees

A. - B.1.b.iii. ...

c. The BESE student representative is an ex officio non-voting member of the AGII Committee. The student representative serves a one-year term (April through March annually) and is a high school student selected by the Louisiana Association of Student Councils (LASC).

2. - 2.a.i.(c). ...

ii. financial management and performance;

(a). budgets:

(i). BESE;

(ii). LDE;

(iii). RSD;

2.b. - 3.a.ii.(a). ...

b. The Louisiana Teacher of the Year (TOY) is a non-voting ex officio member of the EE Committee. The TOY serves a one-year term and is an educator selected annually by a state selection committee composed of community and educational leaders via process established by the LDE.

B.4. - B.4.b.i. ...

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 34:415 (March 2008), amended LR 35:223 (February 2009), LR 35:1874 (September 2009), LR 36:2851 (December 2010), LR 37:2139 (July 2011), LR 38:3152 (December 2012), repromulgated LR 39:308 (February 2013), amended LR 39:3263 (December 2013), LR 45:1443 (October 2019). LR 48:

§503. Advisory Councils

A. - C.3.b.i. ...

ii. the president of the Louisiana Association of School Superintendents (LASS), who shall serve as chair of the council;

C.3.c. - G.8. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), 17:6(A)(15), 17:11, 17:24.4, and 42:19.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 34:416 (March 2008), amended LR 35:1874 (September 2009), LR 36:2851 (December 2010), LR 37:2140 (July 2011), LR 38:772 (March 2012), LR 38:3152 (December 2012), LR 39:3263 (December 2013), LR 42:563 (April 2016), LR 44:744 (April 2018), LR 44:1995 (November 2018), LR 45:1444 (October 2019), LR 48:

Chapter 11. Finance and Property

§1101. Projects and Facilities

A. Capital Projects

1. All requests for new capital construction or renovation projects submitted by board entities, including the recovery school district, shall comply with all applicable state laws, all applicable regulations issued by the Division of Administration, and all BESE policy.

2. All requests for any given fiscal year shall be prioritized by the LDE, and the LDE shall present the priority listing of projects to the board. The board shall approve all capital construction or renovation projects and the priority of the requests prior to submission to the executive and legislative branches of government or prior to implementation of a project, as applicable.

B. - B.2. ...

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 34:424 (March 2008), amended LR 38:3154 (December 2012), LR 39:3266 (December 2013), LR 48:

§1105. Budgets

A. - A.2. ...

B. Budget Submission. The LDE, including the recovery school district, and entities under the jurisdiction of the board shall submit their budgets to the board in a timely

manner for approval prior to submission to the Division of Administration and legislative offices.

C. Budget Forms. The LDE, including the recovery school district, and entities under the jurisdiction of the board shall submit their budgets on the forms prescribed by the Division of Administration.

D. - E. ...

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 34:425 (March 2008), amended LR 38:3155 (December 2012), LR 39:3266 (December 2013), LR 48:

Family Impact Statement

In accordance with section 953 and 974 of title 49 of the Louisiana Revised Statutes, there is hereby submitted a Family Impact Statement on rules proposed for adoption, repeal, or amendment. All Family Impact Statements will be kept on file in the state board office which has adopted, amended, or repealed rules in accordance with the applicable provisions of the law relating to public records.

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

Poverty Impact Statement

In accordance with section 973 of title 49 of the *Louisiana Revised Statutes*, there is hereby submitted a Poverty Impact Statement on rules proposed for adoption, amendment, or repeal. All Poverty Impact Statements will be in writing and kept on file in the state agency which has adopted, amended, or repealed rules in accordance with the applicable provisions of the law relating to public records. For the purposes of this section, the word "poverty" means living at or below 100 percent of the federal poverty line.

1. Will the proposed Rule affect the household income, assets, and financial authority? No.
2. Will the proposed Rule affect early childhood development and preschool through postsecondary education development? Yes.
3. Will the proposed Rule affect employment and workforce development? No.
4. Will the proposed Rule affect taxes and tax credits? No.
5. Will the proposed Rule affect child and dependent care, housing, health care, nutrition, transportation, and utilities assistance? No.

Small Business Analysis

The impact of the proposed Rule on small businesses as defined in R.S. 49:965.6, the Regulatory Flexibility Act, has been considered. It is estimated that the proposed action is not expected to have a significant adverse impact on small businesses. The agency, consistent with health, safety, environmental, and economic welfare factors has considered

and, where possible, utilized regulatory methods in the drafting of the proposed Rule that will accomplish the objectives of applicable statutes while minimizing the adverse impact of the proposed Rule on small businesses.

Provider Impact Statement

The proposed Rule should not have any known or foreseeable impact on providers as defined by HCR 170 of the 2014 Regular Legislative Session. In particular, there should be no known or foreseeable effect on:

1. the staffing level requirements or qualifications required to provide the same level of service;
2. the cost to the providers to provide the same level of service; or
3. the ability of the provider to provide the same level of service.

Public Comments

Interested persons may submit written comments via the U.S. Mail until noon, December 10, 2021, to Shan N. Davis, Executive Director, Board of Elementary and Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA 70804-9064. Written comments may also be hand delivered to Shan Davis, Executive Director, Board of Elementary and Secondary Education, Suite 5-190, 1201 North Third Street, Baton Rouge, LA 70802 and must be date stamped by the BESE office on the date received. Public comments must be dated and include the original signature of the person submitting the comments.

Shan N. Davis
Executive Director

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES RULE TITLE: BESE/8(g) Operations

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

The proposed revisions will have an indeterminable impact for the Special School District (SSD) associated with performing administrative functions in lieu of the Department of Education (LDE). Per Act 468 of the 2021 Regular Legislative Session, the proposed revisions would establish the Special School District (SSD) as an independent agency governed by a newly created board of directors.

Under previous law, the LDE provided human resources and legal services for the SSD, and payment for services was rendered through an interagency transfer (IAT). This fund transfer partially funded the salaries and related benefits of two positions, as well as operating expenses. As a result of Act 468, the LDE retained those staff members and the SSD retained the IAT funds. The LDE will be able to absorb the costs for these positions without replacement of the lost IAT revenues. SSD costs will depend on the extent to which the agency is able to fund anticipated workload increases within its existing operating budget. Costs will increase to the extent the SSD requires additional staff and resources beyond the estimated \$84,000 it previously transferred to the LDE for administrative services. The SSD plans to use only existing appropriations and positions in absorbing administrative functions from the LDE. To the extent that no additional appropriations are needed, the proposed revisions will not have a fiscal impact.

The proposed revisions also remove the supervising executive of the Recovery School District (RSD) from the composition of the Superintendents' Advisory Council (SAC) and update language to reflect the current presence of a student

representative and the Teacher of the Year as ex officio non-voting members on certain Board of Elementary and Secondary Education (BESE) committees. These changes will not have an impact on state government expenditures.

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

The proposed policy revisions will result in the LDE experiencing a decrease in IAT revenues from the SSD by an indeterminable amount. In FY 20, for example, the LDE received \$84,200 to conduct administrative functions on behalf of the SSD; however, amounts varied by fiscal year based on services provided. LDE reports it will not require additional funding to replace these lost revenues.

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

The proposed revisions will not result in costs and/or benefits to directly affected persons, small businesses, or non-governmental groups.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed revisions will not have an effect on competition and employment.

Beth Scioneaux
Deputy Superintendent
2111#042

Alan M. Boxberger
Deputy Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

Board of Elementary and Secondary Education

Bulletin 130—Evaluation and Assessment of Personnel
(LAC 28:CXLVII.105, 301, and 323)

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, notice is hereby given that the Board of Elementary and Secondary Education has approved for advertisement amendments to *Bulletin 130 – Evaluation and Assessment of Personnel*. The proposed revisions would require, for the 2021-2022 academic year, the 50 percent of the evaluation that is based on a qualitative measure of teacher and administrator performance include one announced observation for teachers and administrators. However, any teacher or administrator who earns an observation rating of Ineffective or Effective: Emerging shall be observed a second time. Further, in August 2021, BESE approved, as a Notice of Intent, revisions to Bulletin 130 in response to Act 275 of the 2021 Regular Legislative Session. Revisions update terminology to refer to “school guidance counselors” as “school counselors.” The same update is being made to §323. Job Descriptions.

Title 28

EDUCATION

Part CXLVII. Bulletin 130—Regulations for the Evaluation and Assessment of School Personnel

Chapter 1. Overview

§105. Framework for LEA Personnel Evaluation Programs

[Formerly §109]

A. - B.2. ...

3. Observation/Data Collection Process. The evaluator or evaluators of each teacher and administrator shall conduct observations of teacher and administrator practice sufficient

to gain a complete picture of performance and impart individualized feedback each year.

a. for the 2020-2021 and 2021-2022 academic years only, this shall include one announced observation for teachers and administrators.

b. ...

c. following the 2021-2022 academic year, this shall include a minimum of two observations per academic year and may include more observations, particularly for teachers or administrators that are not meeting expectations. At least one of these observations shall be announced and shall include a pre- and post-observation conference. One of the observations may be waived for teachers who have earned a rating of highly effective according to the value-added model in the previous year. Following all observations, evaluators shall provide evaluatees with feedback, including areas for commendation as well as areas for improvement. Additional evidence, such as data from periodic visits to the school and/or classroom as well as written materials or artifacts, may be used to inform evaluation.

4. - 5. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), R.S. 17:391.10, R.S. 17:3881-3886, and R.S. 17:3901-3904, R.S. 17:3997, and R.S. 17:10.1.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 36:2251 (October 2010), amended LR 38:1215 (May 2012), LR 38:2359 (September 2012), LR 39:1273 (May 2013), LR 47:354 (March 2021), LR 48:

Chapter 3. Personnel Evaluation

§301. Overview of Personnel Evaluation

A. - A.1. ..

2. For the 2020-2021 and 2021-2022 academic years only, the 50 percent of the evaluation that is based on a qualitative measure of teacher and administrator performance shall include one announced observation for teachers and administrators.

a. ...

b. following the 2021-2022 academic year, the 50 percent of the evaluation that is based on a qualitative measure of teacher and administrator performance shall include a minimum of two observations or site visits. This portion of the evaluation may include additional evaluative evidence, such as walk-through observation data and evaluation of written work products.

B. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), R.S. 17:391.10, R.S. 17:3881-3886, and R.S. 17:3901-3904, R.S. 17:3997, and R.S. 17:10.1.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 38:1215 (May 2012), amended LR 38:2359 (September 2012), LR 39:1273 (May 2013), LR 41:1266 (July 2015), LR 43:2480 (December 2017), LR 47:354 (March 2021), LR 48:

§323. Job Descriptions

[Formerly §339]

A. The local personnel evaluation plan shall contain a copy of the job descriptions currently in use in the LEA. The LEA shall establish a competency-based job description for every category of teacher and administrator pursuant to its evaluation plan. The chart that follows identifies a minimum listing of the categories and titles of personnel for which job descriptions must be developed.

Personnel Category	Position or Title
Administration	<ol style="list-style-type: none"> 1. Superintendent 2. Assistant Superintendent 3. Director 4. Supervisor 5. Coordinator 6. Principal 7. Assistant Principal 8. Any employee whose position does not require certification but does require a minimal education attainment of a bachelor's degree from an accredited institution of higher learning 9. Any employee whose position requires certification, but whose title is not given in this list 10. Any employee who holds a major management position, but who is not required to have a college degree or certification
Instructional Personnel	<ol style="list-style-type: none"> 1. Teachers of Regular and Sp. Ed. students 2. Special Projects Teachers 3. Instructional Coaches and/or Master Teachers
Support Services	<ol style="list-style-type: none"> 1. School Counselors 2. Librarians 3. Therapists
	<ol style="list-style-type: none"> 1. Any employee whose position does not require certification but does require a minimal educational attainment of a bachelor's degree from an accredited institution of higher learning 2. Any employee whose position requires certification, but whose title is not given in this list 3. Any employee who holds a major management position, but who is not required to have a college degree or certification

B. - C.8. ...

NOTE: Job descriptions must be reviewed annually. Current signatures must be on file at the central office in the single official file to document the annual review and/or receipt of job descriptions.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 36:2252 (October 2010), amended LR 38:1219 (May 2012), LR 38:2361 (September 2012), LR 48:

Family Impact Statement

In accordance with section 953 and 974 of title 49 of the *Louisiana Revised Statutes*, there is hereby submitted a Family Impact Statement on rules proposed for adoption, repeal, or amendment. All Family Impact Statements will be kept on file in the state board office which has adopted, amended, or repealed rules in accordance with the applicable provisions of the law relating to public records.

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

Poverty Impact Statement

In accordance with section 973 of title 49 of the *Louisiana Revised Statutes*, there is hereby submitted a Poverty Impact Statement on rules proposed for adoption, amendment, or repeal. All Poverty Impact Statements will be in writing and kept on file in the state agency which has adopted, amended, or repealed rules in accordance with the applicable provisions of the law relating to public records. For the purposes of this section, the word "poverty" means living at or below 100 percent of the federal poverty line.

1. Will the proposed Rule affect the household income, assets, and financial authority? No.
2. Will the proposed Rule affect early childhood development and preschool through postsecondary education development? Yes.
3. Will the proposed Rule affect employment and workforce development? No.
4. Will the proposed Rule affect taxes and tax credits? No.
5. Will the proposed Rule affect child and dependent care, housing, health care, nutrition, transportation, and utilities assistance? No.

Small Business Analysis

The impact of the proposed Rule on small businesses as defined in R.S. 49:965.6, the Regulatory Flexibility Act, has been considered. It is estimated that the proposed action is not expected to have a significant adverse impact on small businesses. The agency, consistent with health, safety, environmental, and economic welfare factors has considered and, where possible, utilized regulatory methods in the drafting of the proposed Rule that will accomplish the objectives of applicable statutes while minimizing the adverse impact of the proposed Rule on small businesses.

Provider Impact Statement

The proposed Rule should not have any known or foreseeable impact on providers as defined by HCR 170 of the 2014 Regular Legislative Session. In particular, there should be no known or foreseeable effect on:

1. the staffing level requirements or qualifications required to provide the same level of service;
2. the cost to the providers to provide the same level of service; or
3. the ability of the provider to provide the same level of service.

Public Comments

Interested persons may submit written comments via the U.S. Mail until noon, December 10, 2021, to Shan N. Davis, Executive Director, Board of Elementary and Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA 70804-9064. Written comments may also be hand delivered to Shan Davis, Executive Director, Board of Elementary and Secondary Education, Suite 5-190, 1201 North Third Street, Baton Rouge, LA 70802 and must be date stamped by the BESE office on the date received. Public comments must be dated and include the original signature of the person submitting the comments.

Shan N. Davis
Executive Director

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES**

**RULE TITLE: Bulletin 130—Evaluation and
Assessment of Personnel**

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

The proposed revisions could impact expenditures of local school districts to the extent teachers or administrators initially rated as Ineffective experience improved performance ratings through their second observation as a result of additional support; however, this is not anticipated to be material. Based on the 2018-19 Compass Teacher Results, an estimated 505 (1%) teachers were rated Ineffective. State law prohibits teachers or administrators rated Ineffective from receiving a higher salary in the year following the evaluation. If any teachers or administrators initially rated Ineffective are able to improve their rating to Effective: Emerging, they would become eligible for salary increases or supplements in the 2022-2023 academic year.

The proposed revisions would require, for the 2021-2022 academic year, the 50 percent of the evaluation that is based on a qualitative measure of teacher and administrator performance include one announced observation for teachers and administrators. However, any teacher or administrator who earns an observation rating of Ineffective or Effective: Emerging shall be observed a second time. Further, in August 2021, BESE approved, as a Notice of Intent, revisions to Bulletin 130 in response to Act 275 of the 2021 Regular Legislative Session. Revisions update terminology to refer to “school guidance counselors” as “school counselors.”

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

The proposed revisions will not have an effect on revenue collections of state or local governmental units.

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

Teachers and administrators initially rated as Ineffective may benefit from additional support from school administrators that are not required to conduct a second evaluation for certain personnel during the 2021-22 academic year. To the extent this results in improved performance evaluations, teachers and administrators could potentially receive a salary increase in the 2022-23 academic year.

**IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT
(Summary)**

The proposed revisions will not have an effect on competition and employment.

Beth Scioneaux
Deputy Superintendent
2111#040

Alan M. Boxberger
Deputy Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

Board of Elementary and Secondary Education

Bulletin 746—Louisiana Standards for State Certification of
School Personnel (LAC 28:CXXXI.Chapters 1-25)

In accordance with the provisions of R.S. 17:6(A)(10) and the Administrative Procedure Act (APA), R.S. 49:953(B)(1) et seq., the Board of Elementary and Secondary Education has LAC 28:CXXXI in Bulletin 746—*Louisiana Standards for State Certification of School Personnel*. The proposed revisions: adopt new high school and middle school Math

Praxis exams; remove the requirement that teaching experience be in an educator area of certification as a condition of advancing a teaching certificate; require teacher preparation providers to submit all practitioner license (PL) applications; allow the issuance of Temporary Authority to Teach (TAT) certifications to applicants who fail to meet minimum grade point average requirements, contingent upon the applicant's satisfactory completion of a personal interview by the employing school system; allow a “family childcare” child development associate (CDA) credential for purposes of earning an ancillary Early Childhood Certificate; allow uncertified nonpublic school educators to serve as mentor teachers; align Child Nutrition Coordinator requirements with Federal regulations; align CTTIE certificate structure issuance and renewal with standard teaching certification; reduce the number of years of teaching experience for Educational Leader Certificate Level 3 (EDL3) and Out-of-State Superintendent (OSS) from 5 years to 3 years; and provide for technical edits.

Title 28

EDUCATION

**Part CXXXI. Bulletin 746—Louisiana Standards for
State Certification of School Personnel**

Chapter 1. Introduction

§101. Purpose

A. Certification is a licensing process whereby qualified professionals become legally authorized to teach or to perform designated duties in K-12 schools and early learning centers under the jurisdiction of the Board of Elementary and Secondary Education (BESE). The certification process provides a systematic and nondiscriminatory procedure for the credentialing of teachers and other school personnel.

B. Certification policies and statutes are designed to identify and support high quality teachers in all Louisiana classrooms; promote higher standards in the teaching profession; and provide for growth and development of the teaching profession. The Louisiana Department of Education (LDE) implements and maintains teacher certification procedures as mandated by legislation and BESE policy.

C. Certification policies are adopted and implemented in a manner, and with a timeline, that allows for a smooth transition from old to new requirements. Any certification change approved by BESE will include specified implementation dates. In particular, changes in Praxis exams will allow for a 12-month transition period from the date of adoption by BESE. Additionally:

1. if the passing score for a specific PRAXIS exam increases, there will be a 12-month period from the date of adoption by BESE to the effective date;

2. if the passing score for a specific PRAXIS exam decreases, scores achieved up to 12 months prior to the effective date adopted by BESE will be accepted.

D. When revised certification policy requirements necessitate a program change at the college level, a notice shall be given to institutions of higher education that have teacher preparation programs so that catalogs can be revised and incoming freshman can be notified of the changes.

E. This bulletin will serve as a reference for current state policy regarding initial certification and to certification endorsement options for individuals seeking to become teachers, practicing teachers, personnel from both school

districts and institutions of higher education, and persons requiring certification assistance.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1782 (October 2006), amended LR 43:1290 (July 2017), LR 46:17 (January 2020).

Chapter 3. Initial Teacher Certification

Subchapter A. Teacher Certification Areas and Required Competencies

§301. Overview

A. *Louisiana Revised Statute 17:7* provides for the duties, functions, and responsibilities of the Board of Elementary and Secondary Education (BESE). Specifically, 17:7(6)(a)(i) states that BESE shall prescribe qualifications and provide for certification of teachers in accordance with applicable law, and that such qualifications and requirements shall ensure that 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.

B. The Louisiana competencies for initial teacher certification define what a teacher candidate must know and be able to do in order to be eligible for certification upon completion of a BESE-approved teacher preparation program. The competencies represent the knowledge and skills needed for teacher candidates to successfully transition to teaching, as determined by content experts, elementary and secondary educators, and postsecondary education leaders. The competencies establish what teacher candidates should be taught; preparation providers and school system partners should determine how the competencies should be developed through quality practice experiences that include, at a minimum, a year-long residency as defined in Bulletin 996.

C. When a candidate has successfully completed a state-approved program that develops and assesses mastery of the competencies and has met state testing and grade point average certification requirements, the program provider recommends the candidate for certification.

1. The LDE will accept no final grade below a "C" in coursework within the approved undergraduate program, with the exception of the general education requirements. All coursework used for certification purposes must be for regular credit and not of a remedial or developmental nature.

D. Certification Areas and Required Competencies

Certification Areas	Required Competencies
Birth to Kindergarten	Subchapter C. General Teacher Subchapter E. English Language Arts Subchapter F. Mathematics Teacher Subchapter G. Early Childhood Teacher
Early Childhood PK-3	Subchapter C. General Teacher Subchapter E. English Language Arts Subchapter F. Mathematics Teacher Subchapter G. Early Childhood Teacher
Grades 1-5	Subchapter C. General Competencies Subchapter E. English Language Arts Teacher Subchapter F. Mathematics Teacher
Grades 4-8 Certification Areas	Required Competencies
English/Language Arts	Subchapter C. General Teacher Subchapter E. English Language Arts

Mathematics	Subchapter C. General Competencies Subchapter E. Disciplinary Literacy Subchapter F. Mathematics Teacher
Science	Subchapter C. General Teacher Subchapter E. Disciplinary Literacy Subchapter H. Science Education
Social Studies	Subchapter C. General Teacher Subchapter E. Disciplinary Literacy Subchapter H. Social Studies Education
Grades 6-12 Certification Areas	Required Competencies
Agriculture	Subchapter C. General Teacher Subchapter E. Disciplinary Literacy Subchapter H. Agriculture Education
Biology	Subchapter C. General Teacher Subchapter E. Disciplinary Literacy Subchapter H. Science Education
Business	Subchapter C. General Teacher Subchapter E. Disciplinary Literacy Subchapter H. Business Education
Chemistry	Subchapter C. General Teacher Subchapter E. Disciplinary Literacy Subchapter H. Science Education
Chinese	Subchapter C. General Teacher Subchapter E. Disciplinary Literacy Subchapter H. Foreign Languages Education
English/Language Arts	Subchapter C. General Teacher Subchapter E. English Language Arts Teacher
Family and Consumer Sciences	Subchapter C. General Teacher Subchapter E. Disciplinary Literacy Subchapter H. Family and Consumer Sciences Education
French	Subchapter C. General Teacher Subchapter E. Disciplinary Literacy Subchapter H. Foreign Languages Education
General Science	Subchapter C. General Teacher Subchapter E. Disciplinary Literacy Subchapter H.
German	Subchapter C. General Teacher Subchapter E. Disciplinary Literacy Subchapter H. Foreign Languages Education
Mathematics	Subchapter C. General Teacher Subchapter E. Disciplinary Literacy Subchapter F. Mathematics Teacher
Physics	Subchapter C. General Teacher Subchapter E. Disciplinary Literacy Subchapter H.
Social Studies	Subchapter C. General Teacher Subchapter E. Disciplinary Literacy Subchapter H.
Spanish	Subchapter C. General Teacher Subchapter E. Disciplinary Literacy Subchapter H. Foreign Languages Education
Speech	Subchapter C. General Teacher Subchapter E. Disciplinary Literacy
Technology Education	Subchapter C. General Teacher Subchapter E. Disciplinary Literacy Subchapter H. Technology Education
Computer Science	Subchapter C. General Teacher Subchapter E. Disciplinary Literacy Subchapter H. Computer Science Education
Earth Science	Subchapter C. General Teacher Subchapter E. Disciplinary Literacy Subchapter H. Science Education
Environmental Science	Subchapter C. General Teacher Subchapter E. Disciplinary Literacy Subchapter H. Education
Journalism	Subchapter C. General Teacher Subchapter E. Disciplinary Literacy Subchapter H. Journalism Education

Latin	Subchapter C. General Teacher Subchapter E, Disciplinary Literacy Subchapter H, Foreign Languages Education
Marketing	Subchapter C. General Teacher Subchapter E, Disciplinary Literacy Subchapter H, Business and Marketing Education
All-Level K-12 Certification Areas	Required Competencies
Grades K-12 Art	Subchapter C. General Teacher Subchapter E, Disciplinary Literacy Subchapter H, Art Education
Grades K-12 Dance	Subchapter C. General Teacher Subchapter E, Disciplinary Literacy Subchapter H, Dance Education
Grades K-12 Foreign Languages	Subchapter C. General Teacher Subchapter E, Disciplinary Literacy Subchapter H, Foreign Languages Education
Grades K-12 Music	Subchapter C. General Teacher Subchapter E, Disciplinary Literacy Subchapter H, Music Education
Grades K-12 Health and Physical Education	Subchapter C. General Teacher Subchapter E, Disciplinary Literacy Subchapter H, Health and Physical Education
Special Education Certification Areas	Required Competencies
Early Interventionist Birth to Five Years	Subchapter H
Deaf or Hard of Hearing K-12	Subchapter D, Special Education Teacher Subchapter H
Mild to Moderate Disabilities 1-5, 4-8, 6-12	Subchapter D. Special Education Teacher
Significant Disabilities 1-12	Subchapter D. Special Education Teacher Subchapter H
Visual Impairments/Blind K-12	Subchapter D. Special Education Teacher Subchapter H

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1783 (October 2006), amended LR 43:1291 (July 2017), LR 46:1374 (October 2020).

Subchapter B. Testing Required for Certification Areas §303. Certification Exams and Scores

A. A teacher applicant for certification must successfully complete the appropriate written or computer-delivered assessment identified in this Section prior to issuance of a Louisiana educator certification.

B. Content and Pedagogy Requirements

Certification Area	Name of Praxis Test	Content Exam Score	Pedagogy: Principles of Learning and Teaching		
			PLT K-6 (#0622 or 5622)	PLT 5-9 (#0623 or 5623)	PLT 7-12 (#0624 or 5624)
Birth to Kindergarten	Early Childhood Content Knowledge (5022/5025 after September 2015)	160 (for 5022)	PLT: Early Childhood 0621 or 5621 (Score 157)		
	Early Childhood Education (5025)	156 (for 5025)			
	OR				
	Education of Young Children (5024)	160			
	OR	155			
	PreK Education (5531)				

1. Core Academic Skills for Educators. Teacher applicants in all content areas must pass all three Praxis core academic skills tests for educators.

a. An ACT composite score of 22 or an SAT combined score of 1100 or higher (new SAT) or 1030 or higher (pre-March 2016 SAT) may be used in lieu of PRAXIS 1 PPST exams or core academic skills for educators in reading, writing and math by prospective teachers in Louisiana.

b. Applicants possessing a non-education graduate degree from an institution accredited in accordance with 34 CFR 602 will be exempted from the core skills exam.

Pre-Professional Skills Test "Paper or Computer Administrations"	Test #	Score	Effective Date
PPST:R-Pre-Professional Skills Test: Reading	0710/5710	176	Effective 7/1/10 to 12/31/13
PPST:W-Pre-Professional Skills Test: Writing	0720/5720	175	
PST:M-Pre-Professional Skills Test: Mathematics	0730/5730	175	

Core Academic Skills for Educators	Test #	Score	Effective Date
Reading	5712	156	Effective 1/1/14 to 12/31/2020
Writing	5722	162	
Mathematics	5732	150	

Core Academic Skills for Educators	Test #	Score	Effective Date
Reading	5713	156	Current-
Writing	5723	162	
Mathematics	5733	150	

¹NOTE: To differentiate the computer delivered tests, Educational Testing Service has placed the number "5" or "6" preceding the current test code. The department will accept computer delivered passing test scores for licensure

2. Principles of Learning and Teaching (PLT) Exams

Principles of Learning and Teaching: Early Childhood	0621 or 5621	157	Effective 1/1/12
Principles of Learning and Teaching: K-6	0622 or 5622	160	
Principles of Learning and Teaching: 5-9	0623 or 5623	160	
Principles of Learning and Teaching: 7-12	0624 or 5624	157	

Certification Area	Name of Praxis Test	Content Exam Score	Pedagogy: Principles of Learning and Teaching		
			PLT K-6 (#0622 or 5622)	PLT 5-9 (#0623 or 5623)	PLT 7-12 (#0624 or 5624)
Early Childhood PK-3	Elementary Content Knowledge (0014 or 5014) prior to 9/1/15	150	PLT: Early Childhood 0621 or 5621 (Score 157)		
Early Childhood PK-3	Effective 9/1/15 to 8/31/17 Elementary Education: Content Knowledge (5018) OR Elementary Education: Multiple Subjects (5001) • Reading/Language Arts(5002) • Mathematics (5003) • Social Studies (5004) • Science (5005)	163 157 157 155 159	PLT: Early Childhood 0621 or 5621 (Score 157)		
	Mandatory 9/1/17 Elementary Education: Multiple Subjects (5001) • Reading/Language Arts(5002) • Mathematics (5003) • Social Studies (5004) • Science (5005)	157 157 155 159			
Grades 1-5	Elementary Content Knowledge (0014 or 5014) prior to 9/1/15	150	160	---	---
Grades 1-5	Effective 9/1/15 to 8/31/17 Elementary Education: Content Knowledge (5018) OR Elementary Education: Multiple Subjects (5001) • Reading/Language Arts(5002) • Mathematics (5003) • Social Studies (5004) • Science (5005) Mandatory 9/1/17 Elementary Education: Multiple Subjects (5001) • Reading/Language Arts(5002) • Mathematics (5003) • Social Studies (5004) • Science (5005)	163 157 157 155 159 157 157 155 159	160		
Grades 4-8 Mathematics	Middle School Mathematics (0069) Prior to 1/1/14 Middle School Mathematics (5169) Effective 1/1/14 Effective 1/1/14-8/31/2022 Middle School Mathematics (5164) Effective 9/1/2021	148 165 157	---	160	---
Grades 4-8 Science	Middle School Science (0439) Prior to 6/8/14 Middle School Science (5440) Effective 6/8/14 to 3/31/2022 Middle School Science (5442) Effective 4/1/2021	150 150 152	---	160	---
Grades 4-8 Social Studies	Middle School Social Studies (0089 or 5089)	149	---	160	---
Grades 4-8 English/ Language Arts	Middle School English/Language Arts (0049 or 5049) Prior to 1/1/14	160 164	---	160	---
	Middle School English (5047) Effective 1/1/14				

C. Certification Areas

1. Grades 6-12 Certification

Grades 6-12 Certification Areas					
Certification Area	Name of PRAXIS Test	Score			PLT 7-12
Agriculture	Agriculture (0700) Prior to 6/8/14	510	---	---	157
	Agriculture (5701) Effective 6/8/14	147			
Algebra I	Algebra I (5162) Effective 8/14/18	157			
	Middle School Mathematics (5169) Effective 1/1/14-8/31/2022	165 157			
	Middle School Mathematics (5164) Effective 9/1/2021				
American Sign Language	American Sign Language Proficiency Interview (ASLPI-0634)	3+170	World Languages Pedagogy 0841 (Score 158)		
Biology	Biology: Content Knowledge (0235 or 5235)	150	---	---	157
Business	Business Education: Content Knowledge (0101 or 5101)	154	---	---	157
Chemistry	Chemistry: Content Knowledge (0245 or 5245)	151			157

Grades 6-12 Certification Areas					
Certification Area	Name of PRAXIS Test	Score			PLT 7-12
Chinese	Chinese (Mandarin): World Language (5665)	164	PLT7-12 (Score 157) until 6/30/13; After 6/30/13 World Languages Pedagogy 0841 (Score 158)		
English	English Language, Literature, and Composition: Content Knowledge (0041 or 5041) Pedagogy (0043) Prior to 1/1/14 English Language Arts: Content and Analysis (5039) Effective 1/1/14	160 130 168	---	---	157
Family and Consumer Sciences	Family and Consumer Sciences (0121 or 5121) Prior to 6/8/14 Family and Consumer Sciences (5122) Effective 6/8/14	141 153	---	---	157
French	French: World Language (5174)	157	PLT7-12 (Score 157) until 6/30/13; After 6/30/13 World Languages Pedagogy 0841 (Score 158)		
General Science	General Science: Content Knowledge (0435 or 5435)	156	---	---	157
German	German: World Language (5183)	157	PLT7-12 (Score 157) until 6/30/13; After 6/30/13 World Languages Pedagogy 0841 (Score 158)		
Mathematics	Mathematics: Content Knowledge (0061 or 5061) Effective 6/1/10-12/31/13 Mathematics: Content Knowledge (5161) Effective 1/1/14-8/31/2022 Mathematics: Content Knowledge (5165) Effective 9/1/2021	135 160 159	---	---	157
Physics	Physics: Content Knowledge (0265 or 5265)	141			157
Social Studies	Social Studies: Content and Interpretation (0086 or 5086)	*153	---	---	157
Spanish	Spanish: World Language (5195)	157	PLT7-12 (Score 157) until 6/30/13; After 6/30/13 World languages Pedagogy 0841 (Score 158)		
Speech	Speech Communications (0221 or 5221)	146	---	---	157
Technology Education	Technology Education (0051 or 5051)	159	---	---	157
Computer Science Earth Science Environmental Science Journalism Latin Marketing	At this time, a content area exam is not required for certification in Louisiana.	---	---	---	157

* The passing score for tests taken prior to January 1, 2020 is 160.

2. All-Level K-12 Certification

All-Level K-12 Certification Areas							
Subject Area	Praxis Test	Score	PLT K-6		PLT 5-9		PLT 7-12
Grades K-12 Art	Art: Content Knowledge (0134 or 5134)	159	160	or	160	or	157
Grades K-12 Dance	None Available**	---	160		160	or	157
Grades K-12 Foreign Languages	Chinese (Mandarin): World Language (5665)	164	PLT K-6 (Score 160) or PLT 5-9 (Score 160) or PL7-12 (Score 157) until 6/30/13; After 6/30/13 World Languages Pedagogy 0841 (Score 158)				
	French: World Language (5174)	157					
	German: World Language (5183)	157					
	Spanish: World Language (5195)	157					
	American Sign Language Proficiency Interview (ASLPI - 0634)	3+ 170					
Grades K-12 Music	Music: Content Knowledge (0113 or 5113)	151	160	or	160	or	157
Grades K-12 Health and Physical Education	Physical Education: Content Knowledge (0091 or 5091), Prior to 6/8/14	146	160		160	or	157
	Health and Physical Education (5857), Effective 6/8/14	160					

**At this time, a content area exam is not required for certification in Louisiana

D. Special Education Areas

Area	Content Exam	Score	Pedagogy Requirement	Score
All Special Education Area(s)				
Early Interventionist	Prior to 9/1/15: Elementary Content Knowledge prior to 9/1/15 (0014 or 5014) Effective 9/1/15 to 8/31/17 Elementary Education: Content Knowledge (5018) OR Elementary Education: Multiple Subjects (5001) <ul style="list-style-type: none"> ● Reading/Language Arts (5002) ● Mathematics (5003) ● Social Studies (5004) ● Science (5005) Mandatory 9/1/17 Elementary Education: Multiple Subjects (5001) <ul style="list-style-type: none"> ● Reading/Language Arts (5002) ● Mathematics (5003) ● Social Studies (5004) ● Science (5005) 	150 163 157 157 155 159 157 157 155 159	Effective 1/1/12: Special Education: Core Knowledge and Applications (0354 or 5354) and Principles of Learning and Teaching: Early Childhood (0621 or 5621) Effective 1/1/14: Special Education: Early Childhood (0691) AND Principles of Learning and Teaching: Early Childhood (0621 or 5621)	145 157 159 157
Deaf and Hard of Hearing	Prior to 9/1/15: Elementary Content Knowledge (0014 or 5014) Effective 9/1/15 to 8/31/17: Elementary Education: Content Knowledge (5018) OR Elementary Education: Multiple Subjects (5001) <ul style="list-style-type: none"> ● Reading/Language Arts(5002) ● Mathematics (5003) ● Social Studies (5004) ● Science (5005) Mandatory 9/1/17: Elementary Education: Multiple Subjects (5001) <ul style="list-style-type: none"> ● Reading/Language Arts(5002) ● Mathematics (5003) ● Social Studies (5004) ● Science (5005) 	150 163 157 157 155 159 157 157 155 159	Effective 11/1/11: Special Education: Core Knowledge and Applications (0354 or 5354) AND Education of Deaf and Hard of Hearing Students (0271) Effective 1/1/14: Special Education: Core Knowledge and Applications (0354 or 5354) AND Special Education: Education of Deaf and Hard of Hearing Students (0272 or 5272)	145 160 145 160
Mild to Moderate Disabilities	ALL Candidates must pass a content area exam appropriate to certification level 1-5, 4-8, 6-12 such as elementary, or core subject-specific exams for middle or secondary grades.		Special Education: Core Knowledge and Mild to Moderate Applications (0543 or 5543) AND PLT specific to grade level (K-6, 5-9, or 7-12)	153
Significant Disabilities	Elementary Content Knowledge prior to 9/1/15 (0014 or 5014) Effective 9/1/15 to 8/31/17 Elementary Education: Content Knowledge (5018) OR Elementary Education: Multiple Subjects (5001) <ul style="list-style-type: none"> ● Reading/Language Arts(5002) ● Mathematics (5003) ● Social Studies (5004) ● Science (5005) Mandatory 9/1/17 Elementary Education: Multiple Subjects (5001) <ul style="list-style-type: none"> ● Reading/Language Arts(5002) ● Mathematics (5003) ● Social Studies (5004) ● Science (5005) 	150 163 157 157 155 159 157 157 155 159	Special Education: Core Knowledge and Severe to Profound Applications (0545 or 5545)	153

Area	Content Exam	Score	Pedagogy Requirement	Score
Visual Impairments/Blind	Elementary Content Knowledge prior to 9/1/15 (0014 or 5014) Effective 9/1/15 to 8/31/17 Elementary Education: Content Knowledge (5018) OR Elementary Education: Multiple Subjects (5001) • Reading/Language Arts(5002) • Mathematics (5003) • Social Studies (5004) • Science (5005) Mandatory 9/1/17 Elementary Education: Multiple Subjects (5001) • Reading/Language Arts(5002) • Mathematics (5003) • Social Studies (5004) • Science (5005)	150	Special Education: Core Content Knowledge and Applications (0354 or 5354) Effective 11/1/11 Special Education: Core Content Knowledge and Applications (0354 or 5354) and Special Education: Teaching Students with Visual Impairments (0282) Effective 1/1/14	145
		163		145
		157		163
		157		
		155		
		159		
		157		
		157		
		155		
		159		

E. Administrative and Instructional Support Areas

Certification Area	Name of Test	Area Test Score
Educational Leader—Level 1	School Leaders Licensure Assessment (1011 or 6011)	166 (Effective until 7/31/20)
	School Leaders Licensure Assessment (6990)	151 (Effective 9/1/19)
	Louisiana Leadership Assessment Series	“Demonstrated” (for at least 9 assessments within the series) Effective April 1, 2020
Educational Leader—Level 3	School Superintendent Assessment (6021)	160 (Effective until 7/31/20)
	School Superintendent Assessment (6991)	162 Current-
School Counselor K-12	Professional School Counselor (0421 or 5421)	156
School Librarian	Library Media Specialist (0311 or 5311)	136

F. Reading Exams

Name of Test	Area Test Score
Teaching Reading Exam (0204 or 5204) Effective 9/1/2011 – 7/31/2020	157
Teaching Reading Exam (0206 or 5206) Effective 9/1/2019	156

1. Praxis scores, for certification purposes, must be received by the LDE via one of the following ways:

- the electronic ETS Praxis score report forwarded directly from ETS; or
- the original Praxis score report issued by ETS submitted with the certification application.

G. Mentor Teacher and Content Leader. The mentor teacher certificate and the content leader certificate may be earned by passing the applicable Louisiana assessment series.

Certification Area	Name of Test	Area Test Score
Mentor Teacher	Louisiana Mentor Teacher Assessment Series—Elementary	2 coaching- related components
	Louisiana Mentor Teacher Assessment Series—Secondary ELA	2 coaching- related components
	Louisiana Mentor Teacher Assessment Series—Secondary Math	2 coaching- related components
	Louisiana Mentor Teacher Assessment Series—Universal	2 coaching- related components
Content Leader	Louisiana Content Leader Assessment Series	4
	Intervention Content Leader Assessment Series	3

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1833 (October 2006), amended LR 36:485 and 488 (March 2010), LR 36:2265 (October 2010), LR 37:551 (February 2011), repromulgated LR 37:556 (February 2011), amended LR 37:3210 (November 2011), LR 39:1461 (June 2013), LR 40:277 (February 2014), LR 40:1680 (September 2014), LR 41:645 (April 2015), LR 41:916 (May 2015), LR 42:233 (February 2016), LR 43:1292 (July 2017), LR 44:264 (February 2018), LR 44:1999 (November 2018), LR 45:228, 230 (February 2019), repromulgated LR 45:403 (March 2019), amended LR 45:1458 (October 2019), LR 46:325 (March 2020), LR 46:557 (April 2020), LR 46:1374 (October 2020), LR 47:453 (April 2021), repromulgated LR 47:574 (May 2021), amended LR 48:

§305. Minimum Requirements for Approved Regular Education Programs for Birth to Kindergarten

A. For certification as a teacher of birth to kindergarten children in the state of Louisiana, the focus is on birth to kindergarten education.

- General Education—39 semester credit hours. Requirements provide the birth to kindergarten teacher with basic essential knowledge and skills.

English	12 semester hours
Mathematics	6 semester hours
Sciences	9 semester hours
Social studies	9 semester hours
Arts	3 semester hours

2. Focus Area—Birth to Kindergarten—30 semester credit hours. Requirements provide the prospective birth to kindergarten teacher with a strong foundation pertaining to the growth and development of young children. All courses are to be aligned to state and national standards for birth to kindergarten.

Birth to kindergarten content knowledge and instruction identified by the State as being required for an Early Childhood/Ancillary Certificate	9 semester credit hours
Infant/Toddler and Preschool/Kindergarten Development	6 semester credit hours
Infant/Toddler and Preschool/Kindergarten Methodology	6 semester credit hours
Language and Literacy Development	3 semester credit hours
Family Systems and Practicum	6 semester credit hours

3. Knowledge of the Learner and Learning Environment—9 semester credit hours. Requirements provide the prospective birth to kindergarten teacher with a fundamental understanding of the birth to kindergarten learner and the teaching and learning process. Coursework should address the needs of the regular and the exceptional child, as follows:

- a. educational psychology;
- b. assessment of young children;
- c. behavior management;
- d. diverse/multicultural education.

4. Methodology and Teaching—15 semester hours. Requirements provide the prospective birth to kindergarten teacher with fundamental pedagogical skills.

Teaching methodology	6 semester hours
Advanced Language Development and Literacy	6 semester hours
Professional Teaching Residency and Seminar I and Professional Teaching Residency and Seminar II	24 semester hours
Flexible hours for the university's use	6 semester hours
Total required hours in the program	120 semester hours

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:17:6(A)(10), (11), and (15), R.S. 17:7(6), and R.S. 17:407.81.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:916 (May 2015), amended LR 48:

Subchapter C. General Teacher Competencies

§307. Introduction

A. The following teacher preparation competencies apply to all content areas and grade levels for which a teacher candidate may be certified to teach.

B. The competencies identify essential knowledge and skills that align with current expectations for practicing teachers, including but not limited to what a teacher candidate must know and be able to do in order to:

1. communicate and collaborate with students, colleagues, families, and community members to support students' learning and development; and

2. design and deliver effective instruction to all students, including students with exceptionalities and students in need of academic and non-academic intervention in a regular education setting.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 43:1296 (July 2017), amended LR 48:

§309. General Competencies

A. The teacher candidate demonstrates, at an effective level, the Louisiana components of effective teaching as defined in Bulletin 130 and the compass teacher rubric or local personnel evaluation, as applicable.

B. The teacher candidate demonstrates mastery of the content knowledge and skills and content pedagogy needed to teach the current academic standards as defined in BESE policy.

C. The teacher candidate uses evidence to continually evaluate practice, particularly the effects of choices and actions on students and adapts practice to meet the needs of each student.

1. The teacher candidate observes and reflects on student responses to instruction to identify areas of need and make adjustments to practice.

2. The teacher candidate gathers, synthesizes, and analyzes a variety of data from a variety of sources to adapt instructional practices and other professional behaviors to better meet student needs.

3. The teacher candidate uses structured input and feedback from a variety of sources such as colleagues, mentor teachers, school leaders, and preparation faculty to adjust instructional practice and professional behaviors to better meet student needs.

D. The teacher candidate elicits and uses information about students and experiences from families and communities to support student development and learning and adjust instruction and the learning environment.

E. The teacher candidate applies knowledge of state and federal laws related to student rights and teacher responsibilities for appropriate education for students with and without exceptionalities, parents, teachers, and other professionals in making instructional decisions and communicating with colleagues and families such as laws and policies governing student privacy, special education, and limited English proficient education, including but not limited to Bulletin 1508, Bulletin 1530, Bulletin 1706, and Bulletin 1903.

F. The teacher candidate differentiates instruction, behavior management techniques, and the learning environment in response to individual student differences in cognitive, socio-emotional, language, and physical development.

G. The teacher candidate develops and applies instructional supports and plans for an individualized education plan (IEP) or individualized accommodation plan (IAP) to allow a student with exceptionalities developmentally appropriate access to age- or grade-level instruction, individually and in collaboration with colleagues.

H. The teacher candidate applies knowledge of various types of assessments and the purposes, strengths, and limitations to select, adapt, and modify assessments to accommodate the abilities and needs of students with exceptionalities.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 43:1296 (July 2017).

Subchapter D. Special Education Teacher Competencies

§311. Introduction

A. The competencies identify the fundamental knowledge and skills that should be developed and assessed in teacher candidates who are pursuing certification that includes eligibility to teach special education in Louisiana.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 43:1297 (July 2017), amended LR 48:

§313. Learning Environments

A. The teacher candidate uses positive motivational and instructional interventions to teach students with exceptionalities how to adapt to different environments.

B. The teacher candidate sets expectations for personal and social behavior of students with exceptionalities in various settings such as the classroom, library, cafeteria, gymnasium, and/or job site and incorporates the expectations into effective instructional routines, lesson plans, IEP goals, and objectives.

1. The teacher candidate provides positive visual, physical, and/or motivational support to individual students for integration into various settings.

C. The teacher candidate designs and adapts learning environments for diverse student populations that facilitate active participation in individual and group activities.

D. The teacher candidate modifies the learning environment, including the physical arrangement, student grouping, instructional intensity, pacing, and embedded assistive technology supports, to proactively manage student behaviors and unique learning needs.

1. The teacher candidate uses a variety of non-aversive techniques to control targeted behavior and maintain attention of students with exceptionalities.

2. The teacher candidate uses assessment data to select appropriate environmental accommodations and modifications to address deficits in student behaviors and learning needs.

E. The teacher candidate intervenes safely and appropriately when students with exceptionalities are in crisis.

F. The teacher candidate designs and implements positive interventions to develop and strengthen on task/desirable behaviors.

G. The teacher candidate plans and implements individualized reinforcement systems and environmental modifications at levels equal to the intensity of student behavior and function.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 43:1297 (July 2017), amended LR 48:

§315. Curriculum

A. The teacher candidate makes the general curricula accessible to students with exceptionalities by implementing instruction that is inclusive of appropriate accommodations and modifications to the general curricula as outlined in an IEP.

B. The teacher candidate develops and implements comprehensive, longitudinal individualized programs, and IEPs in collaboration with team members, the individual, and family.

1. The teacher candidate addresses the needs of students with exceptionalities that extend beyond the general education curriculum within IEPs and through instruction across various educational settings and contexts.

C. The teacher candidate uses augmentative and alternative communication systems and a variety of assistive technologies to support instructional assessment, planning, and delivery for students with exceptionalities.

1. The teacher candidate selects, designs, and uses high- and low-technology materials and resources required to educate individuals whose exceptionalities interfere with communication.

D. The teacher candidate integrates affective, social, and life skills with academic curricula, creating the opportunity for students to practice the skills in the context of authentic daily routines.

1. The teacher candidate designs, implements, and evaluates instructional programs that enhance social participation across environments.

E. The teacher candidate applies knowledge of career, vocational, and transition programs for students with exceptionalities to design and implement instructional programs that address independent living and career education for individuals.

1. The teacher candidate uses a variety of community- and school-based resources and strategies to successfully transition students with exceptionalities into and out of school and post-school environments.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 43:1297 (July 2017), amended LR 48:

§317. Assessment

A. The teacher candidate monitors progress of students with exceptionalities towards attainment of IEP goals and objectives.

1. The teacher candidate uses knowledge of measurement principles and practices to interpret assessment results and guide educational decisions for students with exceptionalities.

2. The teacher candidate uses multiple types of assessment information in making instructional, eligibility, program, and placement decisions for students with exceptionalities, including students from culturally and linguistically diverse backgrounds.

3. The teacher candidate uses appropriate technology to conduct assessments in keeping with assessment protocols and in alignment with student needs.

B. The teacher candidate identifies and uses assessment data to identify the need for interventions and services for individuals who are in need of additional academic and/or non-academic support, including early identification of young individuals who may be at risk for exceptionalities.

1. The teacher candidate uses data derived from functional assessments to develop intervention plans aligned to the specific needs of individual students.

C. The teacher candidate selects, adapts, and modifies assessments or assessment strategies to accommodate abilities and needs of students with exceptionalities.

1. The teacher candidate implements procedures for assessing and reporting both appropriate and problematic social behaviors of students with exceptionalities.

2. The teacher candidate identifies reliable methods of response from students who lack typical communication and performance abilities, using supports as needed to accommodate individual student needs.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 43:1297 (July 2017), amended LR 48:

§319. Instructional Planning

A. The teacher candidate plans and implements age- and ability-appropriate instruction for students with exceptionalities that supports progress in the general curricula.

1. The teacher candidate incorporates goals and strategies from multiple IEPs in lesson plans.

2. The teacher candidate uses and adapts instructional strategies according to characteristics and needs of students with exceptionalities.

3. The teacher candidate selects and adapts instructional materials according to characteristics and needs of students with exceptionalities.

B. The teacher candidate selects and uses a variety of assistive technologies within instructional routines to promote access to the general curriculum for students with exceptionalities.

C. The teacher candidate modifies the pace of instruction and provides organizational cues to meet the instructional needs of students with exceptionalities.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 43:1298 (July 2017), amended LR 48:

Subchapter E. English Language Arts and Literacy Teacher Competencies

§321. Introduction

A. The English language arts and literacy teacher preparation competencies identify essential knowledge and skills for teacher candidates seeking certification in birth to kindergarten, pre-kindergarten-third grade, elementary grades 1-5, elementary grades 1-5 integrated to merged, English language arts grades 4-8, English language arts grades 4-8 integrated to merged, English language arts 6-12, and English language arts grades 6-12 integrated to merged.

B. Content knowledge competencies identify foundational knowledge of the English language and

language development, reading, composition, and oral language skills.

C. Content pedagogy competencies identify teaching knowledge and skills that are specific to English Language arts instruction that develop the student ability to:

1. understand and use vocabulary and language, including early literacy, such as print awareness, phonological skill, word recognition, and incidental reading foundational skills to facilitate understanding and comprehension of the written word;

2. understand topics, themes, and ideas to determine text meaning;

3. build understanding about texts using evidence through discussion; and

4. demonstrate understanding of the language, craft, topics, themes, and ideas of complex grade-level texts through writing using evidence and appropriate grade-level conventions, spelling, and structure.

D. Disciplinary literacy competencies identify what a teacher candidate must know and be able to do to teach reading and literacy effectively in the context of certification areas other than English language arts in areas such as the middle grades and secondary science or social studies.

1. The ELA and literacy competencies are applicable to teacher candidates who are pursuing certification for grades 4-8 or 6-12 in any content area other than English language arts.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 43:1298 (July 2017), amended LR 48:

§323. Content Knowledge Competencies

A. The teacher candidate is able to read and understand the language, craft, topics, themes, and ideas of complex texts and explain how one is able to read and understand the texts.

1. The teacher candidate reads a wide variety of complex texts appropriate for instruction of age or grade-level reading, writing, speaking and listening, and language standards. The variety of texts includes print and non-print or digital texts; media texts, including but not limited to, songs, videos, podcasts, film, and classic texts and contemporary texts. The texts include children's literature that represent a range of world literatures, historical traditions, genres, forms, and the experiences of different genders, ethnicities, and social classes.

2. The teacher candidate determines the meaning, purpose, and main ideas of complex texts and explains the development orally and in writing based on the interaction of an author's craft by using word choice, syntax, use of details and illustrations, and figurative language, elements and structure such as setting, characterization, development and organization, plot, pacing, and evidence, literary effects of symbolism and irony, and rhetorical devices.

3. The teacher candidate explains how vocabulary, diction, syntax, and sentence patterns contribute to the meaning, complexity, clarity, coherency, fluency, and quality of a text.

4. The teacher candidate selects words in complex texts which most contribute to the meaning, are common

among complex texts, are part of word families, or have multiple meanings.

5. The teacher candidate makes connections among texts, including determining and explaining how each text challenges, validates, or refines the language, topics, themes, and/or ideas of other texts and how modern texts or texts in different mediums adapt, enhance, or misrepresent a source text.

6. The teacher candidate assesses the credibility and usability of texts by analyzing texts with differing viewpoints to determine areas of conflict or possible bias, evaluating whether the reasoning is sound and the evidence is relevant and sufficient, and determining the advantages and disadvantages of different texts and mediums for presenting a particular topic or idea.

7. The teacher candidate recognizes the influence of English language and literary history on English language arts content.

B. The teacher candidate demonstrates proficiency with written and spoken language when writing about the topics, themes, and/or ideas of complex texts.

1. The teacher candidate creates a range of formal and informal, process and on-demand oral, written, and visual compositions to include analytic, argumentative, explanatory, and narrative text about the language, craft, topics, themes, and/or ideas of complex texts, taking into consideration the interrelationships among form, audience, context, and purpose.

2. The teacher candidate uses complex texts to locate models of writing such as word choice, syntax, sentence variety and fluency, text structure, and style and uses the models to imitate the language, structure, and style into personal writing.

3. The teacher candidate knows and appropriately uses the conventions of English language grammar, usage, and mechanics in relation to various rhetorical situations and to various style guides for composition.

4. The teacher candidate recognizes and explains the historical context of modern English language, including recognizing root words, determining word etymologies, and analyzing changes in syntax.

5. The teacher candidate explains the concept of dialect, recognize the effect and impact on the meaning and development of written and spoken language, and knows how to apply the concept in context when appropriate.

6. The teacher candidate explains the importance of language structure, syntactic awareness, and discourse awareness in developing reading and writing fluency.

C. The teacher candidate demonstrates understanding of the stages of language, reading, and writing development.

1. The teacher candidate explains the progression, connection, and relationships among the major components of early literacy development, including the typical and atypical development of skills in the areas of language, phonological skill, morphology, orthography, semantics, syntax, and discourse; reading, print awareness, decoding, fluency, and comprehension; and spelling and writing development including pre-literate, early emergent, emergent, transitional, and conventional.

2. The teacher candidate defines, explains, produces, and classifies the basic phonetic structure and orthographic rules and patterns of the English language, including but not

limited to phonemes, graphemes, diagraphs, blends, r-control vowels, hard and soft consonants, and explains the relation to the progression of reading and writing development.

3. The teacher candidate explains the principles of teaching word identification and spelling and gives examples illustrating each principle.

4. The teacher candidate explains the role of fluency in typical reading development including word recognition, oral reading, silent reading, and comprehension, and as a characteristic of certain reading disorders.

5. The teacher candidate identifies, defines, and explains the relationship between environmental, cultural, and social factors that contribute to literacy development and the difference between delays and characteristics of some reading disorders, as determined by academic standards.

6. The teacher candidate explains and demonstrates through oral reading the print concepts young students must develop regarding text orientation, directionality, connection of print to meaning, return sweep, page sequencing, and punctuation.

7. The teacher candidate explains the stages of the development of phonological awareness skills and gives examples illustrating each stage of rhyme, syllable, onset-rime, phoneme segmentation, blending, and substitution.

8. The teacher candidate demonstrates appropriate enunciation in oral demonstrations, especially speech sounds when conducting phonemic awareness lessons.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 43:1298 (July 2017), amended LR 48:

§325. English Language Arts Content Pedagogy Competencies

A. The teacher candidate applies knowledge of the relationships among speaking and listening, language, reading, and writing to use writing and speaking and listening experiences in conjunction with language and reading instruction to enhance student reading and writing development.

1. The teacher candidate for B-K, PK-3, and 1-5 uses knowledge of the progression of phonological awareness skills to select or design and implement sequenced lessons and units that scaffold student development of phonological awareness and enhance reading and writing development through the use of a variety of intentional, explicit, and systematic instructional practices embedded in a range of continuous texts.

2. The teacher candidate for grades 1-5, 4-8, and 6-12 uses knowledge of the progression of language, reading, and writing skills to select or design and implement lesson sequences that scaffold and enhance early adolescent and adolescent student reading and writing development through the use of a variety of intentional, explicit, and systematic instructional practices embedded in a range of continuous texts for small-group instruction or intervention in addition to whole-class instruction with grade-level standards.

3. The teacher candidate uses knowledge of the relationship between phonemes and graphemes to plan writing experiences in conjunction with phonological instruction to enhance student reading and writing development.

4. The teacher candidate selects and uses various strategies to develop student reading fluency, including guiding student awareness of syntax and discourse.

5. The teacher candidate selects or designs and implements lessons and unit sequences which provide opportunities for all students to read a wide range and volume of texts for various purposes of understanding, pleasure, and research, and make connections among texts based on the language, craft, topics, themes, and/or ideas.

6. When appropriate and based on age- or grade-level standards, the teacher candidate supports student selection of texts and assessment of the credibility and usability of texts for different purposes.

7. The teacher candidate schedules and coordinates instructional time to make content connections with science, social studies, and the arts to ensure students build a wide vocabulary and knowledge of the world.

B. The teacher candidate selects or designs and implements instruction that provides opportunities for students at various stages of language, reading, and writing development to accurately and fluently read, understand, and express understanding of a range of complex grade-level texts, as determined by age- or grade-level standards.

1. The teacher candidate selects a volume of appropriately complex texts about similar topics, themes, and/or ideas that present opportunities for instruction and assessment of age- or grade-level standards.

2. The teacher candidate selects and uses multiple academic standards for instruction with selected complex texts about similar topics, themes, or ideas to identify sections for rereading through interactive read aloud, read along, pair or group reading, and/or independent reading, and creates and sequences questions and tasks.

3. The teacher candidate anticipates student misconceptions or challenges and identifies a variety of grade-level appropriate instructional strategies to scaffold instruction and provide all students with opportunities to read, understand, and express understanding through conversations and writing using grade-level appropriate language, conventions, spelling, and structure.

C. The teacher candidate selects or designs and implements instructional materials that develops student ability to meet the age- or grade-level standards for reading, writing, speaking and listening, and language by composing a range of oral, written, and visual texts using formal and informal, process and on-demand, and different genres for a variety of purposes and audiences).

1. The teacher candidate selects and uses multiple academic standards for instruction with selected complex texts about similar topics, themes, and ideas to select or design composition tasks that explain, analyze, challenge, or extend the language, craft, topics, themes, and ideas of the texts.

2. The teacher candidate locates models of writing in complex texts to illustrate word choice, syntax, sentence variety, fluency, text structure, and style and selects or designs and implements instruction that develops student ability to use the models to advance language, structure, and style in personal writing.

3. The teacher candidate facilitates classroom discussions based on the age- or grade-level standards for speaking and listening that allow students to refine thinking

about the language, craft, topics, themes, and/or ideas in complex texts in preparation for writing, when appropriate, as indicated by academic standards.

4. The teacher candidate develops, based on academic standards, student ability to create an organizing idea or thesis statement, effectively organize and develop a written, oral, or visual response, and, when appropriate, develop a topic or support an opinion or claim about the language, craft, topics, themes, and/or ideas in complex texts using relevant evidence.

5. The teacher candidate provides opportunities incorporating technology for students to plan, draft, revise, edit, and publish written, oral, visual, and digital texts, individually and collaboratively through shared and small-group writing and peer editing to communicate knowledge, ideas, understandings, insights, and experiences.

6. The teacher candidate anticipates how students may use non-standard language orally and in writing and selects or designs and implements instruction based on age- or grade-level standards to develop student ability to use language conventions of grammar, usage, and mechanics accurately and strategically in writing for different audiences and purposes.

7. The teacher candidate selects or designs and implements tasks for all students, as indicated by academic standards for reading, writing, speaking and listening, and language that require research of a topic, theme, or idea presented in complex texts and communication of findings orally and in writing.

D. The teacher candidate applies knowledge of language, reading, and writing development to select or design and use a range of ongoing classroom assessments including diagnostic, formal and informal, formative and summative, oral, and written which measure students' ability to read, understand, and demonstrate understanding of a range of grade-level complex texts to inform and adjust planning and instruction.

1. The teacher candidate selects or designs a range of ongoing assessments including formal and informal, formative and summative, oral, and written to measure student ability to use knowledge of language, print concepts, phonological awareness, phonics, and word recognition to accurately and fluently read, understand, and express understanding of a range of continuous texts.

2. The teacher candidate applies knowledge of reading, writing, and language development to identify trends in student reading foundational skills, writing, and language development and identify students who are in need of additional support with decoding, fluency, vocabulary development, speaking and listening, writing, and grammar.

3. The teacher candidate assesses specific reading behaviors often associated with fluency problems such as lack of automaticity, substitution, omissions, repetitions, inappropriate reading rates, and inaccuracy and recognizes atypical developmental patterns, and collaborates with colleagues and specialists to plan and implement appropriate instructional support(s) that address individual needs without replacing regular classroom instruction.

4. The teacher candidate assesses student written expression skills of handwriting for elements of legibility, such as letter formation, size and proportion, and spacing, and keyboarding for proper technique and style, such as

adequate rate and accuracy, appropriate spacing, and proficiency with word processing programs, identifies elements that need improvement, and designs instructional supports that support student mastery.

5. The teacher candidate uses assessment trends to make adjustments to instructional plans through re-teaching, targeted mini-lessons, individualized or small-group remediation, or extension and identifies differentiated instructional supports that provide all students with opportunities to read, understand, and express understanding of complex texts, as determined by age- or grade-level standards.

6. The teacher candidate uses assessment trends to form flexible groups of students and select or design and implement small-group instruction to improve student ability to read independently a range of continuous texts and write in response using age- or grade-level appropriate conventions, spelling, language, and structure.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 43:1299 (July 2017), amended LR 48:

§327. Disciplinary Literacy Competencies

A. The teacher candidate applies knowledge of the theoretical and evidence-based foundations of reading and writing processes and specific disciplinary literacy expectations as described in academic standards to select or design and implement an integrated and comprehensive curriculum that develops students' understanding of content.

1. The teacher candidate explains the research and theory of disciplinary literacy and demonstrates discipline-specific reading and writing skills.

2. The teacher candidate explains how disciplinary literacy skills are necessary for learning content and expressing understanding of content through writing and speaking based on the academic standards for certification content area.

3. The teacher candidate selects or designs and implements discipline-specific curriculum and instructional materials which incorporate technology to support instructional goals and objectives for the disciplinary literacy demands of the certification content area and differentiates the materials for the range of literacy needs of adolescent readers.

4. The teacher candidate selects, assesses the accuracy and credibility of, and uses a range and volume of print, digital, visual, and oral discipline-specific texts including primary and secondary sources in social studies or current research, informational journals, experimental data, and results in science as instructional tools.

B. The teacher candidate applies knowledge of disciplinary literacy to select and use appropriate and varied instructional approaches to build all student ability to understand and express understanding of discipline specific content through reading, writing, speaking, and language.

1. The teacher candidate provides opportunities for students to learn and use vocabulary and language specific to the certification content area, practice discipline-specific reading and writing strategies, and gain and express understanding of content by exploring key questions through

grade-level print, digital, visual, and oral discipline specific texts.

C. The teacher candidate applies knowledge of disciplinary literacy to select or design and use a range of ongoing classroom assessments for diagnostic, formal and informal, formative and summative, oral and written use which measure student mastery of grade-level standards in order to inform and adjust planning and instruction.

1. The teacher candidate assesses student ability to understand and use discipline-specific vocabulary and language, gain knowledge and understanding of content through grade-level, discipline-specific texts, and express knowledge and understanding through speaking and writing.

2. The teacher candidate uses trends in assessment results to plan lessons, make adjustments to instruction, and provide remediation and enrichment opportunities for students.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 43:1301 (July 2017), amended LR 48:

Subchapter F. Mathematics Teacher Competencies

§329. Introduction

A. The mathematics teacher preparation competencies identify essential knowledge and skills for teacher candidates seeking certification in birth to kindergarten, pre-kindergarten-third grade, elementary grades 1-5, elementary grades 1-5 integrated to merged, mathematics grades 4-8, mathematics grades 4-8 integrated to merged, mathematics 6-12, and mathematics 6-12 integrated to merged.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 43:1301 (July 2017), amended LR 48:

§331. Content Knowledge Competencies

A. Utilizing the academic standards for mathematics for the certification grade band and adjacent grade bands, the teacher candidate, at minimum, demonstrates the following competencies to plan for instruction, teach, and assess student learning:

1. provides exact, explicit definitions of mathematical ideas and concepts using appropriate mathematical language;

2. provides precise, accurate, useful descriptions of algorithms and procedures, including descriptions of the accuracy of alternative procedures or algorithms;

3. exhibits an integrated, functional grasp of mathematical concepts and procedures;

4. explains concepts and executes procedures flexibly, accurately, efficiently, and appropriately;

5. models the mathematical dispositions and habits of mind described in the practice standards, including precision of language, logical thought, reflection, explanation, and justification;

6. recognizes and uses the connections between the topics identified in the relevant standards and problems arising in real-world applications; and

7. portrays mathematics as sensible, useful, and worthwhile.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 43:1301 (July 2017), amended LR 48:

§333. Content Pedagogy Competencies

A. The teacher candidate applies knowledge of mathematical topics and relationships within and across mathematical domains to identify key mathematical ideas and select or design mathematically sound lesson sequences and units of study that develop student conceptual understanding, procedural skill and fluency, and ability to solve real-world and mathematical problems.

1. The teacher candidate appropriately sequences content for instruction within a lesson or unit of study and plans appropriate scaffolding to provide opportunities for students to access and master grade-level standards.

2. The teacher candidate anticipates student misconceptions which may arise during a lesson or unit of study, identifies key points in the lesson or unit to check for misconceptions, and identifies appropriate instructional strategies to respond to misconceptions, including but not limited to questioning, whole group discussion, problem sets, instructional tools, and representations that make the mathematics of the lesson explicit.

3. The teacher candidate selects or designs standards-based tasks that use varied strategies, including but not limited to real-life applications, manipulatives, models, and diagrams/pictures that present opportunities for instruction and assessment.

4. The teacher candidate selects or designs practice sets that include scaffolding and differentiation of mathematical content to provide opportunities for students to develop and demonstrate mastery.

5. The teacher candidate identifies appropriate student groupings, such as pairs or small groups, to develop student conceptual understanding, skill, and fluency with mathematical content as well as independent mathematical thinking.

B. The teacher candidate applies understanding of student mathematical language development to provide regular opportunities during instruction for students to explain understanding both in writing and orally through classroom conversations.

1. The teacher candidate explains the connection between informal language to precise mathematical language to develop student ability to use precise mathematical language in explanations and discussions.

C. The teacher candidate applies understanding of the intersection of mathematical content and mathematical practices to provide regular, repeated opportunities for students to exhibit the math practices while engaging with the mathematical content of the lesson, including but not limited to the following:

1. using appropriate prompting and questioning that allows students to refine mathematical thinking and build upon understanding of the mathematical content of the lesson;

2. posing challenging problems that offer opportunities for productive struggle and for encouraging reasoning, problem solving, and perseverance in solving problems through initial difficulty;

3. facilitating student conversations in which students are encouraged to discuss each other's thinking in order to clarify or improve mathematical understanding;

4. providing opportunities for students to choose and use appropriate tools when solving a problem; and

5. prompting students to explain and justify work and providing feedback that guides students to produce revised explanations and justifications.

D. The teacher candidate applies knowledge of mathematical topics and relationships within and across mathematical domains to select or design and use a range of ongoing classroom assessments, including but not limited to diagnostic, formal and informal, formative and summative, oral and written, which determine student mastery of grade-level standards in order to inform and adjust planning and instruction.

1. The teacher candidate identifies errors, gaps, and inconsistencies in student knowledge, skills, and mathematical reasoning to remediate or scaffold student learning during lesson implementation, using, but not limited to, the following strategies:

a. oral and written explanations of the elements and structures of mathematics and the meaning of procedures, analogies, and real life experiences;

b. manipulatives, models, and pictures or diagrams; and

c. problem sets.

2. The teacher candidate uses trends in assessment results to plan lesson structure and sequence, instructional strategies, remediation, and enrichment opportunities for students.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 43:1302 (July 2017), amended LR 48:

Subchapter G. Early Childhood Teacher Competencies

§335. Introduction

A. The early childhood teacher preparation competencies identify essential knowledge and skills for teacher candidates seeking early childhood ancillary certification and certification in birth to kindergarten.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 43:1302 (July 2017), amended LR 48:

§337. Early Childhood Pedagogy Competencies

A. The teacher candidate designs instructional learning outcomes written in terms of what children will learn rather than do and includes indicators from applicable Louisiana birth to five early learning development standards (ELDS) domains, and are appropriate for diverse learners such as special education and ESL students.

B. The teacher candidate provides emotional and behavioral support to children as indicated by the following:

1. creating a positive environment that supports emotional connections between children and adults and between children and peers;

2. exhibiting an awareness and sensitivity to the emotional and learning needs of children;

3. allowing opportunities for exploration while providing comfort, reassurance, and encouragement; and

4. placing emphasis on the perspectives, interests, motivations, and points of view of the children.

C. The teacher candidate manages classroom organization to support child development as indicated by the following:

1. setting clear, age-appropriate expectations for child behavior;

2. supporting positive behavior by using effective methods, including but not limited to highlighting positive behaviors and redirecting misbehaviors;

3. promoting the ability of children to self-regulate behavior, including but not limited to using a proactive approach and planning to minimize disruptions;

4. managing instructional and learning time and routines so children have maximum opportunities to be engaged in learning activities;

5. maximizing the interest and engagement by being actively involved in the learning process; and

6. using a variety of materials and modalities to gain the interest and participation in activities.

D. The teacher candidate provides engaged instructional support for learning as indicated by the following:

1. using interactions and discussions to promote higher-order thinking skills and cognition;

2. focusing on promoting understanding rather than on rote instruction or memorization;

3. providing feedback that expands learning and understanding;

4. scaffolding learning to provide supportive guidance so that children can to achieve competencies and skills independently;

5. providing opportunities for conversations for the purpose of promoting opportunities for language use;

6. utilizing open-ended questioning techniques to allow children to put language together to communicate more ideas in increasingly complex ways;

7. modeling language use and forms through repeating and extending child responses and through self and parallel talk; and

8. using a variety of words and language forms that are new and unique to extend understanding of these parts of language.

E. The teacher candidate uses assessment to guide planning and understand child levels of growth and development as indicated by the following:

1. conducting observation-based assessments in a systematic, ongoing manner throughout daily routines and activities;

2. gathering and using assessment data for the purpose of planning instruction, activities, and experiences that further promote child development and learning;

3. reflecting on child assessment data and connections to teacher action to make changes to continuously improve practice; and

4. making decisions based on the progress of child development with reliability.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 43:1302 (July 2017), amended LR 48:

Subchapter H. Other Certification Area Competencies §339. Introduction

A. The knowledge and skills needed for teacher candidates pursuing certification in the following certification areas are defined in the following standards.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 43:1303 (July 2017), amended LR 48:

§341. Other Special Education Areas

A. Early Interventionist Birth-Five Years: Council for Exceptional Children (CEC) Initial Special Education Early Childhood Specialty Set.

B. Deaf or Hard of Hearing K-12: CEC Initial Special Education Deaf and Hard of Hearing Specialty Set.

C. Visual Impairments/Blind K-12: CEC Initial Special Education Blind and Visually Impaired Specialty Set.

D. Academically Gifted: National Association for Gifted Children (NAGC) Teacher Preparation Standards for Gifted.

E. Significant Disabilities 1-12: CEC Initial Special Education Individualized Independence Curriculum Specialty Set.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 43:1303 (July 2017), amended LR 46:1375 (October 2020), amended LR 48:

§343. Middle Grades 4-8 Education

A. Science Education: National Science Teachers Association (NSTA) Standards for Science Teacher Preparation.

B. Social Studies Education: National Council for the Social Studies (NCSS) Standards for the Initial Preparation of Social Studies Teachers.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 43:1303 (July 2017), amended LR 48:

§345. Secondary Grades 6-12 Education

A. Agriculture Education: American Association for Agriculture (AAAE) National Standards for Teacher Education in Agriculture.

B. Business and Marketing Education: National Association for Business Teacher Education Association (NABTE) Business Teacher Education Standards.

C. Computer Science Education: International Society for Technology in Education (ISTE) Standards for Computer Science Educators.

D. Family and Consumer Sciences Education: American Association of Family and Consumer Sciences (AAFCS) Standards..

E. Foreign Languages Education: American Council on the Teaching of Foreign Languages (ACTFL) Program Standards for the Preparation of Foreign Language Teachers

F. Journalism Education: Association (JEA) Standards for Journalism Educators.

G. Science Education: National Science Teachers Association (NSTA) Standards for Science Teacher Preparation.

H. Social Studies Education: National Council for the Social Studies (NCSS) Standards for the Initial Preparation of Social Studies Teachers.

I. Technology Education: International Society for Technology in Education (ISTE) Standards and International Technology and Engineering Educators Association (ITEEA) Standards.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 43:1303 (July 2017), amended LR 48:

§347. All Levels K-12 Education

A. Art Education: National Association of Schools of Art and Design (NASAD) Standards for Art Teacher Preparation.

B. Dance Education: National Association of Schools of Dance (NASD) Standards for Dance Teacher Preparation.

C. English as a Second Language Education: Teachers of English to Speakers of Other Languages (TESOL) Standards for Teacher Education Programs.

D. Foreign Languages Education: American Council on the Teaching of Foreign Languages (ACTFL) Program Standards for the Preparation of Foreign Language Teachers.

E. Health and Physical Education: Society of Health and Physical Educators (SHAPE) America Initial Health Education Teacher Education Standards and Initial Physical Education Teacher Education Standards.

F. Music Education: National Association of Schools of Music (NASM) Standards for Music Teacher Preparation.

G. Theater Education: National Association of Schools of Theatre (NAST) Standards for Theater Teacher Preparation.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 43:1304 (July 2017), amended LR 48:

Chapter 5. Teaching Credentials, Licenses and Certifications

Subchapter A. Standard Teaching Certificates

§501. Overview

A. An individual must have an official teaching credential, license, or certificate to provide instructional or other designated services in the Louisiana K-12 schools and early learning centers. Louisiana issues three categories of teaching licenses: Standard, Nonstandard, and Ancillary. The first three Subchapters of this Chapter are devoted to these categories. A fourth Subchapter presents a policy for Special Considerations for Teachers Called to Active Military Duty.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1797 (October 2006), amended LR 48:

§503. Introduction

A. There are seven types of standard teaching certificates issued by the state of Louisiana:

1. professional Level 1, 2, and 3 certificates;
2. type C, B, and A certificates;
3. out-of-state certificate;
4. world language certificates (WLC);
5. practitioner 1, 2, and 3 licenses;
6. extended endorsement license (EEL); and
7. standard certificates for teachers in non-public schools.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1797 (October 2006), amended LR 37:558 (February 2011), LR 38:1951 (August 2012), LR 46:01375 (October 2020), LR 48:

§505. General Provisions

A. Non-Practicing Status or Operational Role Status for Standard Teaching Certificates

1. The LDE may grant:

a. non-practicing status to any teacher who applies after ceasing employment as a teacher or leader in a local education agency;

b. operational role status to any teacher who is serving in a role that cannot be evaluated per student growth measures.

2. Non-practicing status will take effect on the last day of employment in the local education agency evaluated role, as verified by the employing LEA.

a. If an educator was never employed in a Louisiana school system, the program provider may make the request.

3. Operational role status will take effect on the first day of employment in a role that cannot be evaluated per student growth measures, as verified by the employing LEA.

4. Operational role teachers returning to a role that can be evaluated per student growth measures must be evaluated with student growth measures upon return to that role.

5. Non-practicing teachers returning to practice and operational role teachers returning to a role that can be evaluated per student growth measures may apply through a local education agency for an extension of the certificate for the number of years remaining in the renewal period of the certificate.

6. Final effectiveness ratings earned while in active status will be retained during non-practicing status and operational role status and applied to any subsequent renewal or extension.

7. The first date an educator can enter into non-practicing or operational role is August 1, 2012.

B. Medical Excuse and Exceptions. Exceptions to policy will be considered in the case of serious medical condition or unavailability of required coursework or exams. When serious medical problems of the teacher or immediate family exist, a doctor statement is required with a letter of assurance from the teacher that the unmet policy requirements will be completed within one year of granting the exception. The final authority for approval and policy flexibility is at the discretion of the LDE.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 46:325 (March 2020), amended LR 48:

§507. Professional Level Certificates

A. Level 1 is the entry-level professional certificate, valid for three years. The level 2 and level 3 certificates are valid for five years.

1. Eligibility Requirements for Level 1 Professional Certificate

a. Louisiana graduate:

i. successfully complete a state-approved traditional or alternate teacher preparation program:

(a). for alternate preparation completers, the applicant must receive mentoring by a school-based mentor teacher in accordance with §553 of this Chapter;

ii. have a minimum 2.50 undergraduate grade point average (GPA) on a 4.00 scale;

(a). an applicant who does not meet the GPA requirement may be certified if by meeting the following requirements in an alternate teacher preparation program:

(i). satisfactorily complete a personal interview by the program admissions officer;

(ii). if the program awards credit hours, the applicant shall achieve a minimum grade point average (GPA) of 3.00 in alternate teacher preparation program courses by the end of the first 12 credit hours and successfully complete the program;

(iii). if the program does not award credit hours, the applicant shall demonstrate mastery of competencies as required by the program administrator and by the school system in which the applicant completes required clinical practice; and

(iv). satisfactorily complete all program requirements as set forth by BESE, including any requirements for clinical practice, at graduation;

iii. present appropriate scores on the core exams; the principles of learning and teaching (PLT) or other pedagogy exam(s) required for the area(s) of certification as specified in §303 of this Part; and the specialty area (content) exam in the certification area in which the teacher preparation program was completed or in which the initial certificate was;

(a). See §303 of this Part for exam substitutions; and

iv. be recommended by a state-approved university or private program provider for certification.

b. Out-of-state graduate:

i. possess a minimum of a baccalaureate degree from a college or university accredited in accordance with 34 CFR 602;

(a). credentials may be submitted to a credentialing agency that follows the standards of the American Association of Collegiate Registrars and Admissions Officers (AACRAO) for evaluation with the original course-by-course evaluation including a statement verifying the comparability of the baccalaureate degree in the field of education;

ii. hold a standard out-of-state teaching certificate, or if no certificate was issued, a letter from the state education agency (SEA) or teacher preparation program provider in the state of origin verifying eligibility in that state for a certificate in the certification area(s);

iii. pass all parts of Praxis exam(s) required for Louisiana certification:

(a). present appropriate scores on the core exams, the principles of learning and teaching (PLT) or other pedagogy exam required for the area(s) of certification, and the specialty area (content) exam in the certification area in which the teacher preparation program was completed or in which the initial certificate was issued;

(b). if applicant has obtained National Board Certification (NBC) in corresponding areas for which certification is being sought as well as certification/licensure in the state of origin, the examination required for NBC will be accepted to fulfill the testing requirements for certification;

(i). See §303 of this Part for exam substitutions.

iv. has completed student teaching, an internship, or year(s) of teaching experience as required by the teacher preparation program provider; and

v. has not been out of teaching in the five years immediately preceding first employment or application for a Louisiana certificate. A candidate who has not taught in five years may be issued a one-year non-renewable (OS1) certificate during completion of six semester hours required for the issuance of a three-year non-renewable (OS) certificate.

vi. A candidate who is certified in another state can qualify for exclusion from the BESE adopted exam(s) required for Louisiana certification under the following criteria:

(a). meet all requirements for Louisiana certification except the Praxis exam requirements; have at least three years of successful teaching experience in another state, as verified by the out-of-state employing authority or SEA; and teach on an out-of-state certificate for one year in a Louisiana-approved public or an approved nonpublic school system;

(b). the employing authority must verify that the teacher has completed one year of successful teaching experience in a Louisiana approved public or an approved nonpublic school and is recommended for further employment;

(c). the employing authority must request that the teacher be granted a valid Louisiana teaching certificate.

c. Foreign Applicant (OS) Certificate eligibility requirements:

i. possess a minimum of a baccalaureate degree verified by an institution in the United States accredited in accordance with 34 CFR 602, or if the institution is located in Louisiana, the dean of the College of Education must recommend the applicant for certification based upon Louisiana requirements and submit the original course-by-course evaluation including a statement verifying the comparability of the baccalaureate degree in the field of education, or if the institution is located in another state/country, the guidelines prescribed for out-of-state applicants must be followed; or

ii. credentials may be submitted to a credentialing agency that follows the standards of the American Association of Collegiate Registrars and Admissions Officers (AACRAO) for evaluation, and the original course-by-course evaluation must include a statement verifying the

comparability of the baccalaureate degree in the field of education.

d. Foreign Applicant—Level 1 Certificate eligibility requirements:

i. possess a minimum of a baccalaureate degree verified by an institution in the United States accredited in accordance with 34 CFR 602, or if the institution is located in Louisiana, the dean of the college of education must recommend the applicant for certification based upon Louisiana requirements with the original course-by-course evaluation including a statement verifying the comparability of the baccalaureate degree in the field of education, or if the institution is located in another state/country, the guidelines prescribed for out-of-state applicants must be followed; or

ii. credentials may be submitted by an agency that follows the standard of the American Association of Collegiate Registrars and Admissions Officers (AACRAO) for evaluation, and the original course-by-course evaluation for certification must include a statement verifying the comparability of the baccalaureate degree in the field of education; and

iii. present appropriate scores on the core exams for the principles of learning and teaching (PLT) or other pedagogy exam required for the area(s) of certification and the specialty area (content) exam(s) in the certification area(s) in which the teacher preparation program was completed or in which the initial certificate was issued.

(a). See §303 of this Part for exam substitutions.

B. Level 2 Professional Certificate eligibility requirements:

1. hold or meet eligibility requirements for a level 1 certificate;

2. successfully meet the standards of effectiveness for three years pursuant to state law and LAC 28:CXLVII (Bulletin 130):

a. all out-of-state experience must be verified as successful by the out-of-state employing authority or SEA; and

3. accrue three years of experience in an approved educational setting.

4. If the level 2 certificate is the initial certificate, a state-approved teacher preparation program provider must submit the request.

5. If the level 1 certificated teacher qualifies for advancement to a level 2 certificate, the request for the higher certificate must be submitted directly to the LDE by the employing authority.

C. Level 3 Professional Certificate eligibility requirements:

1. hold or meet eligibility requirements for a level 2 certificate;

2. earn a graduate degree from a college or university accredited in accordance with 34 CFR 602; and

3. have five years of experience in an approved educational setting.

a. All out-of-state experience must be verified as successful by the out-of-state employing authority or SEA.

4. If the level 3 certificate is initial certificate, a state-approved teacher preparation program provider must submit the request.

5. If the level 2 certificated teacher qualifies for advancement to a level 3 certificate, the request for the

higher certificate must be submitted directly to the LDE by the employing authority.

D. Renewal/Extension Guidelines for Level 1, Level 2, and Level 3 Certificates

1. Level 1 certificate:

a. valid for three years initially and may be extended thereafter for a period of one year at the request of a Louisiana employing authority with extensions of Level 1 certificates being limited to two such extensions.

2. Level 2 and level 3 certificates:

a. valid for five years initially and may be renewed thereafter for a period of five years at the request of a Louisiana employing authority, with renewal of level 2 and level 3 certificates, contingent upon candidates successfully meeting the standards of effectiveness for at least three years during the five-year initial or renewal period pursuant to state law and Bulletin 130.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 48:

§509. Type C Certificates

A. Effective July 1, 2002, type C certificates are no longer issued for initial certification. The type C certificate is valid for three years. Teachers who hold type B and type A lifetime certificates will continue to hold these certificates. Effective July 1, 2012, type B and type A lifetime certificates will no longer be issued to teachers holding type C certificates applying for advanced certificates. Teachers holding a type C certificate who wish to apply for more advanced certification credentials will be granted a level 2 certificate, upon meeting the standards of effectiveness for at least three years, pursuant to Bulletin 130 and R.S. 17:3902.

B. Type C Certificate Renewal Guidelines. The type C certificate may be renewed for an additional one-year period upon the request of the Louisiana employing authority, subject to the approval of the LDE. Type C certificates are limited to two such extensions.

C. Type B Certificate—a lifetime certificate for continuous service, provided the holder does not allow any period of five or more consecutive years of disuse to accrue where not a regularly employed teacher for at least one semester, or 90 consecutive days, and/or the certificate is not revoked by the Board of Elementary and Secondary Education (BESE).

D. Type A Certificate—a lifetime certificate for continuous service, provided the holder does not allow any period of five or more consecutive years of disuse to accrue where not a regularly employed teacher for at least one semester, or 90 consecutive days, and/or the certificate is not revoked by the BESE.

1. Eligibility requirements:

a. hold a type B or B* certificate;

b. successfully complete the local evaluation plan mandated by state law and Bulletin 130;

c. earn a graduate degree from an institution of higher education accredited in accordance with 34 CFR 602; and

d. have five years of experience in an approved educational setting.

i. All out-of-state experience must be verified as successful by the out-of-state employing authority or SEA.

2. The request for the higher certificate must be submitted directly to the LDE by the employing authority.

E. Process for Reinstating Lapsed Types B and A Certificates

1. A certificate will lapse for disuse if the holder allows a period of five consecutive calendar years to pass where not a regularly employed teacher for at least one semester, or 90 consecutive days.

2. To reinstate a lapsed certificate, the holder must present evidence of earning six semester hours of credit in state-approved courses during the five-year period immediately preceding the request for reinstatement.

3. If the holder did not earn six semester hours or equivalent, the lapsed certificate may be reactivated upon request of the Louisiana employing authority at the level that was attained prior to disuse for a period of one year, during which time the holder must complete reinstatement requirements.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1798 (October 2006), amended LR 37:559 (February 2011), LR 38:3136 (December 2012), LR 43:1306 (July 2017), LR 45:1459 (October 2019), LR 46:1376 (October 2020), LR 48:

§511. Out-of-State (OS) Certificate

A. An out-of-state (OS) certificate, valid for a three-year period, is not renewable, and is issued to a teacher who has completed an out-of-state teacher preparation program and either holds or is eligible for a certificate in the state in which the program was completed. The teacher is not initially eligible for a level 1, 2, or 3 Louisiana certificate but meets Louisiana certification requirements with the exception of the Praxis/National Teacher Exam requirements. OS certification provides a transition period that permits the holder to be employed in Louisiana K-12 schools while completing Louisiana Praxis/NTE requirements or meeting Praxis exclusion eligibility requirements. For continued employment as a teacher in a Louisiana school system after the three-year period has elapsed, the OS certificate holder must fulfill guidelines for a level 1 or higher-level certificate.

B. OS Eligibility requirements:

1. earn a minimum of a baccalaureate degree from a college or university accredited in accordance with 34 CFR 602;

2. complete a teacher preparation program in another state;

3. hold a standard out-of-state teaching certificate, or if no certificate was issued, a letter from the state department of education or college of education dean verifying eligibility in that state for a certificate in the certification area(s);

4. complete student teaching or internship in a certification area, or in lieu of student teaching or internship have three years of successful teaching experience in a certification area;

5. if applicant earned a degree five or more years prior to the date of application, the educator must have been a regularly employed teacher for at least one semester, or 90

consecutive days, within the five year period immediately preceding first employment in Louisiana or application for a Louisiana certificate, or if lacking this experience, must earn six semester hours of credit in state-approved courses during the five year period immediately preceding application, and a candidate who has not taught in five years may be issued a one-year non-renewable (OS1) certificate while completing six semester hours required for the issuance of a three-year non-renewable (OS) certificate; and

6. beginning January 1, 2017, the LDE will issue a letter of eligibility for an OS certificate to requesting teachers at the request of the Louisiana employing authority.

C. Advancing from OS to Professional Level 1, 2, or 3 Certificate

1. Pass all parts of exam(s) required for Louisiana certification identified in §303:

a. present appropriate scores on the core exams; the principles of learning and teaching (PLT) or other pedagogy exam required for the area(s) of certification, and the specialty area (content) exam in the certification area in which the teacher preparation program was completed or in which the initial certificate was issued:

i. (iii). See §303 of this Part for exam substitutions; and

b. if applicant has obtained national board certification (NBC) in corresponding areas for which certification is being sought as well as certification/licensure in the state of origin, the examination required for NBC will be accepted to fulfill the testing requirements for certification;

c. a candidate who is certified in another state can qualify for exclusion from the exam(s) required for Louisiana certification under the following criteria:

i. meet all requirements for Louisiana certification except the Praxis exam requirements with at least three years of successful teaching experience in another state, prior to issuance of the OS, as verified by the out-of-state employing authority or SEA, and teach on an OS certificate for one year in a Louisiana approved public or an approved nonpublic school system;

ii. the Louisiana employing authority verifies that completion of one year of successful teaching experience in a Louisiana approved public or an approved nonpublic school and has been recommended for further employment; and

iii. the employing authority requests issuance of a valid Louisiana teaching certificate.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1799 (October 2006), amended LR 33:433 (March 2007), LR 34:1611 (August 2008), LR 35:222 (February 2009), LR 35:894 (May 2009), LR 37:559 (February 2011), LR 37:882 (March 2011), LR 40:280 (February 2014), LR 43:1306 (July 2017), LR 45:1459 (October 2019), LR 46:1376 (October 2020), LR 48:

§513. World Language Certificate (WLC) PK-12

A. WLC certificate is valid for six years and may be issued to a foreign associate teacher who participates in the

LDE Foreign Associate Teacher Program, and who teaches world language and/or immersion in grades PK-12.

B. WLC certificate allows the holder to receive the same benefits as a regularly certified teacher.

C. Eligibility guidelines:

1. minimum of baccalaureate degree in education or equivalent preparation in education from a foreign country with the status of the degree determined by the LDE, or if LDE staff cannot make a degree equivalent determination, the candidate credentials must be evaluated by a credentialing agency that follows the standards of the American Association of Collegiate Registrars and Admissions Officers (AACRAO), with the original course-by-course evaluation for certification submitted directly from the evaluating agency on “safe script” paper including a course-by-course evaluation;

2. a teaching certificate in the foreign country for the certification area and/or grade level that the candidate will teach in Louisiana;

3. evidence of two years of successful teaching experience in the country of origin with all out-of-state experience verified as successful by the out-of-state employing authority or SEA; and

4. a native speaker of the language being taught.

D. Renewal Guidelines. Valid for six years initially and may be renewed thereafter for a period of six years at the request of a Louisiana employing authority. For renewal of a WLC certificate, candidates must successfully meet the standards of effectiveness for at least three years during the six-year initial or renewal period pursuant to state law and Bulletin 130.

E. Professional Certificate. A professional level 1 certificate may be issued after successful completion of the PRAXIS core academic skills for educators, PRAXIS II content area examination(s), and PRAXIS principles of learning and teaching: K-6, 5-9, or 7-12. The test of English as a foreign language may be used in lieu of the PRAXIS core academic skills for educators. For renewal and reinstatement guidelines of a level 1 certificate, see in this Chapter.

F. A foreign language teacher in a certified foreign language immersion program who cannot be certified or issued a license to teach through the board's Foreign Associate Teacher Program may be allowed to teach without passing the required examination, provided the teacher has at least a baccalaureate degree and complies with state laws regarding a criminal background check.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1800 (October 2006), amended LR 33:1618 (August 2007), LR 34:233 (February 2008), LR 35:642 (April 2009), LR 36:486 (March 2010), LR 38:1952 (August 2012), LR 40:280 (February 2014), LR 43:1307 (July 2017), LR 44:745 (April 2018), LR 44:2133 (December 2018), LR 45:1459 (October 2019), LR 48:

§515. Practitioner Licenses

A. Issuance and Renewals

1. Practitioner licenses (PL) 1 and 2 may be issued for one school year, renewed annually, and held a maximum of three years while the holder completes an alternate program. Upon completion of the three years of employment on a PL

certificate, the holder must fulfill guidelines for a level 1 or higher-level certificate for continued employment in a Louisiana school system.

2. The practitioner license 3 may be issued for one school year, renewed annually, and held a maximum of four years while the holder completes an alternate program. Upon completion of the four years of employment on a PL certificate, the holder must fulfill guidelines for a level 1 or higher-level certificate for continued employment in a Louisiana school system.

3. Practitioner Licenses 1-3. Beginning with the 2020-2021 academic year, in order to obtain the first renewal only of a practitioner license 1, 2, or 3 certificate, practitioner candidates participating in a residency as a teacher of record, must receive mentorship by a school-based mentor teacher who may collaborate with other personnel providing mentoring support, in accordance with LAC 28:XLV (Bulletin 996).

a. The school-based mentor teacher must be credentialed in accordance with §553 or §1369 of this Chapter.

b. The mentorship must be at least 15 percent, or 5 hours per week, of the instructional time of the school.

c. The mentorship must include intensive support, including:

- i. co-teaching;
- ii. collaborative planning; and
- iii. observation and feedback sessions.

4. Eligibility requirements:

a. minimum of a non-education baccalaureate degree from a college or university accredited in accordance with 34 CFR 602;

b. 2.50 or higher undergraduate grade point average (GPA) on a 4.00 scale to enter a non-university provider program; or a 2.20 or higher undergraduate GPA on a 4.00 scale to enter a college or university program; or be granted conditional admittance into an alternate teacher preparation program following a satisfactory personal interview by the program admission officer; and

c. passing scores on core academic skills for educators and current Praxis content area exam(s), or if no examination has been adopted for Louisiana in the certification area, candidates must present a minimum of 30 semester hours of coursework specific to the content area for admission to the program. See §303 of this part for exam substitutions.

d. Special education mild/moderate certification candidates must qualify for admission to alternate programs by passing a Praxis specialty area exam, and secondary education candidates (grades 6-12) must pass a Praxis core subject area exam, or if there is no content Praxis exam adopted by the State in the specific secondary core subject area, candidates must demonstrate content mastery by presenting 30 semester credit hours in the core subject area.

5. The approved teacher preparation program provider shall submit the request for the initial practitioner license as well as renewals directly to the LDE.

6. Renewal Requirements. The candidate must remain enrolled in the practitioner teacher, certification-only, or master's degree alternate certification program and fulfill a minimum of six semester hours of coursework or equivalent contact hours per year for PL1, or nine semester hours or

equivalent contact hours per year for PI2/3 to the extent that required semester hours remain in the program to be completed, teaching assignments, and prescribed activities identified by the program provider.

a. Beginning with the 2020-2021 academic year, the first renewal only of a PL 1, 2, or 3 will be conducted in accordance with §515.A of this Chapter.

7. For certification purposes, non-university providers and colleges or universities will submit signed statements to the LDE indicating that the student completing the practitioner teacher, certification-only, or master's degree program alternative certification path meets the following requirements:

a. passed all licensure exams required for certification pursuant to §503; and

b. completed all program requirements including the residency with a 2.50 or higher GPA for candidates in a university program;

c. if an applicant who does not meet the requirement of Subparagraph b of this Paragraph, certification may be issued if the following requirements in an alternate teacher preparation program are met:

i. satisfactory completion a personal interview by the program admissions officer;

ii. if the program awards credit hours, the applicant shall achieve a minimum GPA of 3.00 in alternate teacher preparation program courses by the end of the first 12 credit hours and successfully complete the program;

iii. if the program does not award credit hours, the applicant shall demonstrate mastery of competencies as required by the program administrator and by the school system in which the applicant completes required clinical practice; and

iv. satisfactory completion of all program requirements as set forth by BESE, including any requirements for clinical practice, at graduation;

d. demonstrate proficiency in reading and literacy competencies through successfully completing the required number of credit or contact hours in reading and literacy as specified in LAC 28:XLV (Bulletin 996) or passing a reading competency assessment noting that the reading competency assessment for early childhood PK-3, elementary 1-5, and special education candidates is the Praxis teaching reading exam, and middle grades 4-8 and secondary grades 6-12 will be required to take the required reading course credit hours or equivalent contact hours until an appropriate reading competency assessment is developed and adopted; and

e. complete prescriptive plans as determined by the preparation provider.

8. The teacher is restricted to the specific grade level and content area as designated on the practitioner license as outlined in Bulletin 996.

B. Practitioner License 1 is issued to a candidate who is admitted to and enrolled in a state-approved practitioner teacher program. Program requirements must be completed within the three-year maximum that the license can be held.

C. Practitioner License 2 is issued to a candidate who is admitted to and enrolled in a state-approved certification-only alternate certification program. Program requirements must be completed within the three-year maximum that the license can be held.

D. Practitioner License 3 is issued to a candidate who is admitted to and enrolled in a state-approved master's degree alternate certification program. Program requirements must be completed within the four-year maximum that the license can be held.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1800 (October 2006), amended LR 35:221 (February 2009), LR 38:1952 (August 2012), LR 40:280 (February 2014), LR 43:1307 (July 2017), LR 45:1748 (December 2019), LR 46:326 (March 2020), LR 46:1376 (October 2020), LR 48:

§517. Extended Endorsement License (EEL)

A. Extended Endorsement License (EEL) is issued for one school year, renewable annually, and may be held a maximum of three years while the holder pursues certification in the content area of the license.

B. Eligibility Requirements:

1. the individual holds a valid Louisiana teaching certificate of one of the following types: Level 1, Level 2, Level 3, Type A, Type B, Type C, OS;

2. the individual has passed the current content area exam(s) appropriate for the content area in which the Extended Endorsement License is being requested; and

3. the individual provides a detailed prescription that identifies any additional coursework or exams needed to complete the area/level certification endorsement and signed by the superintendent and the human resources director of the employing local education agency.

C. Renewal Requirements. Teacher must successfully complete a minimum of nine credit hours of coursework per year, applicable toward certification in the content area of the license.

1. If fewer than nine hours are required to complete the certification, then all of the remaining hours must be taken.

2. If no credit hours remain to be taken, then the individual must provide evidence that the required exams were taken at a minimum of once per year.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 33:1339 (July 2007), amended LR 48:

§519. Standard Certificates for Teachers in Nonpublic Schools

A. A standard certificate with an asterisk (*) following the certificate type is issued to a teacher in a nonpublic school. If the teacher enters a public school system in Louisiana, the educator will be required to meet the standards of effectiveness pursuant to state law and in accordance with LAC 28:CXLVII (Bulletin 130) for issuance of a level 2 or level 3 teaching certificate.

B. Level 2* (2-asterisk) Certificate—valid for five years.

1. Eligibility requirements:

a. a Louisiana level 1 certificate;

b. successfully taught for three years;

c. complete a teacher evaluation program for three years at a nonpublic school, with the principal as evaluator and the teacher performance rated as satisfactory in the areas

of planning, management, instruction, and professional development.

2. The request for the level 2* certificate must be submitted directly to the LDE by the Louisiana employing authority.

C. Level 3* (3-asterisk) Certificate—valid for five years.

1. Eligibility requirements:

a. hold or be eligible to hold a Louisiana level 1, 2 or 2* certificate;

b. successfully taught for five years;

c. graduate degree from college or university accredited in accordance with 34 CFR 602; and

d. complete a teacher evaluation program for three years at a nonpublic school, with the principal as evaluator and the teacher performance rated as satisfactory in the areas of planning, management, instruction, and professional development.

2. The request for the level 3* certificate must be submitted directly to the LDE by the Louisiana employing authority.

3. Renewal Guidelines for Level 2* and Level 3* Certificates

a. A teacher must earn effective ratings per local personnel evaluations for at least three years during the five-year initial or renewal period.

b. The Louisiana employing authority must request renewal of a level 2* or level 3* certificate.

D. Type B* (B-asterisk) Certificate—a lifetime nonpublic school certificate for continuous service, provided the holder does not allow any period of 5 or more consecutive years of disuse to accrue where not a regularly employed teacher for at least 1 semester, or 90 consecutive days, and/or certificate is not BESE.

1. Eligibility requirements:

a. a Louisiana type B certificate;

b. successfully taught for three years; and

c. complete a teacher evaluation program for three years at a nonpublic school, with the principal as evaluator and the teacher performance rated as satisfactory in the areas of planning, management, instruction, and professional development.

2. The request for the type B* certificate must be submitted directly to the LDE by the Louisiana employing authority.

3. The type B* certificate is valid for life of continuous service in a nonpublic school setting, and if the teacher enters a Louisiana public/charter school the requirement shall be to complete the local evaluation plan mandated by state law and Bulletin 130 regulations.

E. Type A* (A-asterisk) Certificate is valid for life of continuous service in a nonpublic school setting, provided the holder does not allow any period of 5 or more consecutive years of disuse to accrue where not a regularly employed teacher for at least 1 semester, or 90 consecutive days, and/or the certificate is not revoked by the BESE.

1. Eligibility requirements:

a. a Louisiana type B, or type B* certificate;

b. successfully taught for five years;

c. graduate degree from a college or university accredited in accordance with 34 CFR 602; and

d. complete a teacher evaluation program for three years at a nonpublic school, with the principal as evaluator

and the teacher performance rated as satisfactory in the areas of planning, management, instruction, and professional development.

2. The request for the type A* certificate must be submitted directly to the LDE by the Louisiana employing authority.

3. The type A* certificate is valid for life of continuous service in a nonpublic school setting, and if the teacher enters a Louisiana public school the requirement shall be to successfully complete the local evaluation plan mandated by state law and Bulletin 130.

F. Reinstating Lapsed Types B* or A* Certificate

1. If the holder of a type B*, or type A* certificate allows a period of five consecutive calendar years to pass in which the educator is not a regularly employed teacher for at least one semester, or 90 consecutive days, the certificate will lapse for disuse.

2. To reinstate a lapsed certificate, the holder must present evidence that the educator earned six semester hours of credit in state-approved courses during the five-year period immediately preceding the request for reinstatement.

3. If the holder did not earn six semester hours or equivalent, the lapsed certificate may be reactivated upon request of the Louisiana employing authority at the level that was attained prior to disuse for a period of one year, during which time the holder must complete reinstatement requirements.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1801 (October 2006), amended LR 36:752 (April 2010), LR 37:559 (February 2011), LR 38:1952 (August 2012), LR 43:1309 (July 2017), LR 46:1377 (October 2020), LR 48:

§521. Certification of Personnel in Nonpublic School Systems Meeting Nonpublic Standards

A. As outlined in Bulletin 741 (Nonpublic)—Louisiana Handbook for Nonpublic School Administrators, the standards listed below are the requirements to meet nonpublic certification standards.

B. Principals

1. A nonpublic school principal, assistant principal, or headmaster must hold a graduate degree in any area from an accredited institution or have principalship on the Louisiana teaching certificate. The principal is to be a full-time, on-site employee and may be a teacher as well as the educational administrator of the school.

2. Assistant principals who do not meet minimum qualifications may be retained in a school provided if employed in that school during the 1992-93 school year as an assistant principal.

3. A list of the exempted assistant principals is to be maintained on file in the LDE. Upon retirement or replacement, the assistant principal must be replaced with properly qualified personnel under the nonpublic school standards. The exempted individuals may not be transferred or employed by another school unless the requirements stated in the above standard are met.

C. Instructional Staff. Each member of the instructional staff teaching secular subjects, grade levels pre-pre-kindergarten through 12, shall meet one of the following three options:

1. hold a valid Louisiana teaching certificate for the courses teaching;

2. qualify to teach in nonpublic schools by meeting all of the following criteria:

a. have a baccalaureate degree from an institution accredited in accordance with 34 CFR 602;

b. have a college major or the equivalent in the area of the teaching assignment, and for teachers in self-contained classrooms in grades 1 through 8, the major shall be in elementary education; and

c. earn 12 semester hours of Knowledge of the Learner and the Learning Environment, with a beginning teacher having a three-year period in which to meet the 12-semester hour requirement that provides the prospective teacher with a fundamental understanding of the learner and the teaching and learning process through coursework addressing the needs of the regular and the exceptional child, such as:

- i. child/adolescent development/psychology;
- ii. educational psychology;
- iii. the learner with special needs;
- iv. classroom organization and management; and
- v. multicultural education.

3. Teachers who do not meet the requirements of Paragraphs 1 or 2 of this Section may obtain a Nonpublic Temporary Teaching Authorization (T) issued by the LDE or a diocesan superintendent for schools within the diocesan system, which is valid for one year, with renewal based upon the teacher completing six semester hours needed to complete the requirements of Paragraphs 1 or 2 of this Section.

a. Teachers of grades 1 through 8 without an elementary education major shall also work towards a practitioner's license through an alternative program as outlined in this part and Bulletin 996.

D. A teacher may teach in areas other than the major field for a period of time that is less than one-half of the school day provided at least 12 semester hours were earned in each such area, with an exception made for teachers in trade and industrial education classes who hold a degree from an institution accredited in accordance with 34 CFR602 and have earned 12 semester hours of professional education courses.

1. A graduate of a foreign university or college, regardless of the college major, may teach a foreign language if that language is his/her native tongue, and the teacher must earn 12 semester hours of professional education courses within a three year period.

E. Teachers of the pre-kindergarten class shall be certified or qualified in either elementary, kindergarten, or pre-kindergarten or have earned 12 hours in child growth and development. The 12 hours in child growth and development may be earned through the College of Education or the Department/School of Family and Consumer Sciences.

F. Teachers of a kindergarten class shall be certified or qualified in either elementary or kindergarten or have earned 12 hours in child growth and development. The 12 hours in child growth and development may be earned through the College of Education or the Department/School of Family and Consumer Sciences.

G. Staff members teaching religion at the high school level (9-12) for Carnegie units must have a minimum of a bachelor's degree. Staff members teaching religion that do not meet minimum qualifications may be retained in a school provided they were employed during the 1995-96 school year as teachers of religion.

H. Professional and/or technical personnel such as C.P.A.s, doctors, college or university professors, lab technicians, and attorneys may teach less than one-half of a school day in the area of expertise.

I. Credentials for graduates of foreign universities or colleges must be submitted to the American Association of Collegiate Registrars and Admissions Officers (AACRAO) or any agency approved by BESE, for evaluation according to the LDE procedures. After reviewing the evaluation, the local administrator shall determine if the applicant is qualified to teach according to the requirements of this Section, and a copy of the evaluation shall be kept on file in the principal's office.

1. Applicants with foreign credentials seeking state certification should follow procedures as outlined by the LDE.

J. Teachers in nonpublic schools seeking state certification shall follow the LDE procedure for submission.

1. Secondary and elementary personnel may teach grade levels preK-12 in the qualified areas.

K. A teacher may be considered qualified without having the 12 hours of Knowledge of the Learner and the Learning Environment courses contingent upon the following:

1. the teacher has documented experience at one of the following levels:

a. ten years teaching experience at the collegiate level as an assistant professor, associate professor, or full professor; or

b. ten years teaching experience in an approved elementary, middle, or secondary school; and

2. the teacher has the content knowledge qualifications required in §521 of this Part; or

3. the teacher has a graduate degree in the teaching area; and

4. the teacher has taught for a probationary period of at least one year with a satisfactory evaluation at the employing school.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 48:

§523. Local Education Agency Appeal

A. If a teacher evaluation demonstrates that the standards for effectiveness, as determined by BESE, have been met, using value-added data or other components of the evaluation, for three years during the initial certification or renewal process, a certificate shall be issued or renewed unless the LDE or BESE receives evidence from the LEA that justifies discontinuation.

B. Similarly, if a teacher evaluation demonstrates that the standards for effectiveness, as determined by BESE, have not been met, using either value-added data or other components of the evaluation, for three years during the initial certification or renewal process, the LDE shall not

issue or renew a certificate unless evidence of effectiveness is received from the LEA that justifies the issuance of a certificate.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 and R.S. 17:3886.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:2129 (October 2015), amended LR 48:

Subchapter B. Nonstandard Teaching Credentials

§525. Introduction

A. There are five types of nonstandard teaching credentials issued in Louisiana: temporary authority to teach (TAT); out-of-field authorization to teach (OFAT); temporary employment permit (TEP); nonpublic temporary certificate (T); and resident teacher certificate (R). Nonstandard credentials are of a temporary nature but may be renewed under specified guidelines.

B. **Medical Excuse and Exceptions.** Exceptions to policy will be considered in the case of serious medical condition or unavailability of required coursework or exams. When serious medical problems of the teacher or immediate family exist, a doctor statement is required with a letter of assurance from the teacher that the unmet policy requirements will be completed within one year of the exception being granted. The final authority for approval and policy flexibility is at the discretion of the LDE in accordance with BESE policy.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1803 (October 2006), LR 43:1311 (July 2017), LR 48:

§527. Temporary Authority to Teach (TAT)

A. Temporary authority to teach (TAT) is issued for one calendar year, while the holder pursues alternate certification program admission requirements or certification requirements. A TAT cannot be issued to teachers who previously held a temporary employment permit (TEP) or a standard teaching certificate.

B. Eligibility Requirements

1. The applicant must teach in a demonstrated area of need as evidenced by LEA-level workforce needs.

2. The applicant must have a baccalaureate or higher degree from an institution accredited in accordance with 34 CFR 602.

3. The applicant must possess passing scores on the core academic skills for educators in reading and writing examinations or appropriate scores on the ACT or SAT.

a. See §303 for exam substitutions.

4. The applicant must have at least a 2.20 undergraduate GPA. An applicant who does not meet the GPA requirement may be certified upon satisfactorily completion of a personal interview by the employing school system.

C. The employing school system must submit the application and provide an affidavit signed by the local superintendent, or the designee, verifying that good faith efforts for recruiting certified personnel have been made, including posting all positions for which TATs are issued and that there is no regularly certified, competent, and suitable person available for the position.

D. Renewal Requirements

1. TATs are valid for one year initially and may be renewed twice thereafter provided:

a. the applicant provides evidence that the required exam(s) for admission into a teacher preparation program has been taken at least twice since the issuance of the TAT;

b. the applicant provides evidence of meeting the standards of effectiveness pursuant to Bulletin 130;

c. the employing school system submits the application on behalf of the applicant and provides an affidavit signed by the local superintendent, or the designee, verifying that good faith efforts for recruiting certified personnel have been made, including posting all positions for which TATs are issued; and

d. there is no regularly certified, competent, and suitable person available for the position.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1803 (October 2006), amended LR 36:2547 (November 2010), LR 40:280 (February 2014), LR 44:2000 (November 2018), LR 45:1750 (December 2019), LR 48:

§529. Out-of-Field Authorization to Teach (OFAT)

A. Out-of-Field Authorization to Teach (OFAT) is issued for one three-year period while the holder pursues endorsement or add-on certification requirements. The OFAT is limited to two certification areas and is transferable to other employing school systems for the remaining validity period. If the teacher is actively pursuing certification in the field and the LDE has designated the area as an area that requires extensive hours for completion, up to two additional years of renewal may be granted. Issuance of subsequent OFAT requests may be considered once the previous OFAT certification area(s) have been added to the holder's standard teaching certificate.

B. Eligibility requirements:

1. issued to an applicant who holds a valid Louisiana out-of-state certificate;

2. temporary employment permit; or

3. a type C, type B or B* type A or A*, level 1, level 2 or 2*, or level 3 or 3* or OS teaching certificate but is teaching outside of the certified area(s).

C. OFAT Stipulations

1. LEAs must submit the application and provide an affidavit signed by the local superintendent, or the designee, verifying that good faith efforts for recruiting certified personnel have been made, including consulting the Teach Louisiana website, and that there is no regularly certified, competent, and suitable person available for the position, and that the applicant is the best-qualified person for the position.

2. If the teacher is actively pursuing certification in the field and the LDE designates the area as an area that requires extensive hours for completion, up to two additional years of renewal may be granted. Designated areas are as follows:

a. applicants pursuing certification in academically gifted, significant disabilities, early interventionist, deaf or

hard of hearing, and visual impairments/blind may be granted two additional years of renewal; and

b. applicants pursuing certification in mild/moderate may be granted one additional year of renewal.

D. COVID-19 OFAT Extensions. Educators for whom the 2019-2020 school year was the final year of OFAT validity period and who were unable to successfully meet endorsement or add-on certification requirements due to the COVID-19 pandemic, shall be granted a one-year OFAT extension for the 2020-2021 school year. This OFAT extension is only available to educators employed in 2019-2020 as reported by school systems in the Profile for Educational Personnel (PEP).

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1804 (October 2006), amended LR 33:2355 (November 2007), LR 35:1487 (August 2009), LR 43:1311 (July 2017), LR 46:1377 (October 2020), LR 48:

§531. Temporary Employment Permit (TEP)

A. Temporary Employment Permit (TEP) is issued for one school year, renewable annually, and may be held a maximum of three years while the holder pursues satisfaction of state Praxis requirements. Upon completion of the three years of employment on a TEP, for continued employment in a Louisiana school system, the holder must fulfill guidelines for a level 1 or higher-level certificate.

B. Eligibility Guidelines 1. TEP is issued to an applicant who meets all certification requirements with the exception of passing all portions of the NTE commons examination completed prior to February 20, 1985, but who scores within 10 percent of the composite score required for passage of all exams.

1. The Louisiana employing authority must submit the application to the LDE.

2. The Louisiana employing authority must submit a signed affidavit to the LDE stipulating that there is no other applicant meeting all certification requirements who is available for employment for a specific teaching position.

3. Issuance of a TEP shall not waive the requirement that the person must successfully complete the exam.

C. Eligibility Guidelines 2. TEP is issued to an individual who meets all certification requirements with the exception of passing one of the components of the NTE/Praxis examination(s) completed after February 20, 1985, but who has an aggregate score equal to or above the total required on all NTE/Praxis exams for the area of certification. The individual must submit the application and all required documents to the LDE.

D. Renewal Requirements. A TEP can be renewed twice, and only if evidence is presented that the required exam has been retaken twice within one year from the date the permit was last issued.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1804 (October 2006), amended LR 43:1311 (July 2017), LR 48:

§533. Nonpublic Temporary Certificate (T)

A. Nonpublic Temporary Certificate (T) is valid for one year; and is renewable.

B. Eligibility Guidelines. The T certificate is granted to teachers practicing in a nonpublic school setting that requires temporary credentialing to meet nonpublic school standards. When nonpublic standards are met in accordance with Bulletin 741 (Nonpublic) - Louisiana Handbook for Nonpublic School Administrators, the teacher serves in the nonpublic setting without a teaching certificate but has met the nonpublic standards.

C. Renewal Guidelines. The holder must earn six semester hours of professional coursework annually.

D. Availability of Required Courses. Documentation that necessary coursework was not available must be provided in the form of letters of verification from all universities in the accessible geographic area stating that the necessary coursework was not offered.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1805 (October 2006), amended LR 48:

§535. Resident Teacher Certificate (R)

A. Beginning July 1, 2018, the resident teacher certificate (R) shall be required for individuals completing a one-year residency required for certification in Louisiana pursuant to Bulletin 996.

B. Resident teacher certificates are valid for one school year, are renewable, and may be held a maximum of three years while the holder pursues certification through a BESE-approved teacher preparation program.

C. Eligibility guidelines:

1. enrollment in a BESE-approved traditional, master's degree, or certification-only teacher preparation program;

2. placement in a classroom in a public or approved nonpublic school with a teacher of record who holds a valid level 1, 2, 3, type A, or type B teaching certificate in the area for which the candidate is pursuing certification pursuant to Bulletin 746;

a. resident teachers placed in charter schools must be placed with a teacher of record who has demonstrated effectiveness pursuant to state law and Bulletin 130; and

3. passing scores on required core academic skills exams for initial issuance, including exam substitutions outlined §303 of this Part.

D. Renewal guidelines: passing scores on required content knowledge exams for renewal.

E. The request for the Resident Teacher license as well as renewal requests must be submitted directly to the LDE by the preparation provider.

F. The LDE will begin issuing resident teacher certificates to candidates completing residencies in BESE-approved programs with one-year residencies beginning July 1, 2017.

G. There shall be no fee charged for the resident teacher certificate issuance.

H. Holders of the resident teacher certificate may serve as a substitute teacher in the residency school system for up

to ten days each semester. Such service shall not impede residency performance or ability to successfully complete the preparation program.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 43:1312 (July 2017), amended LR 1377 (October 2020), LR 48:

Subchapter C. Ancillary Teaching Certificates

§537. Introduction

A. Types of Ancillary Certificates

1. Ancillary certificates are issued by the LDE for individuals who provide teaching, support, administrative, or supervisory services to children in pre-kindergarten through twelfth grade schools and early learning centers serving children from birth to five years old.

a. See Chapter 7 of this Part regarding ancillary certificates issued for individuals who provide support services in pre-kindergarten through twelfth grade schools and early learning centers serving children from birth to five years old.

b. See Chapter 15 of this Part regarding ancillary certificates issued for individuals who provide administrative and supervisory services in pre-kindergarten through twelfth grade schools.

2. Types of ancillary teaching certificates are as follows:

- a. ancillary artist or talented;
- b. early childhood ancillary;
- c. nonpublic Montessori teacher;
- d. family and consumer sciences (occupational programs);
- e. Junior Reserve Officers Training Corps (JROTC) instructor;
- f. math for professionals;
- g. mentor teacher ancillary; and
- h. content leader ancillary.

3. Non-Practicing status or operational role status for ancillary teaching certificates may be granted in accordance with §505 of this Part.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1805 (October 2006), amended LR 41:917 (May 2015), LR 45:230 (February 2019), LR 46:1378 (October 2020), LR 48:

§539. Artist or Talented Certificate

A. An ancillary artist or talented certificate is issued to an applicant who has earned an advanced degree in an artistic or talented field, or who has produced evidence of creative accomplishments over an extended period of time. An ancillary artist or ancillary talented certificate allows the holder to provide artistic and/or creative services in a regular classroom to children at any age level.

B. Artists Certificate (Art, Creative Writing, Drama, Dance, Music, Theatre, Visual Arts)

1. Certification is granted only in the specific artist area of art, creative writing, drama, dance, music, theatre, or visual arts requested.

2. Eligibility requirements:

a. a written request from the Louisiana employing authority indicating that the person will be employed;

b. substantive evidence of artistic and/or creative accomplishment over an extended period of time, submitted in the form of newspaper articles, brochures, catalogs, playbills, programs, magazines, published music, letters from accomplished peers, etc., noting that photographs, slides and actual artwork are only acceptable when document(s) verifying the artist authenticity of the work is included.

3. Renewal Guidelines. The initial validity period is for five years, with renewal thereafter for a period of five years at the request of an LEA with verification of successfully meeting the standards of effectiveness for at least three years during the initial certification or renewal period pursuant to Bulletin 130 and R.S. 17:3902.

4. The person holding such certification is not eligible for tenure.

C. Talented Certificate (Music, Theatre, or Visual Arts)

1. The certificate allows the certificate holder to provide talented services.

2. Certification is granted only in the specific talented area requested (visual art, music, or theatre).

3. Eligibility requirements:

a. graduate degree in Art, Music, Theatre Liberal Arts, or Theatre Education or substantive evidence of artistic and/or creative accomplishment over an extended period of time, submitted in the form of newspaper articles, brochures, catalogs, playbills, programs, magazines, published music, letters from accomplished peers, etc., noting that photographs, slides, and actual artwork are not acceptable;

b. written request from the LEA indicating that the individual will be employed as a talented teacher; and

c. the individual must have a minimum of one year of successful experience working with students in the specific arts area and at the level for which employed.

i. All out-of-state experience must be verified as successful by the out-of-state employing authority or SEA.

4. Renewal Guidelines. The initial period of validity is for five years initially and may be renewed thereafter for a period of five years at the request of the employing LEA. For renewal of the ancillary certificate, candidates must successfully meet the standards of effectiveness for at least three years during the initial certification or renewal period pursuant to Bulletin 130 and R.S. 17:3902.

5. Persons holding a talented certificate are not eligible for tenure.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1805 (October 2006), amended LR 38:762 (March 2012), LR 38:3136 (December 2012), LR 45:1459 (October 2019), LR 48:

§541. Early Childhood Ancillary Certificate

A. The early childhood ancillary certificate authorizes an individual to teach in a publicly-funded early learning center serving children ages birth to five as defined in R.S. 17:407.33, unless program requirements mandate a

professional-level certificate. After June 30, 2019, an individual shall have, at a minimum, an early childhood ancillary certificate to serve as a lead teacher in a publicly-funded early learning center.

B. Early Childhood Ancillary Certificates

1. Eligibility Requirements. An early childhood ancillary certificate shall be issued to an applicant who submits evidence of one of the following to the LDE:

a. a baccalaureate degree or higher from a college or university accredited in accordance with 34 CFR 602;

b. a current child development associate (CDA) credential, either infant/toddler, preschool or family childcare, awarded by the Council for Professional Recognition and a high school diploma or equivalent:

i. after July 1, 2018, all 120 clock hours of coursework for the CDA must be earned from a BESE-approved early childhood ancillary certificate program provider for initial issuance:

(a). an individual who has completed 36 or more clock hours of coursework for the CDA by July 1, 2018, may complete the remaining coursework for the CDA from any CDA provider;

(b). an individual who has not completed 36 or more clock hours of coursework for the CDA by July 1, 2018, must earn all 120 hours of coursework for the CDA from a BESE-approved early childhood ancillary certificate program provider;

(c). after July 1, 2018, individuals may submit a request to the LDE to waive the requirement that all 120 hours of coursework for the CDA be obtained from a BESE-approved early childhood ancillary certificate program if the individual is able to demonstrate unavailability of enrollment options within a reasonable geographic proximity;

ii. after July 1, 2018, applicants who obtained a CDA or completed coursework from a provider that is not BESE-approved while residing in another state shall submit additional documentation of program components for approval;

iii. coursework counting toward the early childhood ancillary certificate shall include at least 10 training hours in each of the following subject areas:

(a). planning and implementing a safe and healthy learning environment;

(b). advancing physical and intellectual development;

(c). supporting social and emotional development;

(d). building productive relationships with families;

(e). managing an effective program operation;

(f). maintaining a commitment to professionalism;

(g). observing and recording child behavior; and

(h). understanding principles of child development and learning;

c. an associate degree in an early childhood related field from a college or university accredited in accordance with 34 CFR 602;

d. a technical diploma or certificate of technical studies in an early childhood related field from an accredited technical or community college:

i. after July 1, 2018, all coursework for technical diplomas and certificates of technical studies must be earned from a BESE-approved provider;

ii. after July 1, 2018, individuals may submit a request to the LDE to waive the requirement that coursework be obtained from a BESE-approved early childhood ancillary certificate program if the individual is able to demonstrate unavailability of enrollment options within a reasonable geographic proximity; and

e. a career diploma that has been approved by the Louisiana Pathways Career Development System, and in which coursework began prior to July 1, 2018.

2. Renewal Requirements:

a. For individuals meeting eligibility requirements with a CDA, the early childhood ancillary certificate shall be valid for a three-year period. The ancillary certificate may be renewed by the LDE at the request of the applicant employer with submission of either documentation of a renewed CDA credential, awarded by the Council for Professional Recognition, or documentation of:

i. either a 3 credit-hour course or 45 clock hours of approved training or professional development in early childhood care and education; and

ii. a minimum of 80 hours of work experience with young children or families with young children within the last three years.

b. For individuals meeting eligibility requirements with a baccalaureate degree or higher, associate degree, technical diploma, certificate of technical studies, or career diploma, the early childhood ancillary certificate shall be valid for a three-year period. The certificate may be renewed by the LDE at the request of the applicant's employer with submission of documentation of:

i. either a 3 credit-hour course, 45 clock hours of training in early childhood care and education or a CDA credential earned from a BESE-approved early childhood ancillary certificate program and awarded by the council for Professional Recognition; and

ii. a minimum of 80 hours of work experience with young children or families with young children within the last three years.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:17:6(A)(10), (11), and (15), R.S. 17:7(6), and R.S. 17:407.81.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:917 (May 2015), amended LR 43:2135 (November 2017), LR 46:1378 (October 2020), LR 48:

§543. Nonpublic Montessori Teacher Certificate

A. Louisiana Montessori teachers will be certified and issued Louisiana Montessori teaching certificates by the LDE.

B. Eligibility Requirements:

1. For a Type C Montessori Certificate—the teacher must have completed training from an approved provider listed in §1363 of this Part.

2. For a type B Montessori certificate:

a. at least one year of successful teaching experience in a Montessori school:

b. all out-of-state experience must be verified as successful by the out-of-state employing authority or SEA; and

c. complete training from an approved provider listed in §1363 of this Part.

3. For type A, junior class A, and junior Montessori certificates:

a. a bachelor's degree from a college or university accredited in accordance with 34 CFR 602;

b. at least one year of successful teaching experience in a Montessori school:

c. all out-of-state experience must be verified as successful by the out-of-state employing authority or SEA; and

d. complete training from an approved provider listed in §1363 of this Part.

C. This certificate is valid for five years initially and may be renewed thereafter for a period of five years at the request of a LEA. For renewal of the ancillary certificate, candidates must earn effective ratings per local personnel evaluations for at least three years during the five-year initial or renewal period in accordance with LAC 28:CXLVII (Bulletin 130) and R.S. 17:3902.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1805 (October 2006), amended LR 38:3136 (December 2012), LR 45:1459 (October 2019), LR 46:1378 (October 2020), LR 48:

§545. Family and Consumer Sciences Occupational Programs

A. An ancillary certificate issued in family and consumer sciences occupational programs authorizes an individual to teach in the areas of childcare, clothing service, food service, housing and interior design, and institutional home management.

B. Provisional Certification eligibility requirements:

1. bachelor's degree in a family and consumer sciences specialty area;

2. 12 semester hours in professional education courses, to include organization and administration of family and consumer sciences occupational programs; and

3. minimum of 2,000 hours of successful work experience in the area of occupational certification.

C. Provisional Certification renewal requirements. Valid for three years initially and may be renewed thereafter for a period of five years at the request of an LEA. For renewal of the ancillary certificate, candidates must successfully meet the standards of effectiveness for at least three years during initial or renewal period in accordance with LAC 28:CXLVII (Bulletin 130) and R.S. 17:3902

D. Qualified Certification eligibility requirements:

1. complete requirements for provisional certification;

2. earn three years of teaching experience in family and consumer sciences occupational programs; and

3. all out-of-state experience must be verified as successful by the out-of-state employing authority or SEA.

2. Qualified Certification Renewal Requirements. Valid for five years initially and may be renewed thereafter for a period of five years at the request of an LEA. For renewal of the certificate, candidates must successfully meet the standards of effectiveness for at least three years during initial or renewal period pursuant to Bulletin 130 and R.S.17:3902.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1806 (October 2006), amended LR 38:3137 (December 2012), LR 45:1459 (October 2019), LR 46:1378 (October 2020), LR 48:

§547. Junior Reserve Officers Training Corps Instructor (ROTC)

A. An ancillary certificate issued in ROTC authorizes an individual to teach Junior ROTC.

B. Eligibility requirements:

1. be retired from active duty in the retired grades of E-6-E-9, WO-1-CWO-5, 03-06; and

2. official recommendation by appropriate branch of the military service with certification by the appropriate department of defense.

C. Renewal requirements. Valid for five years initially and may be renewed thereafter for a period of five years at the request of an LEA. For renewal of the certificate, candidates must successfully meet the standards of effectiveness for at least three years during initial or renewal period in accordance with Bulletin 130 and R.S.17:3902.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 34:432 (March 2008), amended LR 34:1610 (August 2008), LR 38:3137 (December 2012), LR 48:

§549. Math for Professionals Certificate

A. An ancillary math for professionals certificate is issued to an applicant who has an undergraduate degree from a university accredited in accordance with 34 CFR 602 and/or evidence of a math and/or science work-related background.

B. Math for professionals certificate allows an individual to teach one or more mathematics courses.

C. Eligibility requirements:

1. meets at least one of the following:

a. earned 30 credit hours of mathematics;

b. earned a graduate degree in mathematics, engineering, or science content area; or

c. successful passing of the Praxis Secondary Mathematics: Content Knowledge test.

2. recommendation and support of current employing school system. Written request is required from the Louisiana employing authority indicating that the person will be employed in the area upon issuance of certification;

3. complete a district developed classroom readiness/training program, based on state guidelines.

D. Renewal requirements. Valid for three years initially and may be renewed thereafter for a period of five years at the request of an LEA. For renewal of the certificate, a candidate must successfully meet the standards of effectiveness for at least three years during the initial or renewal period in accordance with LAC 28:CXLVII (Bulletin 130) and R.S. 17:3902.

E. The holder of such certification is not eligible for tenure.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 35:220 (February 2009), amended LR 39:1463 (June 2013), LR 40:281 (February 2014), LR 44:2000 (November 2018), LR 45:228 (February 2019), LR 46:1378 (October 2020), LR 48:

§551. Dyslexia Ancillary Certificate (Optional)

A. Dyslexia Practitioner. The optional dyslexia practitioner ancillary certificate is issued to an individual to teach students with dyslexia.

1. Eligibility requirements:

- a. hold a valid Louisiana teaching certificate; and
- b. demonstrate completion of a multisensory-structured language training program accredited by a nationally-recognized accrediting organization, as posted on the LDE website, which shall include 45 hours of coursework and 60 hours of clinical work that is observed and monitored by a qualified professional; and
- c. pass a multisensory-structured language education-related competency examination that is administered by a nationally-recognized professional organization that issues national certification.

2. Renewal Requirements. The certificate is valid for a period of five years and may be renewed thereafter at the request of the Louisiana employing authority.

a. Candidates shall successfully meet the standards of effectiveness for at least three years during the five-year renewal period in accordance with Bulletin 130 and R.S. 17:3902.

b. Candidates shall verify that the certificate issued by a nationally-recognized professional organization is in good standing at the time of the renewal request.

B. Dyslexia Therapist. The optional dyslexia therapist ancillary certificate is issued to an individual to teach students with dyslexia.

1. Eligibility requirements:

- a. hold a valid Louisiana teaching certificate;
- b. demonstrate completion of a multisensory-structured language training program accredited by a nationally-recognized accrediting organization, as posted to the LDE website, which shall include 200 hours of coursework and 700 hours of clinical work that is observed and monitored by a qualified professional; and
- c. pass a multisensory-structured language education-related competency examination that is administered by a nationally-recognized professional organization, as posted on the LDE website, that issues national certification.

2. Renewal Requirements. The certificate is valid for a period of five years and may be renewed thereafter at the request of the Louisiana employing authority.

a. Candidates shall successfully meet the standards of effectiveness for at least three years during the five-year renewal period in accordance with Bulletin 130 and R.S. 17:3902.

b. Candidates shall verify that the certificate issued by a nationally-recognized professional organization is in good standing at the time of the renewal request.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 44:2001 (November 2018), amended LR 48:

§553. Mentor Teacher (MT) Ancillary Certificate

A. Beginning September 1, 2020, the mentor teacher ancillary certificate will be required for individuals who serve as a mentor of undergraduate or post-baccalaureate teacher residents.

B. Provisional MT Certification. Individuals serving as mentors who have not successfully completed a BESE-approved mentor training program or mentor assessments will be issued a nonrenewable provisional mentor teacher ancillary certificate, valid for one calendar year from the date of issuance while the holder completes a BESE-approved mentor training program or mentor assessments.

C. Provisional certification eligibility requirements:

1. hold, or be eligible to hold, a valid type C, level 1 or higher Louisiana teaching certificate; or
2. if teaching in a charter school without a valid type C, level 1 or higher certificate, have at least two years of successful teaching in accordance with LAC 28:CXLVII (Bulletin 130) and R.S. 17:3902; or
3. if teaching in a nonpublic school without a valid type C, level 1, or higher certificate earn at least two years of effective ratings per local personnel evaluations; and
4. all out-of-state experience must be verified as successful by the out-of-state employing authority or SEA; and
5. enroll in a BESE-approved mentor training program.

D. MT Ancillary Certification. Individuals who have completed a BESE-approved mentor teacher training program and earn a passing score on the Louisiana mentor teacher assessment series will be issued a mentor teacher ancillary certificate. For teachers holding a valid type C, Level 1 or higher Louisiana teaching certificate, see §1369 of this Part. The LDE will begin issuing mentor teacher ancillary certificates no later than July 1, 2019.

E. MT Ancillary certification eligibility requirements:

1. if teaching in a charter school without a valid type C, level 1 or higher certificate, have at least two years of successful teaching in accordance with LAC 28:CXLVII (Bulletin 130) and R.S. 17:3902; or
2. if teaching in a nonpublic school without a valid type C, level 1, or higher certificate earn at least two years of effective ratings per local personnel evaluations; and
3. all out-of-state experience must be verified as successful by the out-of-state employing authority or SEA;
4. successfully complete a BESE-approved mentor teacher training program; and
5. earn a passing score on the Louisiana mentor teacher assessment series.
6. Individuals who successfully complete LDE mentor teacher training from November 1, 2017 through July 31, 2020, are eligible for the mentor teacher ancillary certificate after passing the Louisiana mentor teacher assessment series.
7. Individuals who hold National Board certification are eligible for mentor teacher ancillary certification after passing the coaching-related components of the Louisiana mentor teacher assessment series.

8. Individuals who currently hold or are eligible to hold National Institute for Excellence in Training (NIET) Teacher Evaluator Training Certification may apply for the ancillary certificate, which makes the individual eligible to

serve as a mentor of undergraduate or post-baccalaureate teacher residents.

9. Certified CLASS ® observers may apply for the ancillary certificate and upon issuance are eligible to serve as mentors of undergraduate or post-baccalaureate residents.

F. MT Ancillary Certificate Renewal Guidelines. Mentor teacher ancillary certificates are valid for five years and may be renewed at the request of the employing authority.

1. Teachers in charter schools who do not hold a level 1, 2, or 3 certificate must successfully meet the standards of effectiveness for at least three years during the five-year renewal period in accordance with LAC 28:CXLVII (Bulletin 130) and R.S. 17:3902.

2. Teachers in nonpublic schools who do not hold a level 1, 2, or 3 certificate must earn effective ratings per local personnel evaluations for at least three years during the five-year renewal period in order to renew the mentor teacher ancillary certificate.

G. For the 2020-2021 and 2021-2022 school years, the requirement that all undergraduate residents and post-baccalaureate candidates be placed with mentor teachers holding the ancillary mentor teacher certificate, the ancillary provisional mentor teacher certificate, or the Supervisor of Student Teaching certificate, is waived with the following contingencies.

1. Mentor teacher waivers will be granted on a case-by-case basis through the application process established by the LDE and at no fee to the applicant, school system, or teacher preparation provider;

2. The waiver will be issued by the LDE for educators highly recommended by the mentor's principal and who possess one or more of the following qualifications:

- a. two years of highly effective Compass ratings;
- b. National Board Certification;
- c. statewide or national distinction for excellence in teaching;
- d. experience as a TAP mentor, master teacher, executive master teacher or certified TP evaluator;
- e. content leader experiences, as evidenced by participation in content leader training or redelivery of professional development; or
- f. master's or doctorate in education and exemplary experience hosting student teachers.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 and 17:3902.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 45:230 (February 2019), amended LR 45:1460 (October 2019), LR 46:1379 (October 2020), LR 48:

§555. Content Leader (CL) Ancillary Certificate (Optional)

A. The content leader ancillary certificate is an optional certificate that districts may require. The LDE will begin issuing content leader ancillary certificates to candidates no later than July 1, 2019.

B. CL Ancillary Certificate eligibility requirements:

1. if teaching in a charter school without a valid type C, level 1 or higher certificate, have at least two years of successful teaching in accordance with LAC 28:CXLVII (Bulletin 130) and R.S. 17:3902; or

2. if teaching in a nonpublic school without a valid type C, level 1, or higher certificate, earn at least two years of effective ratings per local personnel evaluations; and

3. all out-of-state experience must be verified as successful by the out-of-state employing authority or SEA;

4. successfully complete a BESE-approved content leader training program; and

5. have a passing score on the Louisiana content leader assessment series (see §303 of this Part).

C. Individuals who have successfully completed LDE content leader training from November 1, 2017 through July 31, 2020, in accordance with Paragraph 1 of this Subsection, are eligible for content leader ancillary certification.

D. Renewal Guidelines. The content leader ancillary certificate is valid for a period of five years and may be renewed at the request of the employing authority.

1. Teachers in charter schools who do not hold a level 1, 2, or 3 certificate must successfully meet the standards of effectiveness for at least three years during the five-year renewal period in accordance with LAC 28:CXLVII (Bulletin 130) and R.S. 17:3902.

2. Teachers in nonpublic schools who do not hold a level 1, 2, or 3 certificate must earn effective ratings per local personnel evaluations for at least three years during the five-year renewal period in order to renew the mentor teacher ancillary certificate.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 and 17:3902.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 45:231 (February 2019), amended LR 45:1460 (October 2019), LR 48:

Subchapter D. Special Considerations for Teachers Called to Active Military Duty

§557. Introduction

A. A teacher employed on a Louisiana certificate of any type who is called to active military duty will not be penalized for the time spent in active service. The educator must present copies of official documents indicating beginning and ending dates of active military duty when applying for renewal or extension of the certificate.

B. For the period of military service:

1. non-practicing status may be requested by the educator for the time in active service; and

2. additional time commensurate with the amount of time spent in active duty will be added to the validity period on the temporary or regular certificate, for the school year(s) or portion thereof spent in active military service.

C. Upon completion of the validity period, the renewal guidelines for temporary and/or regular certificates are effective.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1806 (October 2006), amended LR 48:

Chapter 7. Ancillary School Service Certificates

§701. Introduction

A. An individual must have an official license or certificate from the state to provide services to children in a Louisiana school setting. An ancillary certificate allows a qualified person who is not a certified teacher to provide such services. The holder of an ancillary certificate is authorized to perform only those services that are specifically stated on the certificate in Louisiana school systems.

B. Non-Practicing Status for all Ancillary Teaching Certificates or Operational Role Status for Ancillary Teaching Certificates may be issued by the LDE in accordance with §505.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1807 (October 2006), amended LR 34:432 (March 2008), LR 48:

Subchapter A. General Ancillary School Certificates

§703. Child Nutrition Program Supervisor

A. For certificates issued July 1, 2020 and beyond, minimum eligibility requirements:

1. LEAs with a student enrollment of 2,499 or less:

a. at least 8 hours of food safety training is required either not more than five years prior to the date of employment or completed within 30 calendar days of the date of employment; and

i. a bachelor's degree, or equivalent educational experience, with an academic major or concentration in food and nutrition, food service management, dietetics, family and consumer sciences, nutrition education, culinary arts, business, or a related field; or

ii. a bachelor's degree, or equivalent educational experience, with any academic major or area of concentration, and either a state-recognized certificate for school nutrition directors or at least one year of relevant food service experience; or

iii. an associate's degree, or equivalent educational experience, with an academic major or concentration in food and nutrition, food service management, dietetics, family and consumer sciences, nutrition education, culinary arts, business, or a related field, and at least one year of relevant school nutrition program experience; or

iv. a high school diploma or state-issued high school equivalency credential and three years of relevant food service experience;

2. LEAs with a student enrollment of 2,500 - 9,999:

a. at least 8 hours of food safety training is required either not more than five years prior to the date of employment or completed within 30 calendar days of the date of employment; and

i. a bachelor's degree, or equivalent educational experience, with an academic major or concentration in food and nutrition, food service management, dietetics, family and consumer sciences, nutrition education, culinary arts, business, or a related field; or

ii. a bachelor's degree, or equivalent educational experience, with any academic major or area of concentration, and a state-recognized certificate for school nutrition directors; or

iii. a bachelor's degree in any academic major and at least two years of relevant school nutrition program experience; or

iv. an associate's degree, or equivalent educational experience, with an academic major or concentration in food and nutrition, food service management, dietetics, family and consumer sciences, nutrition education, culinary arts, business, or a related field, and at least two years of relevant school nutrition program experience;

3. for Child Nutrition Program supervisors in LEAs with a student enrollment of 10,000 or more:

a. at least 8 hours of food safety training is required either not more than five years prior to the date of employment or completed within 30 calendar days of the date of employment and:

i. a bachelor's degree, or equivalent educational experience, with academic major or concentration in food and nutrition, food service management, dietetics, family and consumer sciences, nutrition education, culinary arts, business, or a related field; or

ii. a bachelor's degree, or equivalent educational experience, with any academic major or area of concentration, and a state-recognized certificate for school nutrition directors; or

iii. a bachelor's degree in any major and at least five years of experience in management of school nutrition programs.

B. Renewal Guidelines. Valid for one year and renewable each year thereafter upon presentation of completion of twelve hours of annual continuing education/training. The annual training must include, but is not limited to, administrative practices including training in school meal application, certification and verification, and meal counting and claiming procedures, as applicable, and any other specific topics, as needed, to address program integrity or other critical issues. Continuing education/training required under this paragraph is in addition to the food safety training required in the first year of employment under §703 of this Part.

C. Reinstatement of a Lapsed Certificate. If a certificate holder allows a period of one calendar year to elapse where not employed as a child nutrition program supervisor, the applicant must verify evidence of having met the hiring standards under §703 of this Part.

D. Provisional Certificate. A provisional certificate may be issued to an individual employed as an acting child nutrition program supervisor.

1. Eligibility Requirements. For provisional certificates issued September 1, 2021 and beyond, the minimum requirements include:

i. high school diploma (or equivalent);

ii. 2 years of relevant school nutrition programs experience; and

iii. at least 8 hours of food safety training either not more than five years prior to the date of employment or completed within 30 calendar days of the date of employment.

2. Renewal Guidelines. Valid for one year initially and renewable each year thereafter upon presentation of 12 hours of annual food service continuing education/training. A provisional certificate may be issued for a maximum of five years.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1807 (October 2006), amended LR 33:280 (February 2007), LR 34:432 (March 2008), LR 46:1379 (October 2020), LR 48:

§705. Counselor K-12 (Counselor in a School Setting)

A. Eligibility Requirements Prior to June, 30, 2017. For candidates who completed all courses and degree requirements by June 30, 2017, the endorsement add-on requirements include:

1. graduate degree in school counseling from an institution accredited in accordance with 34 CFR 602 or a graduate degree with the equivalent hours and courses required for a graduate degree in school counseling; and

2. graduate training that includes 24 semester hours of professional courses distributed so that at least one course will be taken in each of the following basic areas:

a. Principles and Administration of School Counseling Programs;

b. career and lifestyle development;

c. individual appraisal;

d. counseling theory and practice;

e. group processes;

f. human growth and development;

g. social and cultural foundations in counseling; and

h. supervised practicum in a school setting.

B. Eligibility requirements after June 30, 2017:

1. completion of a standards-based graduate degree program in counseling from a college or university accredited in accordance with 34 CFR 602 and approved by the Council for Accreditation of Counseling and Related Educational Program (CACREP), and candidates completing counseling programs not in the specialty area of school counseling must complete six credit hours of school counseling courses from a CACREP-accredited program;

2. practicum/internship requirements:

a. complete a practicum in counseling from a CACREP-accredited program to include 100 contact hours; and

b. complete an internship in counseling from a CACREP-accredited program to include 600 contact hours in a school setting; and

3. pass the PRAXIS examination in school guidance and counseling (0421 or 5421).

C. Renewal Requirements. Certification is issued for a period of five years. For purposes of maintaining a valid counseling certificate, any school counselor receiving initial or renewal certification after July 1, 2013, must successfully meet the standards of effectiveness for at least three years during the five-year validity period in accordance with Bulletin 130 and R.S. 17:3902.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1807 (October 2006), amended LR 38:1400 (June, 2012), LR 39:1463 (June 2013), LR 45:1055 (August 2019), LR 48:

§707. Educational Interpreter

A. An Educational Interpreter certificate is issued to individuals who provide sign language interpreting services by facilitating communication within an instructional environment via an enhanced visual and/or tactile mode between and among deaf/hard of hearing and hearing individuals in situations in which those individuals are unable to communicate with one another using a speech and hearing mode.

B. This certificate is issued to individuals who have at least a standard high school diploma, HiSET, or a General Equivalency Diploma (GED) and who meet the guidelines outlined in this document. There are two basic types of certification for Educational Interpreters: Provisional and Qualified.

C. Provisional Educational Interpreter Certificate eligibility requirements:

1. complete an accredited interpreter preparation program with a minimum of a certificate of completion;

2. hold certification as a sign language interpreter/transliterater by a national or state organization or certifying body;

3. achieve an advanced level or higher, as measured by the sign language proficiency interview (SLPI) or sign communication proficiency interview (SCPI); or

4. pass the pre-hiring screening of the educational interpreter performance assessment (EIPA).

D. Provisional Educational Interpreter Certificate renewal requirements:

1. valid for one year, may be renewed annually at the request of the Louisiana employing authority, and can be held for a maximum of three years; and

2. renewable upon completion of 10 contact hours of professional development annually with course credit leading to a Qualified Certificate applied towards the 10 hours and accrued beginning with the issuance of the Provisional Educational Interpreter Certificate.

E. Qualified Educational Interpreter Certificate eligibility requirements:

1. pass the Educational Interpreter Assessment, Written Test; and

2. achieve a level of 3.0 on one of the standardized videotape versions of the Educational Interpreter Performance Assessment: American Sign Language (ASL), Manually Coded English (MCE), or Pidgin Signed English (PSE) at the Elementary and/or Secondary level.

F. Qualified Educational Interpreter Certificate renewal requirements:

1. Valid for five years and may be renewed at the request of the Louisiana employing authority upon completion of six semester hours of credit or equivalent continuing professional development of 90 Contact hours.

2. The six hours of credit or 90 equivalent clock hours shall be directly and substantively related to one or more of the permits or certificates held by the applicant or related to the applicant's professional competency.

3. These hours shall be accrued beginning with the date of certification issuance.

G. An individual who does not meet the qualified certificate requirements may apply for a provisional certificate.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1808 (October 2006), amended LR 33:1616 (August 2007), LR 48:

§709. Educational Transliterater

A. An educational transliterater certificate is issued to individuals who provide cued language transliteration services by facilitating communication within an

instructional environment via an enhanced visual and/or tactile mode between and among deaf/hard of hearing and hearing individuals in situations in which those individuals are unable to communicate with one another using a speech and hearing mode.

B. This certificate is issued to individuals who have at least a standard high school diploma, HiSET, or a General Equivalency Diploma (GED) and who meet the guidelines outlined in this document. There are two basic types of certification for educational transliterators: provisional and qualified.

C. Provisional Educational Transliterator Certificate eligibility requirements:

1. hold certification as a cued speech transliterator from a national or state recognized organization or certifying body; or

2. pass the cued American English competency screening.

D. Renewal requirements:

1. valid for one year and may be renewed annually at the request of the Louisiana employing authority for a maximum of three years; and

2. renewable upon completion of ten contact hours of professional development annually with course credit leading to a Qualified Educational Transliterator Certificate and may be applied toward the 10 hours and accrued beginning with the issuance of the Provisional Educational Transliterator Certificate.

E. Qualified Educational Transliterator Certificate eligibility requirements:

1. pass the Cued Language Transliterator State level Performance Assessment; or attain a level of 3.5 on the Educational Interpreter Performance Assessment-Cued Speech (EIPA-CS); and

2. pass the Cued Language Transliterator State Level Written Assessment.

F. Qualified Educational Transliterator Certificate renewal requirements:

1. May be renewed every five years at the request of the Louisiana employing authority upon completion of six semester hours of credit or equivalent continuing professional development (90 Contact hours).

2. The six hours of credit or 90 equivalent clock hours shall be directly and substantively related to one or more of the permits or certificates held by the applicant or related to the applicant's professional competency.

3. These hours shall be accrued beginning the date of issuance of the Qualified Educational Transliterator Certificate.

G. An individual who does not meet Qualified Educational Transliterator Certificate requirements may apply for a provisional certificate.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 33:1617 (August 2007), amended LR 48:

§711. School Librarian

A. School Librarian eligibility requirements:

1. master's degree in library science from an institution accredited in accordance with 34 CFR 602; and

2. passing score on Praxis Library Media Specialist examination.

B. Renewal requirements:

1. candidates must successfully meet the standards of effectiveness for at least three years during the five-year period of validity pursuant to Bulletin 130 and R.S. 17:3902;

2. the Louisiana employing authority must request renewal of an ancillary school librarian certificate; and

3. valid for five years.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1808 (October 2006), repromulgated LR 33:1617 (August 2007), amended LR 36:489 (March 2010), LR 39:1463 (June 2013), LR 46:1380 (October 2020), LR 48:

§713. Orientation and Mobility

A. Orientation and Mobility. Valid as long as holder maintains a current national certification in orientation and mobility.

1. Eligibility requirements:

a. baccalaureate or graduate degree in orientation and mobility; or

b. completion of an individual plan of study in orientation and mobility at a college or university accredited in accordance with 34 CFR 602; and

c. current certification issued by the Academy for Certification of Vision Rehabilitation and Educational Professionals (COMS); or

d. current certification issued by the National Blindness Professional Certification Board (NOMC).

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 35:894 (May 2009), amended LR 46:1380 (October 2020), LR 48:

§715. School Nurse

A. Type C School Nurse—valid for three years.

1. Eligibility requirements:

a. current Louisiana licensure as a registered professional nurse; and

b. minimum of two years of experience as a registered nurse.

2. Renewal Guidelines. May be renewed once for a three year period, upon presentation of a copy of current Louisiana licensure as a registered professional nurse and upon request of Louisiana employing authority.

B. Type B School Nurse—valid for five years.

1. Eligibility requirements:

a. current Louisiana licensure as a registered professional nurse; and

b. three years of experience as a type C school nurse.

2. Renewal Guidelines. May be renewed for a five-year period, upon presentation of a copy of current Louisiana licensure as a registered professional nurse and upon request of Louisiana employing authority.

C. Type A School Nurse—valid for five years.

1. Eligibility requirements:

a. current Louisiana licensure as a registered professional nurse;

b. baccalaureate degree in nursing or a health-related field from a college or university accredited in accordance with 34 CFR 602; and

c. five years of experience as a certified type B school nurse.

2. Renewal Guidelines. May be renewed for a five-year period, except for those with a current certificate that is valid for life of continuous service. Upon presentation of a copy of current Louisiana licensure as a registered professional nurse and upon request of Louisiana employing authority.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1808 (October 2006), amended LR 36:1998 (September 2010), LR 37:883 (March 2011), LR 38:44 (January 2012), LR 38:2366 (September 2012), LR 46:1380 (October 2020), LR 48:

§717. Social Worker

A. Social Worker—issued to individuals with graduate degrees in social work or social welfare.

B. Provisional School Social Worker—valid for three years.

1. Eligibility requirements:

a. a licensed master social worker (LMSW) issued under R.S. 37:2701 et seq.;

b. an individual must work under the supervision of a licensed clinical social worker (LCSW) for a minimum of one hour per week if providing clinical social work services and complete a minimum of 20 continuing professional development/education units (CEUs) each year of the validity of this certificate. Of the 20 CEUs, 10 hours must be related to the provision of school social work services and/or services to children. These CEUs will remain on file at the employing LEA.

2. Renewal Guidelines—nonrenewable.

C. Qualified School Social Worker:

1. Eligibility requirements:

a. licensed clinical social worker (LCSW), in accordance with R.S. 37:2701 et seq.; or

b. certificate as a licensed master social worker (LMSW), in accordance with R.S. 37:201 et seq.; receive a minimum of one hour per week of supervision by a LCSW, if providing clinical social work services, and have work experience in one or more of the following social work practice settings within the past five years:

i. school setting;

ii. mental health setting;

iii. correction setting;

iv. family/child/community service agency;

v. medical social services in which social services were delivered to families and children;

vi. private clinical practice in which social work services were delivered to adults, children, and families; or

vii. have graduate social worker field experience in the above social work practice settings plus two years of work experience, as verified by the Louisiana State Board of Certified Social Work Examiners.

2. This certificate is valid provided the holder maintains current Louisiana licensure as a social worker and

completes a minimum of 20 continuing professional development/education units (CEUs) in the years of the validity of this certificate. Of the 20 CEUs, 10 hours must be related to the provision of school social work services and/or services to children. The CEUs will remain on file at the employing LEA. A social worker who changes employing school systems must provide a copy of a current Louisiana license to serve as a social worker.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1809 (October 2006), amended LR 38:45 (January 2012), LR 48:

§719. Mental Health Professional Counselor

A. Provisional Mental Health Professional Counselor Certificate—valid for two years.

1. Eligibility requirements:

a. hold current Louisiana licensure as a provisional licensed professional counselor in Louisiana (PLPC), in accordance with R.S. 37:1101 et seq.; or

b. work under active supervision of a board-approved licensed professional counselor supervisor (BALPC-S) (i.e., 1 hour of supervision per 20 client contact hours) and accrue 1,900 direct client contact hours, 1,000 indirect hours, and 100 clinical supervision hours under the board-approved licensed professional counselor supervisor (BALPC-S); and

c. hold a current Louisiana licensure as a licensed marriage and family therapist (MFT) in accordance with R.S. 37:1101 et seq.; or

d. hold a current Louisiana licensure as a Licensed clinical social worker (LCSW), in accordance with R.S. 37:2701 et seq.; or

e. hold a current Louisiana certification as a certified school psychologist, in accordance with R.S. 17:7.1(D); or current Louisiana licensure as a psychologist, in accordance with R.S. 37:2351 et seq.; and

f. have two years of mental health counseling experience or school psychological services or school social work services within the last five years working directly with children, as verified by a previous or current employer; and

g. have a written request from the Louisiana employing school system indicating that the person will be employed upon issuance of certification.

2. Non-renewable.

B. Qualified Mental Health Professional Counselor

1. Eligibility requirements:

a. hold current Louisiana licensure as a licensed professional counselor in Louisiana (LPC) or as a provisional-licensed professional counselor (PLPC) in accordance with R.S. 37:1101 et seq.; or

b. hold a current Louisiana licensure as a licensed marriage and family therapist (LMFT) in accordance with R.S. 37:1101 et seq.; or

c. hold a current Louisiana licensure as a licensed clinical social worker (LCSW), in accordance with R.S. 37:2701 et seq.; or

d. hold a current Louisiana certification as a certified school psychologist, in accordance with R.S.

17:7.1(D); or current Louisiana licensure as a psychologist, in accordance with R.S. 37:2351 et seq.; and

e. have two years of experience as a provisional mental health professional counselor and the written request of the employing LEA.

2. Renewal Guidelines

a. This certificate is valid provided the holder maintains current Louisiana licensure as a LPC, LMFT, LCSW, or psychologist, or holds a current Louisiana certification as a certified school psychologist. A worker who changes employing school systems must provide a copy of a current Louisiana license or certificate to serve as a mental health professional counselor.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 37:881 (March 2011), amended LR 44:2001 (November 2018), LR 48:

§721. Special Education Examiners

A. State statute requires that each school district have assessment teams for the purpose of identifying and evaluating the individual needs of each child with exceptionalities. These teams may include any number of the specialists outlined in this Section. Persons serving on multidisciplinary teams who have competent authority numbers may continue to serve in this capacity.

B. Audiologist

1. Provisional certificate—valid for three years.

a. Eligibility requirements:

i. graduate degree in audiology or equivalent, as specified in R.S. 37:2651 et seq.;

ii. must work under supervision of a licensed audiologist.

b. Non-renewable.

2. Qualified Licensed Audiologist—valid for life with continuous service.

a. Eligibility requirements:

i. graduate degree in audiology or equivalent, as specified in R.S. 37:2651 et seq.;

ii. current Louisiana licensure as an Audiologist.

b. Renewal guidelines: holder must present current Louisiana credential as a licensed Audiologist.

C. Educational Diagnostician—valid for five years.

1. Eligibility requirements:

a. hold current national certification as an educational diagnostician (NCED) through the National Certification of Educational Diagnostician Board.

2. Renewal guidelines:

a. may be renewed every five years at the request of the LEA; and

b. complete 150 continuing learning units of district-approved and verified professional development over the five year validity period of the certificate; or

c. hold current national certification as an educational diagnostician (NCED) through the National Certification of Educational Diagnostician Board.

3. Reinstatement of a Lapsed Certificate. If certificate holder allows a period of five consecutive calendar years to pass in where not a regularly employed as an educational diagnostician for at least one semester, or 90 consecutive days, the certificate lapses for disuse. To reinstate a lapsed certificate, the holder must present evidence of six semester

hours of credit earned in state-approved courses during the five-year period immediately preceding the request for reinstatement.

D. School Psychologist

1. Standard certificate—valid for five years.

a. Eligibility requirements:

i. completion of a school psychology training program that meets requirements of the current Standards for Training and Field Placement Programs in School Psychology established by the National Association of School Psychologists; or

ii. evidence of current and continuous certification as a Nationally Certified School Psychologist.

b. Levels

i. Level A—Applicants must meet requirements for the standard certificate and possess a doctoral degree from an institution accredited in accordance with 34 CFR 602, in school psychology or in psychology with a program of study emphasizing child development and knowledge and skills in education and assessment.

ii. Level B—Applicants must meet requirements for the standard certificate and possess a graduate or specialist degree from a school psychology training program in an institution accredited in accordance with 34 CFR 602.

c. Renewal Guidelines. The standard certificate must be renewed by the expiration date, every five years. A one-month grace period is allowed before the certificate is considered lapsed. The certificate may be renewed upon completion of the following:

i. at least one year of experience, or equivalent, as a school psychologist; and

ii. one of the following:

(a) six semester hours of additional graduate credit in any of the areas specified in the Standards for Training and Field Placement Programs in School Psychology established by the National Association of School Psychologists;

(b) an equivalent number of Continuing Professional Development/Education Units (9.0 CEU or 90 contact hours) in a variety of activities designed to maintain and expand a school psychologist's skills, and to ensure the provision of quality services;

(c) a combination of graduate credit hours and Continuing Professional Development/Education Units equivalent to six semester hours (each semester hour equals 1.5 Continuing Professional Development/Education Units), for a total of 9.0 Continuing Professional Development/Education Units; or

(d) evidence of current and continuous certification as a Nationally Certified School Psychologist since the last date of state certification or renewal.

2. Provisional certificate: valid for one year and renewable once for the completion of internship for the standard Type A or B certificate.

a. Eligibility requirements:

i. completed academic preparation in school psychology that meets requirements of current Standards for Training and Field Placement Programs in School Psychology established by the National Association of School Psychologists, except for the internship. The internship shall be completed during the time of the provisional certificate, in accordance with internship

requirements in current Standards for Training and Field Placement Programs in School Psychology established by the National Association of School Psychologists; and

ii. holder of a lapsed standard Type A or B certificate who has not met requirements for certification renewal.

b. Renewal guidelines: may be renewed for one additional year when necessary to complete the internship, and upon written request of applicant and of the director of the training program or intern supervisor.

3. Lapsed school psychologist certificates may be reinstated upon verification that the following conditions have been met. Credits submitted must have been earned within the five years of the last renewal request. A provisional certificate may be awarded for a one year period, during which time the individual must meet renewal requirements for the standard certificate:

a. at least one year of experience or equivalent as a school psychologist; and

b. one of the following:

i. six semester hours of additional graduate credit in any of the areas specified in the Standards for Training and Field Placement Programs in School Psychology established by the National Association of School Psychologists;

ii. an equivalent number of continuing professional development/education units (9.0 CEU or 90 contact hours) in a variety of activities designed to maintain and expand a school psychologist's skills, and to ensure the provision of quality services;

iii. a combination of graduate credit hours and continuing professional development/education units equivalent to six semester hours (each semester hour equals 1.5 continuing professional development/education units), for a total of 9.0 continuing professional development/education units; or

iv. evidence of current and continuous certification as a Nationally Certified School Psychologist since the last date of state certification or renewal.

E. Supervisor of School Psychological Services—eligibility guidelines:

1. hold valid Louisiana Level A or Level B School Psychologist certification under current requirements; and

2. have at least three years of supervised experience as a school psychologist, of which at least two years have been in Louisiana.

F. Speech Pathology Assistant—valid for three years and renewable.

1. The word *assistant* designates that direct supervision by a certified and licensed speech/language pathologist is required.

2. Ancillary speech/language pathology assistant certificates authorize service as a speech pathology assistant only, not as a regular classroom teacher.

3. Eligibility requirements:

a. baccalaureate degree in speech/language pathology from an institution accredited in accordance with 34 CFR 602; and

b. complete at least 100 clock hours of supervised clinical practicum.

4. Renewal guidelines:

a. may be renewed for three years by request of the LEA;

5. Reinstatement of a Lapsed Certificate. If certificate holder allows a period of five consecutive calendar years to pass in where not a regularly employed speech pathology assistant for at least one semester, or 90 consecutive days, the certificate lapses for disuse. To reinstate a lapsed certificate, the holder must present evidence of six semester hours of credit earned in state-approved courses during the five-year period immediately preceding the request for reinstatement.

G. Speech Pathologist

1. Provisional Certificate in Speech Pathology—valid for three years.

a. Eligibility requirements: graduate degree in speech pathology, or related field, from a college or university accredited in accordance with 34 CFR 602.

b. Renewal guidelines: nonrenewable.

2. Qualified certificate in speech pathology—valid for life with continuous service, provided the holder maintains a current Louisiana license to serve as a speech pathologist. Eligibility requirements are:

a. graduate degree in speech pathology, or related field, as specified under speech pathology guidelines, from a college or university accredited in accordance with 34 CFR 602; and

b. a valid Louisiana license to serve as a speech pathologist.

3. Reinstatement of a Lapsed Certificate. If certificate holder allows a period of five consecutive calendar years to pass in which he/she is not regularly employed as a school speech pathologist for at least one semester, or 90 consecutive days, he/she must present evidence of having earned six semester hours of credit in state-approved courses. The six semester credit hours must be earned during the five-year period immediately preceding reinstatement.

H. Speech Therapist/American Speech and Hearing Association (ASHA)—A person who provides speech therapy services to students with speech and/or language impairments. Valid for three years.

1. Eligibility requirements:

a. verification that applicant holds ASHA Certificate of Clinical Competence;

b. ASHA verification that individual has met requirements for Certificate of Clinical Competence with a possible exception of the clinical fellowship year; or

c. verification from the director of an ASHA-certified training program, in which the applicant has completed a graduate degree, that ASHA requirements for the Certificate of Clinical Competence have been met with the possible exception of the clinical fellowship year.

2. For those who have not completed the clinical fellowship year, this designation will be noted on the certificate.

3. Renewal guidelines:

a. LEA may request renewal of the certificate; and

b. certificate may be changed to "valid for life with continuous service" with verification of three years of service as a speech therapist.

4. Reinstatement of a Lapsed Certificate. If certificate holder allows a period of five consecutive calendar years to pass in which he/she is not regularly employed as a speech therapist in a school setting for at least one semester, or 90 consecutive days, the certificate lapses for disuse. To reinstate a lapsed certificate, the holder must present evidence of six semester hours of credit earned in state-approved courses during the five-year period immediately preceding request for reinstatement.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1809 (October 2006), amended LR 38:768 (March 2012), LR 46:1380 (October 2020), LR 48:

§723. Educational Leader in Special Education Ancillary Certificate

A. The educational leader in special education ancillary certificate authorizes an individual to serve as a supervisor, director, or coordinator of special education in a school or district setting.

B. Issuance. This certificate is issued upon the request of the LEA.

C. Renewal Guidelines. Valid for a period of five years and may be renewed thereafter at the request of the LEA. Candidates must successfully meet the standards of effectiveness for at least three years during the five-year period of validity in accordance with Bulletin 130 and R.S. 17:3902. Such renewal shall constitute a renewal of the special education ancillary certificate only and shall not qualify the candidate for the educational leader certificate level 1 (ELC 1), educational leader certificate level 2 (ELC 2), or educational leader certificate level 3 (ELC 3).

D. The candidate must:

1. hold one of the below valid Louisiana ancillary certificates:

- a. assessment teacher;
- b. educational consultant;
- c. educational diagnostician;
- d. certified school psychologist (Level B or Level

A);

- e. qualified speech pathologist;
- f. speech therapist;
- g. speech-language pathologist;
- h. speech and hearing therapist;
- i. qualified school social worker; or
- j. qualified licensed audiologist; and

2. have at least three years of experience working with students in the area of certification with all out-of-state experience verified as successful by the out-of-state employing authority or SEA;

3. complete a graduate degree program from an institution of postsecondary education accredited in accordance with 34 CFR 602;

4. provide documented evidence of leadership experiences (240 clock hours or more) at the school level; and

5. earn a passing score on the school leaders licensure assessment (SLLA) or other equivalent assessment as established by BESE.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 42:1879 (November 2016), LR 43:1312 (July 2017), LR 45:1460 (October 2019), LR 46:1380 (October 2020), LR 48:

Subchapter B. School Therapists

§725. Overview

A. School Art Therapist—Valid as long as holder remains in the same school system.

1. Eligibility requirements:

a. verify successful completion of accredited art therapy degree program, and current registration or membership in the American Art Therapy Association; and

b. meet requirements of the educational program:

i. three semester hours, Introduction to Education of Exceptional Children; and

ii. three semester hours, Psychology of Exceptional Children; and

c. 50 percent of preclinical experience must have been directed toward a population aged zero through 21 years, in both institutional and school settings.

2. Renewal Guidelines. The LEA must request renewal with any change of employment to another school system.

B. Dance Therapist—valid as long as holder remains in same school system.

1. Graduate Level

a. Eligibility requirements:

i. graduate degree in dance therapy;

ii. requirements of the educational program:

(a) three semester hours, Introduction to Education of Exceptional Children; and

(b) three semester hours, Psychology of Exceptional Children;

iii. current registration or membership in the American Dance Therapy Association.

b. Renewal Guidelines: The Louisiana employing authority must request a renewal with any change of employment to another school system.

2. Bachelor's Level

a. Eligibility requirements:

i. bachelor's degree in dance therapy;

ii. requirements of the educational program:

(a) three semester hours, Introduction to Education of Exceptional Children; and

(b) three semester hours, Psychology of Exceptional Children;

iii. practicum for two semesters in both a clinical and a school setting with fifty percent of the practicum involving work with a population aged zero through 21 years; and

iv. current registration or membership the American Dance Therapy Association; and

b. Renewal Guidelines. The LEA must request renewal with any change of employment to another school system.

C. Music Therapist—valid as long as holder remains in same school system.

1. Eligibility requirements:
 - a. evidence of successful completion of an accredited music therapy degree program, and registration by the National Association of Music Therapy, Inc.;
 - b. meet the course requirements of the music therapy component of the degree program to include:
 - i. three semester hours, Introduction to Education of Exceptional Children;
 - ii. three semester hours, Psychology of Exceptional Children; and
 - iii. recreational music; and
 - iv. school music; and
 - c. 50 percent of pre-clinical and clinical experiences should be directed toward a population aged zero through 21 years, in both institutional and school settings.

2. **Renewal Guidelines.** The LEA must request renewal with any change of employment to another school system.

D. Occupational Therapy

1. **Certified Licensed Occupational Therapist Assistant (COTA)**—valid for five years; renewable.

a. **Eligibility Requirements.** A valid COTA license to practice occupational therapy in Louisiana in compliance with R.S. 37:3001-3014, as administered by the Board of Medical Examiners; and

b. must work under the supervision of a Licensed Occupational Therapist.

c. **Renewal Guidelines.** Applicant must present copy of current licensure, and renewal request submitted by the LEA.

2. **Occupational Therapist Provisional Certification**—valid for two years.

a. **Eligibility Requirements.** A temporary license to practice occupational therapy in Louisiana in compliance with R.S. 37:3001-3014, as administered by the Louisiana State Board of Medical Examiners.

b. **Renewal Guidelines**—nonrenewable.

3. **Occupational Therapist Full Certificate**—valid for five years; renewable.

a. **Eligibility Requirements.** A valid license to practice occupational therapy in Louisiana in compliance with R.S. 37:3001-3014, as administered by the Board of Medical Examiners.

b. **Renewal Guidelines.** Applicant must present copy of current licensure, and renewal request submitted by the LEA.

E. Physical Therapy

1. **Physical Therapist Assistant (PTA)**—valid for five years.

a. **Eligibility Requirements.** A valid PTA license to assist in the practice of physical therapy in compliance with R.S. 37:2401-2424, as administered by the Louisiana State Board of Physical Therapy Examiners.

b. A PTA must work under the supervision of a licensed physical therapist.

c. **Renewal Guidelines.** Applicant must present a copy of current licensure, and renewal request submitted by the LEA.

2. **Physical Therapist Provisional Certification**—valid for two years.

a. **Eligibility Requirements.** A temporary license to practice physical therapy in compliance with R.S. 37:2401-

2424, as administered by the Louisiana State Board of Physical Therapy Examiners.

b. **Renewal Guidelines**—nonrenewable.

3. **Physical Therapist Full Certificate**—valid for five years.

a. **Eligibility Requirements:** a valid Louisiana license to practice physical therapy in compliance with R.S. 37:2401-2424, as administered by the Louisiana State Board of Physical Therapy Examiners.

b. **Renewal Guidelines:** Applicant must present a copy of current licensure, and renewal request submitted by the LEA.

F. Certified Behavior Analyst

1. **Assistant Behavior Analyst (BCaBA)**

a. **Eligibility requirements:**

i. bachelor's degree from a college or university accredited in accordance with 34 CFR 602;

ii. current assistant level certification issued by the Behavior Analyst Certification Board (BACB) or other nationally credentialing bodies as approved by the BACB;

iii. the word assistant designates that direct supervision by a BCBA is required; and

iv. a written request from the Louisiana employing authority indicating that the person will be employed upon certification issuance.

b. **Renewal Guidelines.** This certificate is valid provided the holder maintains current level certification issued by the Behavior Analyst Certification Board (BACB) or other nationally credentialing bodies as approved by the BACB. A worker who changes employing school systems must provide a copy of current certification issued by BACB to serve as a behavior analyst.

2. **Behavior Analyst (BCBA)**

a. **Eligibility requirements:**

i. graduate degree from a college or university accredited in accordance with 34 CFR 602;

ii. current behavior analyst certification issued by the Behavior Analyst Certification Board (BACB) or other nationally credentialing bodies as approved by the BACB; and

iii. a written request from the LEA indicating that the person will be employed upon certification issuance.

b. **Renewal Guidelines.** This certificate is valid provided the holder maintains current level certification issued by the Behavior Analyst Certification Board (BACB) or other nationally credentialing bodies as approved by the BACB. A worker who changes employing school systems must provide a copy of current certification issued by BACB to serve as a behavior analyst.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1811 (October 2006), amended LR 34:433 (March 2008), LR 37:884 (March 2011), LR 37:2135 (July 2011), LR 46:1380 (October 2020), LR 48:

Chapter 11. Standards for Secondary Career and Technical Trade and Industrial Education Personnel

§1101. Introduction

A. Career and technical trade and industrial education (CTTIE) certificates authorize full-time or part-time employment for instructors of courses aligned to an area of

expertise. The applicant being certified under the requirements found in this Part may teach CTTIE courses as listed on the LDE Teach Louisiana website (<http://www.teachlouisiana.net>).

B. Non-Practicing Status or Operational Role Status for CTTIE Certificates shall be in accordance with §505 of this Part.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1812 (October 2006), amended LR 35:2752 (December 2009), LR 40:1329 (July 2014), LR 46:1380 (October 2020), LR 48:

§1103. Career and Technical Certificate Types Issued Prior to July 1, 2006

A. Vocational Technical Industrial Education (VTIE) Certificates—Issued prior to July 1, 2004

1. Vocational Temporary (VT)—valid for one year; renewable annually while holder completes required coursework.

2. Vocational Permanent (VP)—lifetime certificate for continuous service.

B. Career and Technical Trade and Industrial Education (CTTIE) Certificates—issued between July 1, 2004, and June 30, 2006.

1. CTTIE Temporary Certificate (CT)—valid for one year; renewable annually while holder completes required coursework.

2. CTTIE Permanent Certificate (CP)—lifetime certificate for continuous-service.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1812 (October 2006), amended LR 35:2752 (December 2009), LR 48:

§1105. Career and Technical Certificate Types

A. CTTIE-Provisional—a one-year, non-renewable certificate issued while instructor completes requirements for CTTIE-1.

B. CTTIE-1 Certificate—An entry-level industry-based teaching certificate, valid for three years initially and may be extended for a period of one year at the request of the LEA. CTTIE-1 certificates are limited to two such extensions. CTTIE teachers must successfully meet the standards of effectiveness pursuant to Bulletin 130 and R.S.17:3902 to advance to CTTIE-2.

C. CTTIE-2 Certificate. Valid for five years initially and may be renewed thereafter for a period of five years at the request of the employing LEA.

1. For renewal of the CTTIE-2 certificate, candidates must successfully meet the standards of effectiveness for at least three years during the five-year initial or renewal period pursuant to Bulletin 130 and R.S. 17:3902.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 35:2752 (December 2009), amended LR 38:3137 (December 2012), LR 40:1330 (July 2014), LR 48:

§1107. CTTIE Certificate-Eligibility Requirements

A. CTTIE certificates are issued to instructors who teach courses listed on the Teach Louisiana website aligned to the area of expertise.

B. CTTIE Provisional Eligibility Requirements

1. Applicants shall hold a high school diploma, or have passed an equivalency test approved by the LDE.

2. Applicants shall have a minimum of four years of full time work experience or 7,680 hours of experience aligned to the CIP (Classification of Instructional Programs) area in the selected career and technical field, of which at least one year of full time work experience or 1,920 hours of experience must have been acquired within the five calendar years immediately prior to certification:

a. technical diploma or associate degree, or out-of-state equivalent, registered apprenticeship, or LWC approved training provider aligned to work experience and CIP area will be given credit for two years or 3,840 hours of occupational experience if the training is in the field for which the applicant is applying;

b. graduates with a bachelor's degree aligned to work experience and CIP area from a college or university accredited in accordance with 34 CFR 602 will be given credit for two years or 3,840 hours of experience;

c. graduates with an advanced degree aligned to work experience and CIP area from a college or university accredited in accordance with 34 CFR 602 will be given credit for three years or 5,760 hours of occupational experience;

d. graduates with a technical degree in the selected field and a bachelor's degree aligned to work experience and CIP area from a college or university accredited in accordance with 34 CFR 602 will be given credit for three years or 5,760 hours of occupational experience;

e. graduates with a bachelor's degree aligned to work experience and CIP area from a college or university accredited in accordance with 34 CFR 602 and an industry based certification (IBC) in the selected field will be given credit for three years or 5,760 hours of occupational experience;

f. applicants holding current approved industry-based certification, aligned to work experience and CIP area will be given credit for two years or 3,840 hours of work experience. An industry-based certification may not be combined with educational attainment to qualify for a waiver from all required work experience.

g. applicants with an earned baccalaureate degree, and who hold an industry-based certification (IBC) in the selected instructional field aligned to work experience and CIP area may also apply years of teaching experience in that field toward the required work experience.

h. applicants with prior teaching experience at a postsecondary institution, registered apprenticeship, or LWC approved training provider in the selected instructional field may apply those years of teaching at a postsecondary institution toward the required work experience. All out-of-state experience must be verified as successful by the out-of-state employing authority or SEA.

3. In addition to CTTIE certification, a current license must be held when a state or national license is required in

the workplace. A state or national license will be recognized as an industry-based certification.

a. Instructors providing content aligned to an industry-based certification must carry the IBC in which instruction will occur.

b. If a certifying agency requires specialized certification to instruct content, the instructor must carry the required certification.

C. CTTIE-1 Eligibility Requirements

1. Applicants shall hold a high school diploma, or have passed an equivalency test approved by the LDE.

2. Applicants shall have a minimum of four years of full time work experience or 7,680 hours of experience aligned to the CIP area in the selected career and technical field, of which at least one year of full time work experience or 1,920 hours must have been acquired within the five calendar years immediately prior to certification:

a. technical diploma or associate degree, or out-of-state equivalent, registered apprenticeship, or LWC approved training provider aligned to work experience and CIP area will be given credit for two years or 3,840 hours of occupational experience if the training is in the field for which the applicant is applying;

b. graduates with a baccalaureate degree aligned to work experience and CIP area from a college or university accredited in accordance with 34 CFR 602 will be given credit for two years or 3,840 hours of experience;

c. graduates with an advanced degree aligned to work experience and CIP area from a college or university accredited in accordance with 34 CFR 602 will be given credit for three years or 5,760 hours of occupational experience;

d. graduates with a technical degree in the selected field and a baccalaureate degree aligned to work experience and CIP area from a college or university accredited in accordance with 34 CFR 602 will be given credit for three years or 5,760 hours of occupational experience;

e. graduates with a baccalaureate degree aligned to work experience and CIP area from a college or university accredited in accordance with 34 CFR 602 and an industry based certification (IBC) in the selected field, will be given credit for three years or 5,760 hours of occupational experience;

f. applicants holding current approved industry-based certification aligned to work experience and CIP area will be given credit for two years or 3,840 hours of work experience, but an industry-based certification may not be combined with educational attainment to qualify for a waiver from all required work experience;

g. applicants with a baccalaureate degree and who hold an industry-based certification (IBC) in the selected instructional field aligned to work experience and CIP area may also apply years of teaching experience in that field toward the required work experience;

h. applicants with prior teaching experience at a postsecondary institution, registered apprenticeship, or LWC approved training provider in the selected instructional field may apply the years of teaching at a postsecondary institution toward the required work experience with all out-of-state experience verified as successful by the out-of-state employing authority or SEA.

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

a. Instructors who will be providing content aligned to an industry-based certification must carry the IBC in which instruction will occur.

b. If a certifying agency requires specialized certification to instruct content, the instructor must carry that certification.

4. Applicants shall complete a new instructor workshop prior to issuance of CTTIE-1. The LDE shall make available a list of new instructor course providers. Applicants with at least three years of effective K-12 teaching experience as defined by Bulletin 130 or three years of post-secondary teaching experience are not subject to the New Instructor Workshop completion requirement.

C. CTTIE-2 Eligibility Requirements

1. Eligibility Requirements:

a. hold or meet eligibility requirements for a CTTIE-1;

b. successfully meet the standards of effectiveness for at least three years during the five-year renewal period pursuant to Bulletin 130 and R.S. 17:3902 with all out-of-state experience verified as successful by the out-of-state employing authority or SEA; and

c. accrue three years of teaching experience in an approved educational setting.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1813 (October 2006), amended LR 35:2752 (December 2009), LR 36:2843 (December 2010), LR 38:2366 (September 2012), LR 40:1330 (July 2014), LR 45:1460 (October 2019), LR 46:1381 (October 2020), LR 48:

§1109. CTTIE Areas of Specialization

A. Nurse Aide Training and Competency Evaluation Program (NATP/NATCEP)/ Certified Nursing Assistant (CNA) Eligibility Requirements:

1. applicant shall be a professional nursing program graduate with current Louisiana licensure as a registered nurse (RN) or licensed practical nurse (LPN);

2. all instructors shall have one of the following: CTTIE, VTIE, master's degree or above, or a CNA train the trainer certificate and meet nurse aide training and competency evaluation program (NATP/NATCEP) regulations, as mandated by the Louisiana Department of Health (LDH), Health Standards Section;

3. LPNs may serve as a certified nursing assistant/NATP instructor under the direct supervision of an RN. LPNs, under the general supervision of the primary instructor, may provide classroom and skills training instruction and supervision with two years of experience in provision of long term care services.

B. Certified Nursing Assistant, Program Coordinator Eligibility Requirements. The program coordinator shall have the following experience and qualifications:

1. current Louisiana licensure as a registered nurse (RN);

2. a minimum of two years of nursing experience, of which at least one year must be in the provision of long term

care facility services such as a nursing home or skilled nursing facility;

3. completion of VTIE, CTTIE, CNA train-the-trainer program or a graduate degree; and

4. meet requirements mandated by the Louisiana Department of Health (LDH), Health Standards Section;

C. Emergency Medical Technician

1. An emergency medical technician (EMT) instructor must be approved by the Bureau of EMS.

D. Sports Medicine Eligibility Requirements

1. Sports medicine instructors shall have at least a Bachelor of Science degree and have a valid current state and/or national certification as an athletic trainer and meet all CTTIE requirements.

2. Applicants pursuing a graduate degree in athletic training who are working as an athletic trainer graduate assistant at a university accredited in accordance with 34 CFR 602 may count the work experience hours toward meeting the required work hours for the CTTIE application. CTTIE application must include a letter from the director of athletics at the university with the actual number of hours worked and assigned duties.

E. Jobs for America's Graduates (JAG) Louisiana Job Specialist eligibility requirements:

1. a bachelor's degree from a state-approved college or university accredited in accordance with 34 CFR 602, plus two years of full-time work experience, or 3,840 hours of work experience within four years of date of application; or

2. a valid standard Louisiana teaching or school counselor certification.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1813 (October 2006), amended LR 35:2752 (December 2009), LR 36:2843 (December 2010), LR 38:2366 (September 2012), LR 40:1331 (July 2014), LR 46:1381 (October 2020), LR 48:

Chapter 13. Endorsements to Existing Certificates

§1301. Introduction

A. Endorsement areas are permanent credentials added to a teaching certificate. Upon completion of requirements for an additional area of certification, as outlined in this bulletin, the holder of a valid Louisiana teaching certificate may have the endorsement added. For endorsement purposes, the following apply.

1. A generalized reference to a Praxis exam means the current applicable exam(s) in policy, with the current established passing score(s).

2. Semester hours earned to add certification areas and/or levels to an existing certificate cannot include repeat or duplicate coursework.

3. A National Board Certified (NBC) teacher with an existing Louisiana teaching certificate is eligible for the addition or add-on endorsement to a certificate of the corresponding area for which NBC is held.

4. All coursework used for add-on certification must be for regular credit, not of a remedial or developmental nature, and no final grade below a "C" will be accepted.

5. Semester hours earned from an institution accredited in accordance with 34 CFR 602 or equivalent contact hours from a non-university private provider of

teacher and/or educational leader preparation program are acceptable for endorsement purposes. One semester hour is equivalent to 15 contact hours.

6. Non-university private providers of teacher and/or educational leader preparation programs must submit proposals for approval by LDE and BESE, as outlined in Chapter 5 of Bulletin 996: Standards for Approval of Teacher and/or Educational Leader Preparation Programs.

7. All out-of-state experience must be verified as successful by the out-of-state employing authority or SEA.

B. A formal request for an additional certification or credential on a teaching license must be submitted to the LDE. An official transcript from an institution accredited in accordance with 34 CFR 602, verifying successful completion of endorsement requirements and semester hours or documentation from the non-university private provider verifying successful completion of endorsement requirements in contact hours must accompany the request. The final authority for approval of additional certification is the LDE.

C. This Chapter has been divided into three Subchapters, as follows:

1. regular education level and area endorsements;
2. special education level and area endorsements; and
3. all other endorsement areas.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1814 (October 2006), amended LR 37:1381 (May 2011), LR 40:2242 (November 2014), LR 45:1460 (October 2019), LR 46:1382 (October 2020), LR 48:

Subchapter A. Regular Education Level and Area Endorsements

§1303. Introduction

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

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1815 (October 2006), amended LR 48:

§1305. Requirements to add Birth to Kindergarten

A. Individuals holding a valid early childhood certificate for PK-K, PK-3, elementary certificate for grade levels 1-4, 1-5, 1-6, or 1-8, or early interventionist certificate must achieve one of the following:

1. successfully teach on an extended endorsement license (EEL) certificate in birth to kindergarten for one year in an approved Louisiana licensed child care facility or publicly-funded early childhood program based on criteria determined by the LDE;

2. earn a passing score for Praxis—principles of learning and teaching early childhood (0621 or 5621); or

3. 12 semester hours of combined early childhood and kindergarten coursework.

B. The LEA must verify completion of one year of successful teaching experience in birth to kindergarten in an approved Louisiana licensed child care facility or publicly-funded early childhood program and recommend the applicant for further employment.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:918 (May 2015), amended LR 48:

§1307. Requirements to add Early Childhood (Grades PK-3)

A. Individuals holding a valid elementary certificate for grade levels 1-4, 1-5, 1-6, or 1-8 must achieve one of the following:

1. successfully teach on an extended endorsement license (EEL) certificate in birth to kindergarten for one year in an approved Louisiana licensed child care facility or publicly-funded early childhood program based on criteria determined by the LDE;

2. earn a passing score for Praxis—principles of learning and teaching early childhood (0621 or 5621); or

3. earn 12 semester hours of combined early childhood and kindergarten coursework.

B. Individuals holding a valid upper elementary or middle school certificate for grade levels 4-8, 5-8, or 6-8, secondary school certificate for grade levels 6-12, 7-12, or 9-12, special education certificate other than early interventionist, or an all-level K-12 certificate in the areas of art, dance, foreign language, health, physical education, health and physical education, or music) must achieve the following:

1. for endorsements prior to 9/1/15, earn a passing score for Praxis elementary education: content knowledge (0014 or 5014);

2. for endorsements issued 9/1/15 to 8/31/17, earn a passing score for Praxis elementary education: content knowledge (5018) or Praxis elementary education: multiple subjects (5001);

3. for endorsements issued 9/1/17 and beyond, earn a passing score for Praxis elementary education: multiple subjects (5001); and

4. earn a passing score for Praxis principles of learning and teaching early childhood (0621 or 5621) or accumulate 12 credit hours of combined early childhood and kindergarten coursework; and

5. earn nine semester hours of reading coursework or a passing score for Praxis teaching reading exam (0204 or 5204).

C. Individuals holding a valid early interventionist certificate must achieve the following:

1. earn a passing score for Praxis—Elementary Education: Content Knowledge (0014 or 5014) prior to 9/1/15; effective 9/1/15 to 8/31/17 pass Elementary Education: Content Knowledge (5018) or Elementary Education: Multiple Subjects (5001); mandatory 9/1/17 pass Elementary Education: Multiple Subjects (5001);

2. earn twelve credit hours of combined early childhood and kindergarten coursework; and

3. earn 9 semester hours of reading coursework or passing score for Praxis—teaching reading exam (0204 or 5204).

D. Individuals holding a valid birth to kindergarten certificate must achieve the following:

1. earn passing score for Praxis Elementary Education: Content Knowledge (0014 or 5014) prior to 9/1/15; effective 9/1/15 to 8/31/17 pass Elementary

Education: Content Knowledge (5018) or Elementary Education: Multiple Subjects (5001); mandatory 9/1/17 pass Elementary Education: Multiple Subjects (5001); and

2. earn nine semester hours of reading coursework or passing score for Praxis—Teaching Reading exam (0204 or 5204).

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1815 (October 2006), amended LR 37:883 (March 2011), repromulgated LR 37:1561 (June 2011), amended LR 37:3215 (November 2011), LR 38:44 (January 2012), LR 39:1464 (June 2013), LR 41:648 (April 2015), LR 41:918 (May 2015), LR 41:1270 (July 2015), LR 44:2001 (November 2018), LR 48:

§1309. Requirements to add Elementary (Grades 1-5)

A. Individuals holding a valid early childhood certificate for PK-K or PK-3 must achieve the following:

1. earn a passing score for Praxis—Elementary Education: Content Knowledge (0014 or 5014) prior to 9/1/15; effective 9/1/15 to 8/31/17 pass Elementary Education: Content Knowledge (5018) or Elementary Education: Multiple Subjects (5001); mandatory 9/1/17 pass Elementary Education: Multiple Subjects (5001);

2. earn a passing score for Praxis—Principles of Learning and Teaching K-6 exam; and

3. earn nine semester hours of reading or passing score for Praxis—Teaching Reading exam (0204 or 5204).

B. Individuals holding a valid upper elementary or middle school certificate for grade levels 4-8, 5-8, and 6-8, secondary certificate grade levels 6-12, 7-12, or 9-12, special education certificate, or all-level K-12 certificate for art, dance, foreign language, health, physical education, health and physical education, or music) must achieve the following:

1. earn passing score for Praxis—Elementary Education: Content Knowledge (0014 or 5014) prior to 9/1/15; effective 9/1/15 to 8/31/17 pass Elementary Education: Content Knowledge (5018) or Elementary Education: Multiple Subjects (5001); mandatory 9/1/17 pass Elementary Education: Multiple Subjects (5001); or

2. accumulate:

a. 12 semester hours of mathematics;

b. 12 semester hours of science;

c. 12 semester hours of English language arts; and

d. 12 semester hours of social studies; and

3. earn a passing score for Praxis Principles of Learning and Teaching K-6 exam; and

4. earn nine semester hours of reading.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1815 (October 2006), amended LR 38:44 (January 2012), LR 39:1464 (June 2013), LR 41:648 (April 2015), LR 41:1271 (July 2015), LR 48:

§1311. Requirements to add Middle School (Grades 4-8) Specialty Area Endorsement for English, Mathematics, Science, or Social Studies

A. Individuals holding a valid early childhood certificate for PK-K or PK-3, elementary certificate for grade levels 1-4, 1-5, 1-6, or 1-8, upper elementary or middle school

certificate for grade levels 4-8, 5-8, or 6-8, or special education certificate must achieve the following:

1. earn a passing score for Praxis middle school specialty area exam in the specific content area; or accumulate 30 credit hours in the specialty content area; and
2. earn a passing score for Praxis Principles of Learning and Teaching 5-9 exam; and
3. earn six semester hours of reading or passing score for Praxis Teaching Reading exam (0204 or 5204).

B. Individuals holding a valid secondary certificate for grade levels 6-12, 7-12, or 9-12, or an All-Level K-12 certificate in art, dance, foreign language, health, physical education, health and physical education, or music must achieve the following:

1. earn a passing score for Praxis middle school specialty area exam in the specific content area; or accumulate 30 credit hours in the specialty content area; and
2. earn a passing score for Praxis Principles of Learning and Teaching 5-9 exam; and
3. earn six semester hours of reading.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1815 (October 2006), amended LR 37:881 (March 2011), LR 39:1464 (June 2013), LR 48:

§1313. Requirements to add a Secondary (grades 6-12) Specialty Core Content Area (English, Math, Foreign Language, Science, and Social Studies)

A. Individuals holding a valid early childhood certificate for PK-K or PK-3, elementary certificate for grade levels 1-4, 1-5, 1-6, or 1-8, upper elementary or middle school certificate for grade levels 4-8, 5-8, or 6-8, or special education certificate must achieve the following:

1. earn a passing score for Praxis secondary specialty area exam in the content area; or 30 credit hours in the specialty content area; and
2. earn a passing Praxis score for principles of learning and teaching 7-12 exam; or
3. if adding a foreign language after 6/30/13, earn a passing Praxis score for world languages pedagogy (0841).

B. Individuals holding a valid secondary certificate for grade levels 6-12, 7-12, or 9-12, or an All-Level K-12 certificate in art, dance, foreign language, health, physical education, health and physical education, or music must achieve a passing score for Praxis secondary specialty area exam(s) required for the content area or 30 credit hours in the specialty content area.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1816 (October 2006), amended LR 36:2266 (October 2010), LR 43:1312 (July 2017), LR 48:

§1315. Requirements to Add a Secondary (grades 6-12) Specialty Content Area (Agriculture, Business, Computer Science, Family and Consumer Sciences, Journalism, Marketing, Speech, Technology Education)

A. Individuals holding a valid early childhood certificate for PK-K or PK-3, elementary certificate for grade levels 1-

4, 1-5, 1-6, or 1-8, upper elementary or middle school certificate for grade levels 4-8, 5-8, or 6-8, or special education certificate must achieve the following:

1. earn a passing score for Praxis secondary specialty area exam in the content area or 21 credit hours in the specialty content area; and
2. earn a passing Praxis score for principles of learning and teaching 7-12 exam.

B. Individuals holding a valid secondary certificate for grade levels 6-12, 7-12, or 9-12, or an All-Level K-12 certificate in art, dance, foreign language, health, physical education, health and physical education, or music must achieve the following:

1. earn a passing score for the Praxis secondary specialty area exam; and
2. earn 21 credit hours in the specialty content area.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1816 (October 2006), amended LR 36:2547 (November 2010), LR 43:1313 (July 2017), LR 48:

§1317. Requirements to add an All-Level (K-12) Area (Art, Dance, Foreign Language, Health and Physical Education, and Music)

A. Individuals holding a valid early childhood certificate for PK-K or PK-3, elementary certificate for grade levels 1-4, 1-5, 1-6, or 1-8, upper elementary or middle school certificate for grade levels 4-8, 5-8, or 6-8, secondary certificate for grade levels 6-12, 7-12, or 9-12, special education certificate, or an All-Level K-12 certificate in art, dance, foreign language, health, physical education, health and physical education, or music must achieve the following:

1. earn a passing score for specialty area exam in the area of endorsement; or
2. earn 30 semester hours in the specialty area; and
3. for any foreign language add-on after 6/30/13 earn a passing Praxis score for world languages pedagogy (0841).

B. To add a second music area endorsement: an individual already certified in either instrumental music or vocal music may add the second music area as follows:

1. to add instrumental music, 12 semester hours to include brass, percussion, string, and woodwind instruments; or
2. to add vocal music, 12 semester hours to include piano and voice; or
3. the music content knowledge exam. The exam covers both instrumental and vocal music and can be used to add on either additional area.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1816 (October 2006), amended LR 36:2266 (October 2010), LR 48:

Subchapter B. Special Education Level and Area Endorsements

§1321. Requirements to add Academically Gifted

A. Individuals holding a valid early childhood certificate for PK-K or PK-3, elementary certificate for grade levels 1-4, 1-5, 1-6, or 1-8, upper elementary or middle school

certificate for grade levels 4-8, 5-8, or 6-8, secondary certificate for grade levels 6-12, 7-12, or 9-12, special education certificate, or an All-Level K-12 certificate in art, dance, foreign language, health, physical education, health and physical education, or music must achieve the following:

1. graduate degree from an institution of higher education accredited in accordance with 34 CFR 602;

2. 15 graduate semester hours of prescribed coursework from the following list, either within a graduate degree program or as an add-on to an existing graduate degree:

- a. characteristics/study of gifted individuals;
- b. methods of teaching the gifted;
- c. social and emotional needs of the gifted;
- d. creative thinking and problem solving or curriculum development for the gifted;
- e. educational technology; and

3. three semester hours in a practicum for academically gifted, an internship for college credit in academically gifted, or three years of successful teaching experience in academically gifted with all out-of-state experience verified as successful by the out-of-state employing authority or SEA.

B. Academically gifted certification will be valid only in the teaching area(s) in which the individual is certified.

C. The secondary teacher of academically gifted students who is to award Carnegie units in the secondary subject area(s) must be certified in the subject area(s) in which Carnegie Units are awarded.

D. Elementary and secondary teachers who are also certified in academically gifted may offer approved special education elective or enrichment courses at either the elementary or secondary level.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1816 (October 2006), amended LR 45:1460 (October 2019), LR 48:

§1323. Requirements to add Early Interventionist Birth to Five Years

A. Individuals holding a valid early childhood certificate for PK-K or PK-3, elementary certificate for grade levels 1-4, 1-5, 1-6, or 1-8, upper elementary or middle school certificate for grade levels 4-8, 5-8, or 6-8, secondary certificate for grade levels 6-12, 7-12, or 9-12, special education certificate, or an All-Level K-12 certificate in art, dance, foreign language, health, physical education, health and physical education, or music must achieve the following:

1. earn a passing score for Praxis exams: Principles of Learning and Teaching; Early Childhood (#0621 or 5621) and Special Education: Early Childhood (#0691);

2. earn 18 credit hours that pertain to infants, toddlers, and preschoolers, as follows:

- a. foundations in early childhood education and early intervention;
- b. understanding and working with families of young children;
- c. assessment in early intervention;
- d. early intervention methods;

e. teaming, physical and medical management in early intervention;

f. communication and literacy in early intervention; and

3. earn nine semester hours of reading coursework.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1817 (October 2006), amended LR 37:552 (February 2011), amended LR 37:1382 (May 2011), LR 37:3215 (November 2011), LR 40:281 (February 2014), LR 48:

§1325. Requirements to add Deaf or Hard of Hearing K-12

A. Individuals holding a valid early childhood certificate for PK-K or PK-3, elementary certificate for grade levels 1-4, 1-5, 1-6, or 1-8, upper elementary or middle school certificate for grade levels 4-8, 5-8, or 6-8, secondary certificate for grade levels 6-12, 7-12, or 9-12, special education certificate, or an All-Level K-12 certificate in art, dance, foreign language, health, physical education, health and physical education, or music must earn the following:

1. 21 semester credit hours that pertain to children who are deaf or hard of hearing:

2. introduction to special education;
3. physiological, psychosocial, historical, sociological, and cultural aspects of deafness;
4. language development that includes linguistic principles and assessment strategies in language acquisitions for deaf and hard of hearing;
5. speech and speech reading;
6. educational audiology, auditory assistive devices and technology;
7. instructional strategies and curriculum development for deaf and hard of hearing students; and
8. communication methodology; and

9. three semester hours of internship of students who are deaf or hard of hearing or three years of successful teaching experience of students who are deaf or hard of hearing with all out-of-state experience verified as successful by the out-of-state employing authority or SEA;

10. Proficiency in signed, cued, or oral communication evidenced by one or more of the following means:

- a. signed:
 - i. Intermediate on the Educational Sign Skills Evaluation: Teacher (ESSE:T);
 - ii. Advanced on the Signed Communication Proficiency Interview (SCPI); or
 - iii. Level III of the Educational Interpreter Performance Assessment;

b. cued—mini-proficiency, as measured on the Basic Cued Speech Proficiency Rating Test (BCSPR c1983, Beaupre); or

c. oral—successfully passing an additional course in Methods in Oral/Auditory Education; and

11. Passing score for Praxis exams—Special Education: Core Content Knowledge and Applications and Special Education: Education of Deaf and Hard of Hearing.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1817 (October 2006), amended LR 37:552 (February 2011), LR 40:281 (February 2014), LR 45:1460 (October 2019), LR 46:1382 (October 2020), LR 48:

§1327. Requirements to add Mild/Moderate (1-5), (4-8), and (6-12)—Mandatory 7/1/2010

A. Mild/Moderate: 1-5—Individuals holding a valid early childhood certificate in PK-K or PK-3, elementary certificate in grade levels 1-4, 1-5, 1-6, or 1-8, or Early Interventionist certificate must earn the following:

1. 18 semester hours to include the following coursework:

a. Assessment and Evaluation of Students with Disabilities. Three semester hours in a course designed for teachers to learn to select, adapt, and use instructional interventions and behavioral strategies with students in a variety of settings to apply knowledge and skills in a 45-hour field-based experience using theoretical approaches, screening/ identification, educational placement considerations, and assessment and evaluation;

b. Fundamentals of Instructional Technology. Three semester hours of instructional, utility, and management software applications for school use for development of instructional materials, incorporation of commercially available software into lesson and unit structure, addressing the use of technology as it relates to UDL (Universal Design for Learning) and how UDL can be used to meet the needs of all students with language development issues;

c. Behavior Support and Intervention. Three semester hours to address the knowledge, skills and dispositions necessary for teachers to proactively and systematically address student needs that underlie the presence of problem behaviors in schools and class rooms;

d. Collaborative Teaming. Three semester hours that focuses on developing effective partnerships with parents, family members, general educators and related service providers;

e. Instructional Practices in Special Education. Three semester hours that provides teachers with the ability to select and utilize appropriate instructional strategies, assistive technologies, and instructional materials to address the strengths and needs of diverse learners in grades 1-5; and

f. Reading and Literacy. Three semester hours regarding all aspects of state reading competencies at the elementary level, to include literacy intervention for students with disabilities;

2. Passing score for Praxis exams—Special Education: Core Knowledge and Mild to Moderate Applications.

B. Mild/Moderate: 1-5. Individuals holding a valid upper elementary or middle school certificate grade levels 4-8, 5-8, or 6-8, secondary certificate grade levels 6-12, 7-12, or 9-12, all-level special education certificate in significant disabilities, visually impaired, or deaf or hard of hearing, or an all-level K-12 certificate in art, dance, foreign language, health, physical education, health and physical education, or music must earn the following:

1. 18 semester hours to include the following coursework:

a. Assessment and Evaluation of Students with Disabilities. Three semester hours in a course is designed for teachers to learn to select, adapt, and use instructional interventions and behavioral strategies with students in a

variety of settings and to apply knowledge and skills in a 45-hour field-based experience using theoretical approaches, screening and identification, educational placement considerations, and assessment and evaluation;

b. Fundamentals of Instructional Technology. Three semester hours of instructional, utility, and management software applications for school use, development of instructional materials, incorporation of commercially available software into lesson and unit structure, the use of technology for UDL (Universal Design for Learning), and how UDL can be used to meet the needs of all students with language development issues;

c. Behavior Support and Intervention. Three semester hours regarding the knowledge, skills, and dispositions necessary to proactively and systematically address student needs that underlie the presence of problem behaviors in schools and class rooms;

d. Collaborative Teaming. Three semester hours that focuses on developing effective partnerships with parents, family members, general educators, and related service providers;

e. Instructional Practices in Special Education. Three semester hours that provide teachers with the ability to select and utilize appropriate instructional strategies, assistive technologies, and instructional materials to address the strengths and needs of diverse learners in grade levels 1-5; and

f. Reading and Literacy. Three semester hours regarding all aspects of state reading competencies at the elementary level, to include literacy intervention for students with disabilities; and

2. passing score for Praxis exams—Special Education: Core Knowledge and Mild to Moderate Applications (0543 or 5543), Principles of Learning and Teaching (PLT): K-6, and Elementary Education: Content Knowledge Exam (0014 or 5014) prior to 9/1/15; effective 9/1/15 to 8/31/17 pass Elementary Education: Content Knowledge (5018) or Elementary Education: Multiple Subjects (5001); mandatory 9/1/17 pass Elementary Education: Multiple Subjects (5001).

C. Mild/Moderate: Middle Grades 4-8 and Secondary 6-12. Individuals holding a valid early childhood certificate in PK-K or PK-3, elementary certificate in grade levels 1-4, 1-5, 1-6, or 1-8, or early interventionist certificate must earn the following:

1. 18 semester hours to include the following coursework:

a. Assessment and Evaluation of Students with Disabilities. Three semester hours in a course designed for teachers to learn to select, adapt, and use instructional interventions and behavioral strategies with students in a variety of settings, and to apply knowledge and skills in a 45-hour field-based experience using theoretical approaches, screening and identification, educational placement considerations, and assessment and evaluation;

b. Fundamentals of Instructional Technology. Three semester hours in instructional, utility, and management software applications for school use, development of instructional materials, incorporation of commercially available software into lesson and unit structure, and the use of technology regarding UDL (Universal Design for Learning) and how UDL can be used to meet the needs of all students with language development issues;

c. Self-Determination and Transition. Three semester hours in self-determination and development, implementation and evaluation of self-management instructional programs for students with an emphasis on using self-management and learning strategies to facilitate self-determination and provides an understanding of the special education transition process as specified by federal and state guidelines with the focus on the design and implementation of transition planning that meets student physical, affective, cognitive, and communicative needs across the contexts of school, community, family life, career and vocation, and recreation/leisure;

d. Behavior Support and Intervention. Three semester hours of the knowledge, skills, and dispositions necessary for teachers to proactively and systematically address student needs that underlie the presence of problem behaviors in schools and class rooms;

e. Collaborative Teaming. Three semester hours that focus on developing effective partnerships with parents, family members, general educators, and related service providers; and

f. Instructional Practices in Special Education. Three semester hours to provide teachers with the ability to select and utilize appropriate instructional strategies, assistive technologies, and instructional materials to address strengths and needs of diverse learners in grades 6-12 with concentration in areas of literacy and numeracy; and

2. Passing score for Praxis exams:

a. Mild/Moderate (4-8)

i. Special Education: Core Knowledge and Mild to Moderate Applications (0543 or 5543);

ii. Principles of Learning and Teaching (PLT): 5-9; and

iii. Middle School Content Exam(s)

b. Mild/Moderate (6-12)

i. Special Education: Core Knowledge and Mild to Moderate Applications (0543 or 5543);

ii. Principles of Learning and Teaching (PLT): 7-12; and

iii. Secondary Core Content Exam(s).

D. Mild/Moderate: Middle Grades 4-8 and Secondary 6-12. Individuals holding a valid upper elementary or middle school certificate in grade levels 4-8, 5-8, or 6-8 must earn the following:

1. 18 semester hours to include the following coursework:

a. Assessment and Evaluation of Students with Disabilities. Three semester hours in a course is designed to learn to select, adapt, and use instructional interventions and behavioral strategies with students in a variety of settings and to apply knowledge and skills in a 45-hour field-based experience using theoretical approaches, screening and identification, educational placement considerations, and assessment and evaluation;

b. Fundamentals of Instructional Technology. Three semester hours of instructional, utility, and management software applications for school use regarding development of instructional materials and incorporation of commercially available software into lesson and unit structure to address the use of technology for UDL (Universal Design for Learning) and how UDL can be used to meet the needs of all students with language development issues;

c. Self-Determination and Transition. Three semester hours regarding self-determination and development, implementation, and evaluation of self-management instructional programs for students with an emphasis on using self-management and learning strategies to facilitate self-determination that provides the teacher with an understanding of the Special Education transition process as specified by federal and state guidelines and the focus on the design and implementation of transition planning that meets student physical, affective, cognitive, and communicative needs across the contexts of school, community, family life, career and vocation, and recreation and leisure;

d. Behavior Support and Intervention. Three semester hours to address the knowledge, skills, and dispositions necessary for teachers to proactively and systematically address student needs that underlie the presence of problem behaviors in schools and class rooms;

e. Collaborative Teaming. Three semester hours to focus on developing effective partnerships with parents, family members, general educators, and related service providers; and

f. Instructional Practices in Special Education. Three semester hours to provide teachers with the ability to select and utilize appropriate instructional strategies, assistive technologies, and instructional materials to address strengths and needs of diverse learners in grades 6-12 with concentration in areas of literacy and numeracy; and

2. Passing score for Praxis exams:

a. Mild/Moderate (4-8)—Special Education: Core Knowledge and Mild to Moderate Applications (0543 or 5543); and/or

b. Mild/Moderate (6-12):

i. Special Education: Core Knowledge and Mild to Moderate Applications (0543 or 5543);

ii. Principles of Learning and Teaching (PLT): 7-12; and

iii. Secondary Core Content Exam(s).

E. Mild/Moderate: Middle Grades 4-8 and Secondary 6-12. Individuals holding a valid secondary certificate in grade levels 6-12, 7-12, or 9-12, all-level special education certificate for significant disabilities, visually impaired, or deaf or hard of hearing), or an all-level K-12 certificate in art, dance, foreign language, health, physical education, health and physical education, or music must earn the following:

1. 18 semester hours to include the following coursework:

a. Assessment and Evaluation of Students with Disabilities. Three semester hours in a course is designed to learn to select, adapt, and use instructional interventions and behavioral strategies with students in a variety of settings and to apply knowledge and skills in a 45-hour field-based experience using theoretical approaches, screening and identification, educational placement considerations, and assessment and evaluation;

b. Fundamentals of Instructional Technology. Three semester hours of instructional, utility, and management software applications for school use regarding development of instructional materials and incorporation of commercially available software into lesson and unit structure to address the use of technology for UDL (Universal Design for

Learning) and how UDL can be used to meet the needs of all students with language development issues;

c. Self-Determination and Transition. Three semester hours regarding self-determination and development, implementation, and evaluation of self-management instructional programs for students with an emphasis on using self-management and learning strategies to facilitate self-determination that provides the teacher with an understanding of the Special Education transition process as specified by federal and state guidelines and the focus on the design and implementation of transition planning that meets student physical, affective, cognitive, and communicative needs across the contexts of school, community, family life, career and vocation, and recreation and leisure;

d. Behavior Support and Intervention. Three semester hours to address the knowledge, skills, and dispositions necessary for teachers to proactively and systematically address student needs that underlie the presence of problem behaviors in schools and class rooms;

e. Collaborative Teaming. Three semester hours to focus on developing effective partnerships with parents, family members, general educators, and related service providers; and

f. Instructional Practices in Special Education. Three semester hours to provide teachers with the ability to select and utilize appropriate instructional strategies, assistive technologies, and instructional materials to address strengths and needs of diverse learners in grades 6-12 with concentration in areas of literacy and numeracy; and

2. Passing score for Praxis exams:

a. Mild/Moderate (4-8):

i. Special Education: Core Knowledge and Mild to Moderate Applications (0543 or 5543); and

ii. Principles of Learning and Teaching (PLT): 5-9; and

iii. Middle School Content Exam(s); or

b. Mild/Moderate (6-12)--Special Education: Core Knowledge and Mild to Moderate Applications (0543 or 5543) and Secondary Content Exam(s).

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 35:1485 (August 2009), amended LR 37:553 (February 2011), LR 39:1464 (June 2013), LR 41:648 (April 2015), LR 41:1271 (July 2015), amended LR 46:1382 (October 2020), LR 48:

§1329. Requirements to add Significant Disabilities 1-12

A. Individuals holding a valid early childhood certificate in grade levels PK-K or PK-3, elementary certificate in grade levels 1-4, 1-5, 1-6, or 1-8, upper elementary or middle school certificate in grade levels 4-8, 5-8, 6-8, secondary certificate in grade levels 6-12, 7-12, or 9-12, special education certificate, or All-Level K-12 certificate in art, dance, foreign language, health, physical education, health and physical education, or music must earn the following:

1. 21 semester hours that pertain to children with significant disabilities, as follows:

a. assessment and evaluation;

b. curriculum development, modifications, and transition planning;

c. behavior support;

d. instructional strategies;

e. communication;

f. collaborative techniques and family partnerships; and

g. characteristics of students with significant disabilities, physical support, health and safety; and

2. Three semester hours of internship of students with significant disabilities; or three years of successful teaching experience of students with significant disabilities with all out-of-state experience verified as successful by the out-of-state employing authority or SEA; and

3. Passing score for Praxis exams—Special Education: Core Knowledge and Severe to Profound Applications (0545 or 5545).

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1818 (October 2006), amended LR 37:555 (February 2011), LR 39:1465 (June 2013), LR 45:1461 (October 2019), LR 48:

§1331. Requirements to add Visual Impairments/Blind K-12

A. Individuals holding a valid early childhood certificate in grade levels PK-K or PK-3, elementary certificate in grade levels 1-4, 1-5, 1-6, or 1-8, upper elementary or middle school certificate in grade levels 4-8, 5-8, 6-8, secondary certificate in grade levels 6-12, 7-12, or 9-12, special education certificate, or All-Level K-12 certificate in art, dance, foreign language, health, physical education, health and physical education, or music must earn the following:

1. 21 semester hours that pertain to children with visual impairments:

a. educational implications of low vision and blindness;

b. orientation and mobility for the classroom teacher;

c. assessment and evaluation techniques, including functional vision evaluation and reading media assessment;

d. assistive technology for students with visual impairments;

e. instructional strategies and materials for students with visual impairments;

f. introduction to Braille, including literary and Nemeth codes; or

g. Braille II; and

2. three semester hours of internship of students who are visually impaired or three years of successful teaching experience of students who are visually impaired or blind with all out-of-state experience verified as successful by the out-of-state employing authority or SEA; and

3. a passing score for Praxis Special Education: Core Knowledge and Applications (#0354 or 5354) and Special Education: Teaching Students with Visual Impairments (#0282).

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1818 (October 2006), amended LR 37:556 (February 2011), LR 39:1465 (June 2013), LR 40:281 (February 2014), LR 45:1461 (October 2019), LR 48:

Subchapter C. All Other Teaching Endorsement Areas

§1333. Introduction

A. Information on endorsements for administrative and supervisory areas can be found in Chapter 15 of this Part.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1818 (October 2006), amended LR 48:

§1335. Adapted Physical Education

A. Adapted physical education eligibility requirements:

1. valid Louisiana teaching certificate in physical education;

2. basic requirements—three semester hours in each of the following:

- a. motor development and learning;
- b. introduction to the study of exceptional children;
- c. tests and measurements (physical education, or educational, or psychological); and

3. specialized coursework requirements in:

a. introducing physical education for all children with disabilities, three semester hours;

b. behavioral and educational impairment and physical education, two semester hours; plus practicum in behavioral and educational impairment and physical education, one semester hour for a total of three semester hours;

c. chronic disability and physical education, two semester hour, plus practicum in chronic disability and physical education, one semester hour for a total of three semester hours; and

d. the physical education curriculum for children with disabilities, three semester hours with prerequisite courses in 1-2 of this section.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1818 (October 2006), amended LR 48:

§1337. Adult Education Instructor

A. Eligibility requirements:

1. valid standard Louisiana teaching certificate; and

2. one of the following:

a. five years of adult education experience prior to implementation of certification requirements; or

b. 9-12 semester hours, as follows:

i. introduction to or foundations of adult education, three semester hours;

ii. practicum in adult education, three semester hours or three years of successful teaching experience in adult education: with all out-of-state experience verified as successful by the out-of-state employing authority or SEA;

iii. reading instruction in adult education, three semester hours; and

iv. three semester hours from the following areas:

(a). materials, methods, and/or curricular development in adult education;

(b). adult learning and development;

(c). use of community resources;

(d). administration and supervision of adult education;

(e). guidance and counseling in adult education;

(f). competency-based adult education; and

(g). independent study, special problems, or issues in adult education.

B. An individual who holds certification both as an adult education instructor and as a parish/city supervisor of instruction may qualify to serve as Administrator and/or Supervisor of Adult Education.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1818 (October 2006), amended LR 36:485 (March 2010), LR 45:1461 (October 2019), LR 48:

§1339. Aerospace Education

A. Aerospace education eligibility requirements:

1. valid Louisiana teaching certificate and one of the following:

a. six semester credit hours in approved aerospace education; or

b. valid private pilot's license or higher rating and at least three semester hours of credit in an approved aerospace education workshop.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1819 (October 2006), amended LR 48:

§1341. Algebra I

A. Eligibility requirements:

1. valid level 1 Louisiana teaching certificate or higher;

2. pass either the:

a. middle school principals of learning and teaching (PLT) exam; or

b. secondary PLT exam; and

3. pass the Middle School Mathematics exam; and

4. pass the Algebra I exam.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 34:1386 (July 2008), amended LR 39:1465 (June 2013), LR 40:281 (February 2014), LR 45:228 (February 2019), LR 45:1461 (October 2019), LR 48:

§1343. Bilingual Specialist

A. An elementary, secondary, or all-level certified foreign language teacher may be certified as a bilingual specialist upon completion of the following:

1. Bilingual Methods I, practical training in the teaching of language arts and social studies in a bilingual-bicultural setting, three semester hours; and

2. Bilingual Methods II, practical training in the teaching of math and science in a bilingual-bicultural setting, three semester hours.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1819 (October 2006).

§1345. Child Search Coordinator

A. Eligibility requirements:

1. certification as a teacher, social worker, school counselor, school psychologist, psychologist, speech therapist, or other related special education field;
2. graduate degree;
3. six semester hours in special education; and
4. three years of experience in the certified or licensed special education area.

B. Persons functioning as Child Search Coordinators prior to September 1, 1989, who are certified/licensed special education personnel are not bound by these requirements and will be certified, provided they are recommended for continuation of employment by the parish supervisor/director of special education and approved by the superintendent of the LEA.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1819 (October 2006), amended LR 48:

§1347. Computer Literacy

A. Eligibility requirements:

1. valid OS, Level 1 or higher teaching certificate; and
2. nine semester hours of coursework in educational technology or computer science.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1819 (October 2006), amended LR 48:

§1349. Counselor K-12 (Counselor in a School Setting)

A. Individuals who completed all courses and degree requirements by June 30, 2017, will have the endorsement added to certificates based upon graduate training that included 24 semester hours of professional courses distributed so that at least one course will be taken in each of the basic areas listed below:

1. principles and administration of school counseling programs;
2. career and lifestyle development;
3. individual appraisal;
4. counseling theory and practice;
5. group processes;
6. human growth and development;
7. social and cultural foundations in counseling; and
8. supervised Practicum in a School Setting, or three years of successful experience as a school counselor.

B. Eligibility requirements after June 30, 2017:

1. valid Louisiana teaching certificate;
2. completion of a standards-based graduate degree program in counseling from a college or university accredited in accordance with 34 CFR 602 approved by the Council for Accreditation of Counseling and Related Educational Program (CACREP) or candidates who completed counseling programs other than the specialty area of school counseling must complete six credit hours of school counseling courses from a CACREP-accredited program;
3. practicum/internship requirements:

a. complete a practicum in counseling from a CACREP-accredited program to include 100 contact hours; or

b. complete an internship in counseling from a CACREP-accredited program to include 600 contact hours in a school setting; and

4. completion of the Praxis examination in school guidance and counseling (0421 or 5421).

C. Renewal Requirements. For purposes of maintaining a valid counselor endorsement, any school counselor receiving certification after July 1, 2013, is required to successfully meet the standards of effectiveness for at least three years during the five-year renewal period in accordance with Bulletin 130 and R.S. 17:3902.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1819 (October 2006), amended LR 33:1618 (August 2007), LR 38:1401 (June, 2012), LR 39:1465 (June 2013), LR 45:1056 (August 2019), LR 48:

§1351. Driver and Traffic Safety Education

A. Eligibility requirements:

1. valid Louisiana teaching certificate;
2. valid Louisiana driver's license;
3. driving record free of conviction of major accidents and/or repeated traffic violations; and
4. specialized education, as follows:

a. general safety education, three semester hours of basic safety information for home, school, traffic, community, and industrial safety, and general information on the psychology of accident prevention;

b. basic information course in driver education, three semester hours of investigation of problems facing drivers, such as those of pedestrians, cycles, alcohol and drugs, and traffic engineering, and study in the philosophy of driver education in our society; and

c. curricular innovations and instructional devices, three semester hours of in-depth study of driver education and traffic safety curricular materials and familiarization with related instructional devices.

B. Conviction of repeated traffic violations or any major crime or accident involved in or related to the operation of a motor vehicle may result in revocation of this endorsement.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1820 (October 2006), amended LR 48:

§1353. Educational Diagnostician (Special Education)

A. Eligibility requirements:

1. a minimum of a graduate degree in education earned from an institution of higher education accredited in accordance with 34 CFR 602;

2. hold a valid Type B or Level 2 Louisiana teaching certificate, and meet one of the following guidelines:

a. hold generic special education certification, with at least one year of classroom teaching experience in a properly certified area of special education; and

b. hold certification in at least two special education disability areas, with at least one year of teaching experience in a properly certified area of special education, noting that

academically gifted is not an accepted special education area;

3. reading credit, as follows:

a. elementary/middle grades majors: six semester hours in diagnosis and remediation of reading problems with three semester hours that may be undergraduate coursework; or

b. secondary/all-level majors: nine semester hours of reading coursework, with six of the semester hours in diagnosis and remediation of reading problems and three of the semester hours in foundations of reading with three semester hours that may be undergraduate coursework;

4. have completed a minimum of 21 semester hours of graduate credit, as follows:

a. applied learning theory, three semester hours;

b. behavioral intervention strategies, including systematic behavioral assessment which must include 25 child contact hours, three semester hours;

c. consulting teacher strategies, three semester hours;

d. precision assessment and diagnostic/prescriptive strategies, three semester hours;

e. test theory, three semester hours;

f. educational diagnosis, three semester hours; and

g. supervised internship, to include 100 child contact clock hours in fieldwork involving the administration, scoring, and interpretation of norm-referenced and criterion-referenced individual educational tests, working with School Building Level Committees, teacher consultation, and implications for educational intervention through the development of the individualized assessment/intervention plan, three semester hours, and may be completed while employed on a provisional endorsement.

B. Provisional Educational Diagnostician. A one year provisional endorsement as an Educational Diagnostician may be issued if all requirements have been completed, with the exception of the 100-contact-hour internship. The intern employed on a provisional endorsement must work under a certified Educational Diagnostician who has a minimum of five years of field experience in that position. At the time of employment, the Louisiana employing authority must submit verification of the supervision component. Until the internship is completed and the provisional status is removed from the intern certificate, the supervising Educational Diagnostician shall sign all reports and evaluations involving the intern.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1820 (October 2006), amended LR 46:1382 (October 2020), LR 48:

§1355. Educational Technology Areas

A. Educational Technology Facilitation

1. Eligibility requirements:

a. valid Type B or Level 2 Louisiana teaching certificate and three years of teaching experience; and

b. complete a minimum of nine semester hours, three semester hours per course, of graduate credit in educational technology as follows:

i. design and development of multimedia instructional units;

ii. educational telecommunications, networks, and the internet; and

iii. technology leadership in schools.

B. Educational Technology Leadership

1. Eligibility requirements:

a. valid Type A or Level 3 Louisiana teaching certificate and five years of teaching experience;

b. graduate degree from a institution of higher education accredited in accordance with 34 CFR 602; and

c. minimum of 21 semester hours of graduate credit, as follows:

i. education technology coursework, nine semester hours:

(a). design and development of multimedia instructional units;

(b). educational telecommunications, networks, and the internet; and

(c). technology leadership in schools;

ii. educational technology leadership coursework, 12 semester hours:

(a). technology planning and administration;

(b). professional development for K-12 technology integration;

(c). educational technology research, evaluation, and assessment; and

(d). advanced telecommunications and distance education.

2. Persons who have met requirements in Subparagraphs B.1.a and B.1.c of this Section may be issued a non-renewable, non-extendable educational technology leadership provisional certificate that is valid for three years.

C. Online Instruction eligibility requirements:

1. Valid type B or level 2 Louisiana teaching certificate (requires three years of teaching experience) or equivalent out-of-state teaching certificate; and

2. Complete an online course or combination of online courses focused on the following topics:

a. best practices in online course delivery;

b. facilitation skills that foster reflective discussions in an online learning environment;

c. effective strategies for assessing learning in the online environment;

d. techniques for using online tools to address student learning needs;

e. asynchronous discussion and online course-authoring tools; and

f. ethical and legal issues related to the use of online resources; and

3. Complete an online teaching intern experience of at least one semester in length or successfully serve as an instructor/facilitator of an online course for at least six weeks in length.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1820 (October 2006), amended LR 34:2033 (October 2008), LR 38:766 (March 2012), LR 46:1382 (October 2020), LR 48:

§1357. Elementary Mathematics Specialist

A. In January 2010 the Association of Mathematics Teacher Educators (AMTE) adopted standards for elementary math specialists. These standards are included in *Standards for Elementary Math Specialists: A Reference for Teacher Credentialing and Degree Programs* and serve as the basis for the elementary mathematics specialist certification.

B. This certification will be available to individuals holding a valid early childhood certificate in PK-K or PK-3, elementary certificate in grade levels 1-4, 1-5, 1-6, or 1-8), or middle school mathematics certificate in grade levels 4-8, 5-8, or 6-8, or a secondary mathematics certificate in grade levels 6-12 or 7-12. The following must be achieved:

1. three years of successful teaching experience to include the teaching of mathematics with all out-of-state experience verified as successful by the out-of-state employing authority or SEA;

2. completion of 21 graduate hours of coursework reflective of the Specialized Mathematics Content for Teaching as outlined in the AMTE standards. The 21 graduate hours include:

- a. three semester hours of number and operations;
- b. three semester hours of algebra and functions;
- c. three semester hours of geometry and measurement;
- d. three semester hours of data analysis and probability;
- e. three semester hours in mathematics pedagogical content knowledge which must include learners and learning, teaching, curriculum, and assessment;
- f. three semester hours of leadership which must cover leadership knowledge and skills; and
- g. a three semester hour practicum to include leadership challenges and issues which mathematics leaders encounter. Candidates complete thirty-five hours of field experience shadowing a mathematics specialist and/or completing job-like activities in addition to participating in various projects, readings, and discussions as a member of a class.

C. A teacher certified to teach in any range of grades for PreK-6 may be the math teacher of record and assign grades to students in the grade levels certified. A secondary certified math teacher is allowed to teach math in grade levels 6-12 and/or serve as a math coach in grades PK-6. The EMS endorsement can be used to verify specialized knowledge in mathematics.

D. Valid for serving as an instructional coach in mathematics in grades PK-6.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 37:2135 (July 2011), amended LR 45:1461 (October 2019).

§1359. English as a Second Language

A. Eligibility requirements:

1. valid standard teaching certificate; and
2. successful completion of the following coursework:

a. Methods for Teaching English as a Second Language, three semester hours in theories and practical approaches and techniques for teaching English as a second language to elementary, secondary, and adult education students;

b. Introduction to Language and Culture, three semester hours in the relationship of language acquisition to social and cognitive development;

c. Structure of the English Language, three semester hours in the distinctive sound patterns and grammatical systems of American English; and

d. Curriculum Design for the Multicultural Classroom, three semester hours in adapting curricula for the multi-ethnic classroom as well as a review of existing English as a second language materials for elementary, secondary, and adult education levels.

B. English as a Second Language certification will be valid only in the teaching area(s) in which an individual is certified and in teaching English as a Second Language I, II, III, and IV elective courses.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1821 (October 2006), amended LR 48:

§1361. Instructional Coaching

A. Eligibility Requirements:

1. Valid Type B, Level 2, or higher Louisiana teaching certificate; and

2. Completion of 12 graduate hours to include the following areas:

a. advancing teacher leadership institute, three semester hours;

b. promoting instructional coaching institute, three semester hours;

c. school improvement and research, three semester hours; and

d. internship, three semester hours in which university and school districts collaborate to insure meaningful and practical experiences in actual school settings during the course of the educational leadership program.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 38:767 (March 2012), amended LR 48:

§1363. Montessori Teacher Certification

A. A credential to teach Montessori at the age levels prescribed by the training institution may be added to a standard teaching certificate for teachers who have completed training from one of the following entities:

1. American Montessori Society;
2. Association Montessori Internationale;
3. St. Nicholas Training Course of London;
4. The Montessori World Education Institute;
5. Montessori Institute of America;
6. Southwestern Montessori Training Institute;
7. International Montessori Council; or

8. any other course jointly approved by BESE and the Louisiana Montessori Association.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1821 (October 2006), amended LR 46:1383 (October 2020), LR 48:

§1365. Reading Specialist

A. This certification is valid for teaching and/or supervision of reading in grade levels 1-12.

B. Eligibility requirements:

1. valid Type B or Level 2 Louisiana teaching certificate;

2. advanced degree from an institution accredited in accordance with 34 CFR 602; and

3. included in or beyond the advanced degree of study must be 12 graduate hours of coursework in reading education, including:

a. three semester hours of foundations or survey of reading instruction;

b. six semester hours of diagnosis and correction of reading difficulties, including a testing/tutorial practicum under the supervision of qualified personnel; and

c. three semester hours of reading in the content areas.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1822 (October 2006), amended LR 46:1383 (October 2020), LR 48:

§1367. School Librarian

A. School library service eligibility requirements:

1. Valid Louisiana elementary or secondary teaching certificate;

2. 18 semester hours in library science, as follows:

a. elementary and/or secondary school library materials, nine semester hours;

b. organization, administration, and interpretation of elementary and/or secondary school library service, six semester hours; and

c. elementary and/or secondary school library practice, three semester hours; or three years of successful experience as a school librarian.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1822 (October 2006), amended LR 33:1618 (August 2007), LR 48:

§1369. Mentor Teacher

A. A certification to serve as a mentor of undergraduate or post-baccalaureate teacher residents may be added to a standard teaching certificate for teachers meeting the eligibility requirements.

B. Eligibility requirements:

i. hold, or be eligible to hold, a valid type C, level 1, or higher Louisiana teaching certificate;

ii. successfully complete a BESE-approved mentor teacher training program; and

iii. earn a passing score on the Louisiana mentor teacher assessment series.

C. Individuals who successfully complete LDE mentor teacher training from November 1, 2017 through July 31, 2020, are eligible for the mentor teacher add-on endorsement after passing the Louisiana mentor teacher assessment series.

D. Individuals who hold National Board certification are eligible for mentor teacher add-on endorsement after passing the coaching-related components of the Louisiana mentor teacher assessment series.

E. Individuals who hold or are eligible to hold a Louisiana Administrative or Supervisory Credential as listed in Chapter 15 of this Part may apply for the Mentor Teacher add-on endorsement, and allows the eligible individual to serve as a mentor of undergraduate or post-baccalaureate teacher residents without meeting the eligibility requirements for a mentor teacher endorsement outlined in §1369 of this Part.

F. Individuals who currently hold or are eligible to hold National Institute for Excellence in Training (NIET) Teacher Evaluator Training Certification may apply for the Mentor Teacher add-on endorsement, and allows the individual eligible to serve as a mentor of undergraduate or post-baccalaureate teacher residents without meeting the eligibility requirements for a mentor teacher endorsement outlined in §1369 of this Part.

6. Certified CLASS® observers may apply for the Mentor Teacher add-on endorsement, which allow the individual eligible to serve as a mentor of undergraduate or post-baccalaureate teacher residents without meeting the eligibility requirements for a mentor teacher endorsement outlined in §1369 of this Part.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 48:

§1371. Content Leader

A. The content leader endorsement is an optional endorsement that districts may require.

B. Eligibility requirements for the content leader endorsement:

1. hold, or be eligible to hold, a valid type C, level 1, or higher Louisiana teaching certificate with all out-of-state experience verified as successful by the out-of-state employing authority or SEA.

2. successfully complete a BESE-approved content leader training program; and

3. earn a passing score on the Louisiana content leader assessment series in §303 of this Part).

2. Individuals who have successfully completed LDE content leader training from November 1, 2017 through July 31, 2020, in accordance with Paragraph 1 of this Subsection, are eligible for content leader ancillary certification.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 48:

Chapter 15. Administrative and Supervisory Credentials

§1501. Overview

A. An individual who serves as an administrator and/or supervisor in Louisiana schools is required to obtain the appropriate credential for the area of assignment. A teacher already certified in Louisiana may have an educational leader certificate issued to provide administrative or supervisory services in a Louisiana school system.

B. This Chapter is divided into three parts, as follows:

1. educational leadership certification structure;
2. administrative and supervisory endorsements that were superseded by the educational leadership certification structure; and
3. all other supervisory endorsements.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1822 (October 2006), amended LR 38:3138 (December 2012).

Subchapter A. The Educational Leadership Certificate

§1503. Introduction

A. The educational leadership certification structure provides for four levels of leader certification: teacher leader; educational leader level 1; educational leader level 2; and educational leader level 3. The teacher leader certificate is an option for a teacher to be identified as a teacher leader and is not a state required credential for a specific administrative position. The educational leader level 1 certificate is an entry-level certificate for individuals seeking to qualify for school and/or district leadership positions such as assistant principals, principals, parish or city supervisors of instruction, supervisors of child welfare and attendance, special education supervisors, or comparable school/district leader positions. An individual advances from a level 1 to a level 2 certificate after successfully meeting standards of effectiveness for three years pursuant to Bulletin 130 and R.S. 17:3902, and completing the required years of experience. The level 3 certificate qualifies an individual for employment as a district superintendent. The LDE will issue a letter of eligibility for an EDL certificate to requesting educators not currently serving in an educational leadership role.

B. Educational leadership preparation programs and induction programs must be aligned with state and national standards in accordance with LAC 28:CXXXVII.301 in Bulletin 125.

C. Medical Excuse and Exceptions. Exceptions to policy will be considered in the case of serious medical condition or unavailability of required coursework or exams, when not in violation of law. When serious medical problems of the teacher or immediate family exist, a doctor statement is required with a letter of assurance from the teacher that the unmet policy requirements will be completed within one year of the exception being granted. The final authority for approval and policy flexibility is at the discretion of the LDE.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), and (15), 17:7(6), 17:10, 17:22(6), 17:391.1-391.10, 17:411, and 17:3902.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1822 (October 2006), amended LR 33:819 (May 2007), LR 38:42 (January 2012), LR 38:3138 (December 2012), LR 39:1465 (June 2013), LR 45:231 (February 2019), LR 48:

§1505. Educational Leader Certificate Level 1 (EDL 1)

A. The EDL 1 certificate is needed for school and district educational leadership positions such as assistant principal, principal, parish or city supervisor of instruction, supervisor of child welfare and attendance, special education supervisor, or comparable school/district leader positions. The EDL certificate is issued upon the request of the LEA upon employment to serve as an educational leader. An EDL 1 certificate may be obtained through either a master's degree pathway or through one of three alternate pathways.

1. Graduate Degree Pathway. To receive an entry-level EDL 1, the candidate must:

a. hold or be eligible to hold a Louisiana type B or level 2 teaching certificate or have a comparable level out-of-state teaching certificate and three years of teaching experience in the area of certification;

b. complete a competency-based graduate degree preparation program in the area of educational leadership from an institution of higher education accredited in accordance with 34 CFR 602, which may be inclusive of BESE-approved mentor teacher or content leader training;

i. If the graduate degree program was not in Educational Leadership then a letter from the dean of education or the dean of the graduate school will be considered and must be submitted verifying that the master's degree program is aligned with the National Policy Board for Educational Administration's Professional Standards for Educational Leaders (PSEL). The final authority for approval is at the discretion of the LDE; and

c. have a passing score on the BESE approved school leaders licensure assessment, in accordance with state requirements.

2. Alternate Pathway 1. The alternate pathway 1 is for individuals who already hold a graduate degree and seek issuance of an EDL 1. The candidate must:

a. hold or be eligible to hold a Louisiana type B or level 2 teaching certificate or have a comparable level out-of-state teaching certificate and three years of teaching experience with all out-of-state experience verified as successful by the out-of-state employing authority or SEA;

b. have previously completed a graduate degree program from an institution of higher education accredited in accordance with 34 CFR 602;

c. meet competency-based requirements, as demonstrated by completion of an individualized program of educational leadership from an institution of higher education accredited in accordance with 34 CFR 602 developed based on a screening of candidate competencies upon entering into a graduate alternative certification program and service as a mentor teacher, content leader, or BESE-approved mentor teacher or content leader training may fulfill a maximum of 40 percent of an individualized program; and

d. earn a passing score on the BESE approved school leaders licensure assessment in accordance with state requirements.

3. Alternate Pathway 2. The alternate pathway 2 is for individuals who already hold a graduate degree in education and seek issuance of an EDL 1. The candidate must:

a. hold or be eligible to hold, a Louisiana type B or level 2 teaching certificate or have a comparable level out-of-state teaching certificate and three years of teaching experience with all out-of-state experience verified as successful by the out-of-state employing authority or SEA;

b. have previously completed a graduate degree program in education from an institution of higher education accredited in accordance with 34 CFR 602;

c. provide documented evidence of leadership experiences of 240 clock hours or more at the school and/or district level, including service as a mentor teacher or content leader of up to 100 clock hours; and

d. have a passing score on the BESE approved school leaders licensure assessment in accordance with state requirements.

4. Alternate Pathway 3. The alternate pathway 3 is for persons who already hold a baccalaureate degree from an institution of higher education accredited in accordance with 34 CFR 602 and are seeking to receive an EDL 1 through a competency-based educational leader practitioner (residency) program found in LAC 28:XLV (Bulletin 996, Chapter 7). The candidate must:

a. hold, or be eligible to hold, a Louisiana type B or level 2 teaching certificate or have a comparable level out-of-state teaching certificate and three years of teaching experience with all out-of-state experience verified as successful by the out-of-state employing authority or SEA;

b. demonstrate strong knowledge of instruction through a rigorous screening process by an approved program provider;

c. complete a competency-based educational leader practitioner/residency preparation program in the area of educational leadership from a non-university provider or an institution of higher education accredited in accordance with 34 CFR 602 with service as a mentor teacher, content leader, or BESE-approved mentor teacher or content leader training allowed fulfill a maximum of 40 percent of the competency-based program; and

d. have a passing score on the BESE approved school leaders licensure assessment in accordance with state requirements.

5. EDL 1 Extensions

a. An EDL 1 is valid for three years initially and may be extended thereafter for a period of one year at the request of an LEA. EDL 1 certificates are limited to two such extensions.

b. Individuals who hold an educational leader certification and are employed in a leadership capacity at the school level must successfully meet the standards of effectiveness as a leader for at least three years during the five-year initial or renewal period in order to renew.

c. Individuals who hold an educational leader certification and are employed in a leadership capacity at the district level must earn effective ratings as a leader per local personnel evaluations for at least three years during the five-year initial or renewal period in order to renew.

6. Districts may require participation in an education leader induction administered by the LEA.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1823 (October 2006), amended LR 33:819 (May 2007), LR 38:43 (January 2012), LR 38:3138 (December 2012), LR 39:1465 (June 2013), LR 43:1313 (July 2017), LR 45:231 (February 2019), LR 45:526 (April 2019), LR 45:1461 (October 2019), LR 46:1383 (October 2020), LR 48:

§1507. Educational Leader Certificate Level 2 (EDL 2)

A. To receive an EDL 2, the individual must:

1. hold or be eligible to hold a EDL 1 certificate, Louisiana provisional principal certification, or comparable level out-of-state educational leader certificate;

2. have three years of teaching experience;

3. if applicable, have all out-of-state experience verified as successful by the out-of-state employing authority or SEA;

4. participate in an education leader induction administered, if required by the LEA;

5. for individuals who are employed in a leadership capacity at the school level, meet the standards of effectiveness as an educational leader for three years pursuant to LAC 28:CXLVII (Bulletin 130) and R.S. 17:3902; and

6. for individuals who are employed in a leadership capacity at the district level, earn effective ratings per local personnel evaluations for three years.

B. Renewal Requirements. An EDL 2 is valid for five years initially and may be renewed thereafter for a period of five years at the request of an LEA. For renewal of EDL 2 certificate:

1. Individuals who hold an educational leader certification and are employed in a leadership capacity at the school level must successfully meet the standards of effectiveness as a leader for at least three years during the five-year initial or renewal period.

2. Individuals who hold an educational leader certification and are employed in a leadership capacity at the district level must earn effective ratings as a leader per local personnel evaluations for at least three years during the five-year initial or renewal period.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1823 (October 2006), amended LR 33:820 (May 2007), LR 38:43 (January 2012), LR 38:3138 (December 2012), LR 39:1465 (June 2013), LR 41:2129 (October 2015), LR 45:526 (April 2019), LR 45:1461 (October 2019), LR 48:

§1509. Educational Leader Certificate Level 3 (EDL 3)

A. This certificate is required in order to serve as a school system superintendent or assistant superintendent.

1. Eligibility requirements:

a. hold or be eligible to hold an EDL 2 or one of the Louisiana administrative/supervisory certifications that preceded the educational leadership certification structure;

b. three years of teaching experience;

c. five years of successful administrative or management experience in education at the level of assistant principal or above with assistant principal experience limited to a maximum of two years of the five years of experience

with all out-of-state experience verified as successful by the out-of-state employing authority or SEA; and

d. earn passing score on the BESE approved school superintendent assessment, in accordance with state requirements.

B. **Renewal Requirements.** An EDL 3 is valid for five years initially and may be renewed thereafter for a period of five years at the request of an LEA:

1. Individuals who hold an educational leader certification and are employed in a leadership capacity at the school level must successfully meet the standards of effectiveness as a leader for at least three years during the five-year initial or renewal period.

2. Individuals who hold an educational leader certification and are employed in a leadership capacity at the district level must earn effective ratings as a leader per local personnel evaluations for at least three years during the five-year initial or renewal period.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1824 (October 2006), amended LR 38:3139 (December 2012), LR 41:2129 (October 2015), LR 45:526 (April 2019), LR 45:1462 (October 2019), LR 48:

§1511. Non-Practicing Status for Educational Leader Certificates

A. In order to retain evaluation ratings toward certification renewal, the LDE may grant non-practicing status to any educational leader who applies after ceasing employment with the LEA in accordance with §505 of this Part.

B. The first date an educational leader may enter into non-practicing is August 1, 2012.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:2129 (October 2015), amended LR 45:527 (April 2019), LR 48:

§1513. Teacher Leader Endorsement (Optional)

A. As part of the educational leader certification structure a teacher may become certified as a teacher leader that allows principals the opportunity to provide leadership experiences to teachers at the school level and recruit potential educational leader candidates for school districts. Teacher leader is the certification needed by those who fill school site leadership roles such as serving as a school curriculum coordinator, chairperson or content teacher, the school improvement team chairperson, the lead teacher in developing and scheduling a special activity at the school site, or the lead teacher in the school preparation for a technical assistance visit.

B. **Eligibility requirements:**

1. valid type B, level 2, or higher Louisiana teaching certificate;

2. completion of a state-approved teacher leader program that requires, at minimum, the equivalent of six graduate hours, or 90 contact hours, including a combination of face-to-face and field-based professional development activities that:

a. may include the use of a cohort approach;

b. provides support from and monitoring by current outstanding administrators serving as mentors and/or facilitators;

c. includes an electronic component of online and/or compressed video to ensure participant access to key resources and to build a statewide network of qualified administrator candidates that could include the development of cohorts; and

d. requires the development and presentation of a culminating portfolio that provides evidence that knowledge gained and skills acquired are aligned with national and state leader standards.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1824 (October 2006), amended LR 35:1232 (July 2009), LR 38:3139 (December 2012), LR 48:

§1515. Local Education Agency Appeal

A. If an educational leader evaluation demonstrates that the standards of effectiveness, as determined by BESE, have been met, using value-added data or other components of the evaluation, for three years during the initial certification or renewal process, a certificate shall be issued or renewed unless the LDE or BESE receives evidence from the LEA that justifies discontinuation.

B. Similarly, if an educational leader evaluation demonstrates that the standards of effectiveness, as determined by BESE, have not been met, using either value-added data or other components of the evaluation, for three years during the initial certification or renewal process, the LDE/BESE shall not issue or renew a certificate unless evidence of effectiveness is received from the LEA that justifies the issuance of a certificate.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 and R.S. 17:3886.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:2130 (October 2015), amended LR 48:

§1517. Educational Leader Certification Implementation Timeline

A. By the spring of 2019, the LDE will:

1. develop and recommend to BESE the adoption of a Louisiana leadership assessment series (LLAS) that serves as an alternative to the Praxis school leaders licensure assessment (SLLA) and that will be inclusive of assessment components from the Louisiana mentor teacher assessment series and the Louisiana content leader assessment series;

2. pilot and study the LLAS in the winter of 2019, to ensure suitability for use as a required assessment for the educational leader level 1 certification:

a. candidates for the educational leader, level 1 certification who earn a passing score on the LLAS during the pilot phase will be eligible for the educational leader, level 1 certificate, if the candidate has met all other requirements for the graduate degree pathway or one of three alternate pathways; and

3. review and report on the efficacy of the assessment, including, but not limited to, the passage rates and the number of educational leader, level 1 certificates issued.

B. Beginning in the spring of 2019, the LDE will begin issuing:

1. mentor teacher ancillary certificates upon successful completion of the Louisiana mentor teacher assessment series in accordance with §553 of this Part; and

2. content leader ancillary certificates upon successful completion of the Louisiana content leader assessment series in accordance with §555 of this Part.

D. Prior to September 1, 2019, the LDE will:

1. review Chapters 5 and 15 of this Part; and

2. recommend revisions to BESE as necessary and based on findings from a learning phase.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 and R.S. 17:3886.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 45:232 (February 2019), amended LR 48:

Subchapter B. Out-of-State Administrative Certification Structure

§1519. Out-of-State Principal Level 1 (OSP1)

A. This is a three year, non-renewable Louisiana certificate issued to an individual who holds comparable out-of-state certification as a principal or educational leader, authorizes the individual to serve as a principal or assistant principal in a Louisiana public school system, and is issued upon employment as a principal or assistant principal in a Louisiana public school system.

1. Eligibility requirements:

a. a valid out-of-state certificate as a principal or comparable educational leader certificate;

b. a minimum of two years of successful experience as a principal or assistant principal in another state, as verified by the out-of-state employing authority or SEA;

c. must have been regularly employed as an assistant principal or principal for at least one semester, or 90 consecutive days, within the five year period immediately preceding first employment in Louisiana, or the applicant must earn six semester hours of credit in state-approved courses during the five year period immediately preceding issuance of the OSP1; and

d. An applicant who has not been regularly employed for at least one semester, or 90 consecutive days, within the five year period immediately preceding first employment in Louisiana may be issued a one-year non-renewable (OSP) certificate during completion of the six semester hours required for the issuance of a three-year non-renewable (OSP 1) certificate; and

2. Districts may require participation in an education leader induction administered by the LEA.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1824 (October 2006), amended LR 35:2325 (November 2009), LR 38:43 (January 2012), LR 39:1465 (June 2013), LR 45:1462 (October 2019), LR 48:

§1521. Out-of-State Principal Level 2 (OSP2)

A. An out-of-state principal level 2 (OSP2) is valid for five years initially and may be extended thereafter for a period of five years at the request of an LEA.

1. Eligibility requirements:

a. a valid OSP1 certificate;

b. completion of Louisiana PRAXIS requirements (School Leaders Licensure Assessment (1010) Prior to 12/31/09 or School Leaders Licensure Assessment (1011)

Effective 1/1/10, or qualify for PRAXIS/NTE exclusion in accordance with R.S. 17:7.1(A)(7) by fulfilling the following:

i. a minimum of four years of successful experience as a principal in another state, as verified by the out-of-state employing authority or SEA;

ii. complete one year of employment as an assistant principal or principal in a Louisiana public school system while holding the three-year OSP 1 certificate; and

iii. the local superintendent or designee of the employing Louisiana public school system has recommended continued administrative employment in the following school year; and

c. participation in an education leader induction if required by the LEA.

B. Individuals who are employed in a leadership capacity at the school level successfully meeting the standards of effectiveness as an educational leader during the validity period of the OSP1 certificate must earn effective ratings per local personnel evaluations for at three years during the five-year initial or renewal period.

C. Renewal Requirements. For renewal of OSP2 certificate, candidates who are employed in a leadership capacity at the school level must successfully meet the standards of effectiveness for at least three years during the five-year initial or renewal period in accordance with Bulletin 130 and R.S. 17:3902. Individuals who are employed in a leadership capacity at the district level must earn effective ratings per local personnel evaluations for at least three years during the five-year initial or renewal period.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1825 (October 2006), amended LR 35:2325 (November 2009), LR 36:882 (March 2011), LR 38:43 (January 2012), LR 38:3139 (December 2012), LR 39:1466 (June 2013), LR 45:527 (April 2019), LR 45:1462 (October 2019), LR 48:

§1523. Out-of-State Superintendent (OSS)

A. The out-of-state superintendent (OSS) certificate is valid only for the employing Louisiana public school district requesting issuance, is valid for five years from date of first appointment as a superintendent, and is renewable every five years.

1. Eligibility requirements:

a. employment by a Louisiana public school system to serve as a superintendent or an assistant superintendent;

b. a valid teaching certificate from another state with authorization to serve as a school superintendent;

c. a graduate degree from an institution of higher education accredited in accordance with 34 CFR 602;

d. five years of successful administrative or management experience in education at the level of assistant principal or above with assistant principal experience limited to a maximum of two years of experience in that position; and

e. three years of successful teaching experience with all out-of-state experience verified as successful by the out-of-state employing authority or SEA.

2. Renewal Requirements. For renewal of an OSS certificate, candidates who are employed in a leadership

capacity at the school level must successfully meet the standards of effectiveness as a leader for at least three years during the five-year initial or renewal period pursuant to Bulletin 130 and R.S. 17:3902. Individuals who are employed in a leadership capacity at the district level must earn effective ratings per local personnel evaluations as a leader for at three years during the five-year initial or renewal period.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1825 (October 2006), amended LR 38:3140 (December 2012), LR 45:527 (April 2019), LR 45:1462 (October 2019), LR 46:1383 (October 2020), LR 48:

Subchapter C. Administrative and Supervisory Endorsements

§1525. Introduction

A. Effective June 30, 2006, universities cannot admit candidates into a leadership/administration program that has not undergone the redesign and review process. Individuals who have completed all courses, testing requirements, and degree requirements under the position specific policy prior to 12/31/08 have until 12/31/2013 to accrue the five years of experience for the administrative certifications listed below:

1. Elementary School Principal;
2. Secondary School Principal;
3. Parish or City School Superintendent;
4. Parish or City School Supervisor of Instruction;
5. Parish or City School Supervisor/Director of Special Education;
6. Special School Principal; or
7. Supervisor of Child Welfare and Attendance.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1825 (October 2006), amended LR 35:1231 (July 2009), LR 48:

§1527. Elementary School Principal

- A. Eligibility requirements:
1. Type A or Level 3 Louisiana teaching certificate for the elementary school;
 2. graduate degree from an institution of higher education accredited in accordance with 34 CFR 602;
 3. five or more years of classroom teaching at elementary school level;
 4. score of 620 on the Educational Administration and Supervision Area Exam of the NTE;
 5. minimum of 30 semester hours of graduate credit, as follows:
 - a. educational administration and instructional supervision, nine semester hours:
 - i. Foundations of or Introduction to Educational Administration, or Theory of Educational Administration;
 - ii. Elementary School Principal; and
 - iii. Principles of Instructional Supervision in the Elementary School;
 - b. professional education, 21 semester hours:
 - i. eighteen semester hours of three each:
 - (a). educational research;
 - (b). history or philosophy of education;
 - (c). elementary school curriculum;
 - (d). school law;

- (e). school finance; and
- (f). school Personnel Administration; and
- ii. three semester hours of educational administration electives to be selected from the following:
 - (a). school-community relations;
 - (b). school facilities; and
 - (c). program Development and Evaluation in either professional education or in areas outside of professional education.

B. Individuals who meet requirements of Item A above are eligible for a provisional elementary school principal endorsement. Upon employment as a principal or assistant principal, an individual with provisional principal endorsement must enroll in the two year Principal Internship Program.

C. A regular elementary school principal endorsement will be added to the standard Type A certificate upon satisfactory completion of the two year Principal Internship Program.

D. Individuals holding provisional or regular principal endorsements at the elementary school level may serve as principal of an elementary, middle, secondary, or combination grade-level school.

E. Elementary school assistant principals are required to meet the same standards as elementary school principals.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1825 (October 2006), amended LR 46:1383 (October 2020).

§1529. Secondary School Principal

- A. Eligibility requirements:
1. valid Type A or Level 3 Louisiana teaching certificate for the secondary school;
 2. graduate degree from an institution of higher education accredited in accordance with 34 CFR 602;
 3. five or more years of classroom teaching at secondary school level;
 4. score of 620 on the Educational Administration and Supervision Area Exam of the NTE;
 5. minimum of 30 semester hours of graduate credit, as follows:
 - a. educational administration and instructional supervision, nine semester hours of three hours each:
 - i. foundations of or introduction to educational administration, or theory of educational administration;
 - ii. secondary school principal; and
 - iii. principles of instructional supervision in the secondary school;
 - b. professional education, 21 semester hours:
 - i. 18 semester hours, to include three semester hours from each of the following:
 - (a). educational research;
 - (b). history or philosophy of education;
 - (c). secondary school curriculum;
 - (d). school law;
 - (e). school finance;
 - (f). school personnel administration;
 - ii. three semester hours of educational administration electives to be selected from the following courses:
 - (a). school-community relations;

- (b). school facilities; and
- (c). program development and evaluation (either in professional education or in areas outside of professional education).

B. Individuals who meet the requirements of Item A above are eligible for a provisional secondary school principal endorsement. Upon employment as a principal or assistant principal, an individual with provisional principal endorsement must enroll in the two year Principal Internship Program under the auspices of the Administrative Leadership Academy.

C. A regular secondary school principal endorsement will be added to the standard Type A certificate upon satisfactory completion of the two year Principal Internship Program.

D. Persons holding provisional or regular principal endorsements at the secondary school level may serve as principal of an elementary, middle, secondary, or combination grade-level school.

E. Secondary school assistant principals are required to meet the same standards as elementary school principals.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1826 (October 2006), amended LR 46:1383 (October 2020), LR 48:

§1531. Parish or City School Superintendent

A. Eligibility requirements:

1. valid Type A or Level 3 Louisiana teaching certificate;
2. five years of successful school experience for a state, parish, or city as superintendent, assistant superintendent, supervisor of instruction, principal, or assistant principal in a State-approved system, or experience certified as equivalent to any of these by BESE or the LDE. Assistant principal experience is limited to a maximum of two years of experience in that position with all out-of-state experience verified as successful by the out-of-state employing authority or SEA;
3. graduate degree from an institution of higher education accredited in accordance with 34 CFR 602;
4. 48 semester hours of graduate credit:
 - a. 30 semester hours in educational administration and supervision of instruction, as follows:
 - i. 18 semester hours, to include three semester hours in each of the following areas:
 - (a). foundations of (introductory) educational administration; or theory of educational administration;
 - (b). school law;
 - (c). principles of instructional supervision (elementary or secondary);
 - (d). school community relations;
 - (e). secondary or elementary school principalship; and
 - (f). school finance;
 - ii. 12 semester hours of electives in educational administration and instructional supervision from the following areas:
 - (a). school facilities;
 - (b). school personnel administration;
 - (c). group dynamics;
 - (d). office and business management;

(e). clinical supervision or internship or practicum in educational administration or instructional supervision; and

(f). program development and evaluation (in professional education or areas outside professional education);

5. professional education, 12 semester hours to include three semester hours in each of the following:

- a. educational research;
- b. history or philosophy of education;
- c. elementary school curriculum; and
- d. secondary school curriculum; and

6. six semester hours of electives from cognate fields outside of professional education related to educational administration and supervision in business, political science, psychology, sociology, or speech.

B. Assistant superintendents who supervise any part of the instructional program are required to meet the same standards as superintendents.

C. Assistant superintendents for non-instructional areas such as finance, management, facilities planning, and ancillary programs shall be certified as a school superintendent or meet the following requirements:

1. a minimum of five years of demonstrated successful administrative experience at a managerial level in education and/or related fields, either in the public or private sector;

2. graduate degree in educational administration, business administration, public administration, or a related area of study including, but not limited to, accounting, finance, banking, insurance, and law, from an institution of higher education accredited in accordance with 34 CFR 602;

3. responsibilities assumed by this category of administrators must be related to non-instructional programs, and experience obtained while at that level may not be used for meeting the certification requirements for superintendent.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), and (15), R.S. 17:7(6), R.S. 17:10, R.S. 17:22(6), R.S. 17:391.1-391.10, and R.S. 17:411, amended LR 45:1462 (October 2019).

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1826 (October 2006), amended LR 45:1462 (October 2019), LR 46:1383 (October 2020), LR 48:

§1533. Parish or City School Supervisor of Instruction

A. Eligibility requirements:

1. valid Type A or Level 3 Louisiana Teaching Certificate;
2. graduate degree from an institution of higher education accredited in accordance with 34 CFR 602; and
3. minimum of 33 semester hours of graduate credit, to include:
 - a. 15 semester hours in Educational Administration and Supervision:
 - i. foundations and theory of educational administration (three);
 - ii. principles of instructional supervision (six);
 - iii. elementary school curriculum (three); and
 - iv. secondary school curriculum (three);
 - b. professional education, 15 semester hours:
 - i. educational research (three);
 - ii. history or philosophy of education (three);
 - iii. school law (three); and

iv. six semester hours of electives from Instructional Evaluation, Statistics, Testing and Measurement, Learning Theory, or Program Development and Evaluation in professional education or areas outside professional education; and

c. three semester hours to be selected from Practicum in Instructional Supervision or Internship in Instructional Supervision and internship or clinical experience as an elementary or secondary school principal or instructional supervisor may be substituted for this requirement.

B. Individuals who meet requirements of Paragraphs A.1, 2, and Subparagraph 3.a may be issued a non-renewable, non-extendable supervisor of instruction provisional certificate valid for three years.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1827 (October 2006), amended LR 46:1383 (October 2020), LR 48:

§1535. Parish or City School Supervisor/Director of Special Education

A. Eligibility requirements:

1. valid Type A or Level 3 Louisiana teaching certificate with certification as a special education teacher;

2. five years of successful professional experience, at least three of which must have been in special education;

3. graduate degree from an institution of higher education accredited in accordance with 34 CFR 602;

4. minimum of 33 semester hours of graduate credit:

a. six semester hours of special education administration, with three semester hours in each area of special education administration that address the following competencies:

i. administration and organization of special education; and

ii. special education compliance;

b. professional education, 24 semester hours of instructional supervision, to include three semester hours in each of the following:

i. foundations and theory of educational administration;

ii. educational research;

iii. history and philosophy of education;

iv. school law;

v.

school finance;

vi. curriculum;

vii. principles of instructional supervision; and

viii. three semester hours of electives to be selected from Instructional Evaluation, Statistics, Testing and Measurement, Learning Theory, or Program Development and Evaluation in professional education or areas outside professional education; and

c. three semester hours in either Practicum in Special Education Administration or Internship in Special Education Administration.

B. Persons who have met the requirements of Paragraphs A.1-3, three semester hours from A.4.a, and 12 semester hours from A.4.b may be issued a non-renewable, non-

extendable Supervisor/Director of Special Education provisional certificate, valid for three years.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1827 (October 2006), LR 46:1384 (October 2020), LR 48:

§1537. Special School Principal

A. Special school principal eligibility requirements:

1. Certification requirements for elementary or secondary school principal must be completed. The same certification standards as those required of principals apply if an individual is serving as an assistant principal;

2. graduate training in special education, including at least one course in administration/supervision of special education, and generic certification in one or more areas of exceptionalities served by that school;

3. five years of successful professional experience, at least three years of which must have been in special education; and

4. all out-of-state experience must be verified as successful by the out-of-state employing authority or SEA.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1828 (October 2006), amended LR 45:1462 (October 2019), LR 48:

§1539. Supervisor of Child Welfare and Attendance and/or Visiting Teacher

A. Eligibility requirements:

1. valid Type A or Level 3 Louisiana teaching certificate;

2. graduate degree from an institution accredited in accordance with 34 CFR 602, including 15 semester hours of professional education at the graduate level to include three semester hours in each of the following areas:

a. principles of guidance and counseling;

b. supervision of child welfare and attendance and/or visiting teacher work;

c. school law;

d. social psychology;

e. psychology of child growth and development or human growth and development.

B. Social Workers licensed under R.S. 37:2701 et seq. may be certified as visiting teachers.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1828 (October 2006), amended LR 46:1384 (October 2020).

Subchapter D. All Other Supervisory Endorsements

§1541. Introduction

A. In addition to those areas of supervision and administration embraced within the Educational Leader Certification Structure, the following supervisory endorsements are available to candidates holding a Louisiana teaching certificate:

1. supervisor of school libraries;

2. supervisor of parish or city materials and media centers; and

3. supervisor of student teaching.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1828 (October 2006), amended LR 48:

§1543. Supervisor of School Libraries

A. Supervisor of school libraries eligibility requirements:

1. Type A or Level 3 Louisiana certificate authorizing school library service;

2. five or more years of successful experience as a school librarian with all out-of-state experience verified as successful by the out-of-state employing authority or SEA; and

3. graduate degree in library science from an institution accredited in accordance with 34 CFR 602, including 12 semester hours of graduate training in library science and a minimum of 21 semester hours of undergraduate credit in library science.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1828 (October 2006), amended LR 45:1463 (October 2019), LR 46:1384 (October 2020), LR 48:

§1545. Supervisor of Parish or City Materials and/or Media Centers

A. Supervisor of parish or city materials and/or media centers eligibility requirements:

1. Type A or Level 3 Louisiana teaching certificate;

2. advanced degree from an institution accredited in accordance with 34 CFR 602;

3. 15 semester hours of graduate course work in non-book media:

a. utilization of audiovisual materials (three);

b. media design and production (three);

c. administration of media programs (three); and

d. six semester hours of electives from courses such as photography, educational television, programmed instruction, media research, advanced production techniques, and communication theory.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1828 (October 2006), amended LR 46:1384 (October 2020), LR 48:

§1547. Supervisor of Student Teaching

A. This is no longer a required endorsement that must appear on a certificate.

B. To qualify to perform this supervisory service, a teacher must meet one of the following eligibility criteria:

1. valid Type A or Level 3 Louisiana certificate in the field of the supervisory assignment;

2. valid Type B or Level 2 Louisiana certificate in the field of the supervisory assignment and successfully complete the three semester-hour course in the supervision of student teaching;

3. valid Type B or Level 2 Louisiana certificate in the field of the supervisory assignment and successfully

complete assessor training through the Louisiana Teacher Assistance and Assessment Program; or

4. valid Type B or Level 2 Louisiana certificate and National Board Certification in the field of the supervisory assignment.

C. On September 1, 2023, the mentor teacher endorsement or ancillary certificate will replace the supervisor of student teaching certificate. The supervisor of student teaching certificate will no longer be issued effective December 31, 2020.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1829 (October 2006), amended LR 37:2136 (July 2011), LR 45:232 (February 2019), LR 46:1384 (October 2020), LR 48:

Chapter 17. Certification Appeal Process

§1701. Overview

A. The certification appeal process is available to an individual who has applied for certification and has been denied the requested certification due to the absence of certification requirements. The process provides such an individual the opportunity to have the appeal evaluated by the Teacher Certification Appeals Council (TCAC). TCAC will evaluate all appeals and submit a written report of findings for ratification by BESE. The decision of the TCAC is final.

B. Pursuant to *Louisiana Revised Statute* 17:7(6)(f), TCAC shall consist of nine members, who serve four-year terms, recommended by the state superintendent of education and approved by BESE as follows. Council membership:

1. Three council members shall be college of education faculty members, each of whom shall represent a postsecondary education institution participating in both traditional and alternative certification programs. The Louisiana Association of Colleges for Teacher Education, the Louisiana Association of Independent Colleges and Universities, and the Louisiana Association of Teacher Educators shall each submit a list of three nominees. The superintendent shall recommend one college of education faculty member from each such list.

2. Three council members shall be classroom teachers. The Associated Professional Educators of Louisiana, the Louisiana Association of Educators, and the Louisiana Federation of Teachers shall each submit a list of three nominees. The superintendent shall recommend one classroom teacher from each such list.

3. Three council members shall be certified school or system administrators. The Louisiana Association of School Executives, the Louisiana State Association of School Personnel Administrators, and the Louisiana Association of School Superintendents shall each submit a list of three nominees. The superintendent shall recommend one administrator from each such list.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1829 (October 2006), amended LR 36:487 (March 2010), LR 43:1314 (July 2017), LR 48:

§1703. Appeal Process

A. An applicant who is denied certification but seeks an appeal based upon legitimate grounds may submit a certification appeal application to the LDE. Only an individual who has been evaluated and denied certification through the LDE is eligible to file an appeal. The following restrictions apply:

1. An appeal cannot be initiated until:
 - a. an applicant has submitted a complete certification application to the LDE;
 - b. the application is reviewed by a certification specialist; and
 - c. the applicant is notified the requested certification is denied;
2. an appeal application is received by the certification office within 90 days from the date that the certification request was denied;
3. Appeals will not be considered for individuals who:
 - a. lack NTE/Praxis requirements for initial certification;
 - b. lack a minimum grade point average of 2.50 for initial certification and who did not meet the conditional admittance and program requirements as outlined in R.S. 17:7.1(A)(3);
 - c. lack reading requirements per R.S. 17:7.1(A)(4)(a);
 - d. lack 50 percent or more of courses or preparation program requirements required for certification;
 - e. lack the degree required for certification;
 - f. lack a degree from a college or university accredited in accordance with 34 CFR 602;
 - g. request issuance or renewal of a non-standard teaching certificate excluding the temporary authority to teach (TAT) certificate; or
 - h. failed to meet the standards of effectiveness for three years pursuant to Bulletin 130 and R.S. 17:3902; and
4. Appeals denied due to the issuance or renewal of certificates based on the standards of effectiveness must follow the grievance procedure through the LEA as identified in Bulletin 130.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1829 (October 2006), amended LR 36:487 (March 2010), LR 38:3140 (December 2012), LR 43:1314 (July 2017), LR 44:2002 (November 2018), LR 45:1750 (December 2019), LR 46:1384 (October 2020), LR 48:

Chapter 21. State Guidelines Related to Qualifications for Paraprofessionals and Continuing Learning Units

§2101. General Provisions

- A. This Chapter is divided into two sections:
1. paraprofessional qualifications; and
 2. continuing learning units (CLUs).

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 33:2053 (October 2007), amended LR 43:1315 (July 2017), LR 48:

§2103. Paraprofessional Qualifications

A. Definition of Paraprofessional

1. For the purposes of title I, part A, a paraprofessional is an employee who provides instructional support in a program supported with title I, part A funds including paraprofessionals working in any of the following capacities:

- a. providing one-on-one tutoring if such tutoring is scheduled at a time when a student would not otherwise receive instruction from a teacher;
- b. assisting with classroom management, such as organizing instructional and other materials;
- c. providing instructional assistance in a computer laboratory;
- d. conducting parental involvement activities;
- e. providing support in a library or media enter;
- f. acting as a translator; or
- g. providing instructional support services under the direct supervision of a teacher [title I, section 1119(g)(2)].

2. Individuals functioning as interpreters or transliterators, who are providing communication assistance only and not instructional support, are not considered paraprofessionals under Title I if the individual possess one of the following educational interpreter certificates:

- a. ancillary provisional certificate; or
- b. qualified ancillary certificate.

3. Individuals who work in food services, cafeteria or playground supervision, personal care services, non-instructional computer assistance, and similar positions are not considered paraprofessionals under title I.

C. Requirements for Title I Paraprofessionals. All Title I paraprofessionals hired on or before January 8, 2002, and working in a program supported with title I funds must have met the following requirements by January 8, 2006. All title I paraprofessionals hired after January 8, 2002, must meet the following requirements to be hired:

1. possess a secondary school diploma or recognized equivalent including paraprofessionals who serve as translators or who conduct parental involvement activities; and
2. satisfy one of the following:
 - a. pass a state approved assessment for paraprofessionals;
 - b. obtain an associate (or higher) degree at a higher education institution; or
 - c. complete two years of full-time study at an institution of higher education.

D. Louisiana Pathways for Paraprofessionals to Meet Federal Requirements. The U.S. Department of Education specifies that paraprofessionals should be able to demonstrate knowledge of and the ability to assist in instruction in the areas of reading, writing, and math, or in school readiness. Paraprofessionals are expected to have a working knowledge of the academic areas. Louisiana offers all paraprofessionals three ways to meet federal requirements.

1. State Test. A paraprofessional who passes the Educational Testing Service (ETS) para-pro assessment will meet state and federal requirements to be classified as a highly qualified paraprofessional. A paraprofessional who is

not new to the profession, passes the ACT work keys assessment, and has successful observations will meet state and federal requirements to be classified as a highly qualified paraprofessional.

2. Two Years of Full-Time Study (48 Semester Credit Hours). State, district, and post-secondary education personnel collaborated in identifying course requirements for paraprofessionals within a state approved institution of higher education that would assist paraprofessionals when instructing students in the areas of reading, writing, math, and school readiness.

3. Associate Degree. State, district, and post-secondary education personnel collaborated in identifying course requirements for paraprofessionals within a state-approved institution of higher education that would assist paraprofessionals when instructing students in the areas of reading, writing, math, and school readiness.

E. State-Approved Institutions of Higher Education. State-approved higher education institutions may offer coursework to paraprofessionals. To be approved by the state, institutions must be accredited by a nationally recognized accrediting entity or granted pre-accreditation status. Newly developed public institutions that are formally seeking accreditation may obtain pre-accreditation status from the state. A list of approved institutions is available from the LDE upon request.

F. Louisiana Definition: Highly Qualified Paraprofessional

1. New to the Profession. A paraprofessional must satisfy one of the following:

- a. passed the ETS para-pro assessment;
- b. has two years of full-time study (48 semester credit hours) from the recommended list of state-approved institutions of higher education or from an institution of higher education accredited in accordance with 34 CFR 602. A total of 15 hours of general education course requirements include English composition (3), English/reading (6), and mathematics (6). For the remaining 33 hours of coursework, acceptance of credit for a course shown on a transcript from an approved higher education institution is at school district discretion in addressing the needs of the specific job; or
- c. has associate of arts or associate of applied science degree from a state-approved institution of higher education or from an institution of higher education accredited in accordance with 34 CFR 602.

2. Not New to the Profession. A paraprofessional must satisfy one of the following:

- a. passed the ETS para-pro assessment;
- b. has two years of full-time study (48 semester credit hours) from the recommended list of state-approved institutions of higher education or from an institution of higher education accredited in accordance with 34 CFR 602. A total of 15 hours of general education course requirements include English composition (3), English/reading (6), and mathematics (6). For the remaining 33 hours of coursework, acceptance of credit for a course shown on a transcript from an approved higher education institution is at school district discretion in addressing the needs of the specific job;
- c. has associate of arts or associate of applied science degree from a state-approved institution of higher education or from an institution of higher education accredited in accordance with 34 CFR 602; or

d. has successfully completed the ACT, Inc., work keys skills assessments and on-the-job observation.

G. Curriculum-based Pathways for Paraprofessionals. General education and teacher preparation coursework must address the K-12 state content standards, Louisiana components of effective Teaching, National Council for the Accreditation of Teacher Education (NCATE) standards, and Praxis expectations. In addition to the ETS para-pro assessment, the state specified three curriculum-based pathways for paraprofessionals to meet federal requirements, as follows:

1. total of 48 credit hours:
 - a. general education courses—15 semester hours:
 - i. English composition—3 hours;
 - ii. English/reading—6 hours; and
 - iii. mathematics—6 hours; and
 - b. paraprofessional courses—for the remaining 33 semester hours, acceptance of credit for a course shown on a transcript from an approved institution of higher education is at school district discretion in addressing needs of a specific job:
 - i. guidelines for prescriptive plan requiring additional coursework—school districts should consider at least three hours of reading and at least 12 hours from a list of available paraprofessional courses, as follows:
 - (a). strategies for teaching and learning;
 - (b). assessment of learning;
 - (c). classroom and behavior management; and
 - (d). addressing the needs of exceptional children;

and

ii. discipline-specific electives may include as many as 12 hours of developmental or remedial courses;

2. associate of applied science degree—60+ credit hours:

- a. general education courses—15 semester hours:
 - i. English composition—3 hours;
 - ii. humanities—3 hours;
 - iii. math: algebra—3 hours;
 - iv. natural sciences—3 hours; and
 - v. social and behavioral science—3 hours;
- b. teacher preparation courses—child/adolescent development—3 hours;
- c. paraprofessional courses—30 semester hours:
 - i. introduction to paraprofessional education—3;
 - ii. applied literacy development—3;
 - iii. strategies for teaching and learning—3;
 - iv. applied assessment of learning—3;
 - v. applied classroom behavior management—3;
 - vi. addressing the needs of exceptional children—3;
 - vii. application of computer technology—3;
 - viii. family, school, and community relations—3;
 - ix. health and safety in schools—3; and
 - x. paraprofessional practicum—teaching, learning, and record keeping—3;

3. associate of arts degree—60+ credit hours:

- a. general education courses—54 semester hours:
 - i. English composition—6 hours;
 - ii. humanities: English literature—6 hours;
 - iii. math: algebra, etc.—12 hours;
 - iv. natural sciences—15 hours;
 - v. social and behavioral science—12 hours;
 - vi. fine arts—3 hours; and

b. teacher preparation courses—9 hours. Select three of the following:

- i. child/adolescent development—3 hours;
- ii. educational psychology—3 hours; and
- iii. multicultural/exceptional education—3 hours:
 - (a). educational technology—3 hours; or
 - (b). children's literature—3 hours.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 33:2056 (October 2007), amended LR 43:1315 (July 2017), LR 46:1385 (October 2020), LR 48:

§2105. Continuing Learning Units (CLUs)

A. A continuing learning unit (CLU) is a professional development activity that builds capacity for effective, research-based, content-focused teaching and learning that positively impacts student achievement. As a unit of measure, CLUs are used to quantify an educator's participation in a district or system-approved, content-focused professional development activity aligned with the educator individual professional growth plan.

B. Educators may earn one CLU for each clock hour of active engagement in a district or system-approved high quality professional development activity. Each educator is responsible for maintaining required documentation and for reporting earned CLUs in a manner prescribed by the district or system. Earned CLUs will transfer across local education agencies (LEAs).

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 33:2058 (October 2007), amended LR 43:1317 (July 2017), LR 48:

Chapter 23. Approved Courses to Reinstate Lapsed Certificates

§2301. Period of Validity

A. The period of validity for a Louisiana teaching certificate is subject to the provision that the certificate holder does not allow a period of five or more consecutive calendar years of disuse to accrue, and/or the certificate is not revoked by the State Board of Elementary and Secondary Education acting in accordance with law. As applicable to certificate validity, the term disuse is defined as a period of five consecutive calendar years in which a certificated individual is not a teacher of record for at least one semester, or 90 consecutive days. If such a period of disuse occurs, the certificate has lapsed. *Lapse* does not apply to certificates renewable via the standards of effectiveness pursuant to Bulletin 130 and R.S. 17:3902.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 33:2058 (October 2007), amended LR 48:

§2303. Reinstatement of a Lapsed Certificate

A. Reinstatement of a lapsed certificate is made only on evidence that the holder has earned six semester hours of credit in approved courses from an institution of higher education accredited in accordance with 34 CFR 602. The

credit must be earned within the five-year period immediately preceding request for reinstatement of the certificate. *Reinstatement* does not apply to certificates renewable via the standards of effectiveness pursuant to Bulletin 130 and R.S. 17:3902.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 33:2058 (October 2007), amended LR 46:1385 (October 2020), LR 48:

§2305. Certificate Reinstatement Coursework

A. Chapter 23 of this Part contains a list of coursework and content approved for reinstating a lapsed certificate. The following notes are applicable to certificate reinstatement coursework across all areas of certification.

1. Teachers with multiple certification areas may complete coursework specific to any of the certification areas.

2. Coursework must be reflected on a transcript from an institution of higher education accredited in accordance with 34 CFR 602.

3. Course credit must be earned within the five year period immediately preceding request for reinstatement of the certificate.

4. Coursework cannot be a repeat of prior coursework shown on a transcript, unless the student failed or earned a letter grade of D in the course.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 33:2058 (October 2007), amended LR 46:1385 (October 2020), LR 48:

§2307. Responsibility of the Employing Authority

A. When a city or parish employing authority considers employment of a teacher whose certificate has lapsed or expired, the responsibility to notify the LDE is that of the employing authority.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 33:2058 (October 2007), amended LR 48:

§2309. Early Childhood (PK, K, PK-3)

A. Types of Approved Coursework to Reinstate an Early Childhood or an Elementary Grades certificate:

1. diagnostic and prescriptive reading;
2. reading in the content area;
3. other content in reading;
4. early numeracy concepts of mathematics;
5. other content in mathematics;
6. content in English/language arts;
7. content in science;
8. content in social studies;
9. classroom and/or behavior management;
10. technology in the classroom; and
11. teaching in an inclusive setting.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 33:2058 (October 2007), amended LR 48:

§2311. Middle Grades (4-8, 5-8)

A. Types of Approved Coursework to Reinstate a Middle Grades certificate:

1. diagnostic and prescriptive reading;
2. reading in the content area;
3. other content in reading;
4. early numeracy concepts of mathematics;
5. other content in mathematics;
6. content in English/language arts;
7. content in science;
8. content in social studies;
9. content specific to subject area of certification;
10. classroom and/or behavior management;
11. technology in the classroom; and
12. teaching in an inclusive setting.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 33:2059 (October 2007), amended LR 48:

§2313. Secondary (6-12, 7-12)

A. Types of Approved Coursework to Reinstate a Secondary certificate:

1. diagnostic and prescriptive reading;
2. reading in the content area;
3. other content in reading;
4. content specific to subject area of certification;
5. classroom and/or behavior management;
6. technology in the classroom; and
7. teaching in an inclusive setting.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 33:2059 (October 2007), amended LR 48:

§2315. Special Education

A. Types of Approved Coursework to Reinstate a Special Education certificate:

1. diagnostic and prescriptive reading;
2. reading in the content area;
3. other content in reading;
4. early numeracy concepts of mathematics;
5. other content in mathematics;
6. content in English/language arts;
7. content in science;
8. content in social studies;
9. content specific to subject area of certification;
10. classroom and/or behavior management;
11. technology in the classroom;
12. teaching in an inclusive setting; and
13. vocational and transition services for students.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 33:2059 (October 2007), amended LR 48:

§2317. All Level (K-12)

A. Types of approved coursework to reinstate an all-level certificate in art, dance, foreign language, health and physical education, or music:

1. content in reading;

2. content specific to subject area of certification;
3. classroom and/or behavior management;
4. technology in the classroom; and
5. teaching in an inclusive setting.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 33:2059 (October 2007), amended LR 48:

§2319. Ancillary Certificate

A. Types of approved coursework to reinstate an ancillary certificate:

1. content specific to subject area of certification;
2. coursework included in a prescriptive degree program in which certificate holder is enrolled; and
3. classroom and/or behavior management.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 33:2059 (October 2007), amended LR 48:

Chapter 25. Definitions

§2501. Terms

Accredited (formerly *regionally accredited*)—a term used to denote the status of public recognition that a nationally recognized accrediting agency grants to an educational institution or program that meets the agency standards and requirements in accordance with 34 CFR 602. When used in this Part, *regionally accredited* shall be replaced with *accredited* in accordance with 34 CFR 602.

Alternate Teacher Preparation Program—a pathway for candidates with a minimum of a baccalaureate degree earned at an institution accredited in accordance with 34 CFR 602 which combines professional knowledge with field experiences, including a one-year supervised internship in a school setting. For admission to an alternate program, applicants must demonstrate content mastery.

Ancillary Certificate—a type of Louisiana certificate that allows a qualified person who is not a certified teacher to provide services in a school setting.

Baccalaureate—a term used to denote an undergraduate degree or program such as bachelor of arts or bachelor of science.

Certification—a licensing process whereby qualified professionals become legally authorized to teach or to perform designated duties in the schools under the jurisdiction of BESE.

Content Leader—a teacher who is responsible for delivery of professional development aligned with state academic standards who is LDE certified and has the knowledge, skills, and resources to provide high-quality, content-rich, and curriculum-specific professional development to yearlong residents, new teachers, and/or developing teachers in need of instructional support.

Content Leader Ancillary Certificate—a type of certificate that authorizes an individual to serve as a school- or district-based instructional expert who is responsible for delivery of professional development aligned with state content standards found throughout the Louisiana Administrative Code, Title 28, Education.

Continuing Learning Unit (CLU)—a professional development activity that builds capacity for effective, research-based, content-focused teaching and learning that positively impacts student achievement. As a unit of measure, the CLU is used to quantify educator participation in a system-approved content-focused professional development activity aligned with the educator individual professional growth plan.

Core Subject Areas—English, reading, language arts; mathematics; science; foreign languages; civics and government; economics; arts; history; and geography.

Endorsement—a permanent certification, license, or credential added to an existing teaching certificate.

Graduate—a term used to denote a degree, coursework, or program beyond the baccalaureate degree level such as masters of education or masters of arts in teaching.

Industry Based Certification—a certificate that provides evidence that an individual has successfully demonstrated skill competencies in a specific set of work related tasks, single occupational area, or a cluster of related occupational areas such as certified landscape technician, ASE certification, or licensed cosmetologist.

Mentor Teacher—a teacher who supports aspiring teachers participating in undergraduate and post-baccalaureate. Mentor teachers use a cycle of coaching focused on instructional decisions to meet the needs of all students. Mentors may co-teach with yearlong residents or may support teachers without co-teaching. Mentors may also support new teachers or developing teachers in need of coaching, including teachers with an intensive assistance plan, in accordance with LAC 28:CXLVII Bulletin 130.

Mentor Teacher Ancillary Certificate—a type of certificate that authorizes an individual to serve as a mentor for undergraduate or post-baccalaureate teacher residents.

Non-Education Baccalaureate Degree—a baccalaureate degree earned through an institution of higher education accredited in accordance with 34 CFR 602 that does not result in eligibility for teacher certification in the state in which the program is approved to operate.

Non-Standard Certificate—a temporary certification, license, or credential issued to an applicant who is pursuing full credentialing as a teacher. To have this certificate re-issued for year 2 and for year 3, an applicant must meet specified renewal requirements.

Paraprofessional—an employee who provides instructional support in a program supported with Title I, Part A funds.

Post-Baccalaureate Alternate Certification Program—a program offered prior to July 1, 2002, that provided opportunities for individuals with a minimum of a baccalaureate degree to become certified public school teachers. Applicants seeking certification under this program submitted an official transcript for evaluation to a Louisiana college or university with an approved teacher education program.

Regionally Accredited—see the definition for accredited in this Section.

Regularly Employed—a term used to denote an individual who is a full-time or part-time employee of a school system, and who is not hired on a day-to-day basis.

Standard Certificate—a credential issued by the LDE to an individual who has met all requirements for full certification as a teacher.

Teacher—an employee of a city or parish school board or of a BESE special school who holds a teaching certificate and whose legal employment requires certification under the regulations of BESE.

Teacher Education Program Completer—an individual who satisfies all requirements of a traditional teacher preparation undergraduate degree program or of an approved alternate teacher preparation program.

Teaching Certificate—a license, permit, or certificate issued by the LDE to an individual who has met all state requirements for certification as a teacher.

Temporary License—a teaching authorization held for a limited period and is not a standard certificate. See *non-standard certificate* above.

Traditional Teacher Preparation Program—a bachelor of arts or bachelor of science degree program that includes general education courses, certification focus area(s), professional education courses, field experiences, and student teaching in a school setting.

Undergraduate—a term used to denote a degree, coursework, or program at the baccalaureate degree level such as a bachelor of art or bachelor of science.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1833 (October 2006), amended LR 37:560 (February 2011), LR 43:1314 (July 2017), LR 45:233 (February 2019), LR 46:1384 (October 2020), LR 48:

§2503. Acronyms

BESE—Board of Elementary and Secondary Education.

CLU—continuing learning unit.

CTTIE—career and technical trade and industrial education.

INTASC—Interstate New Teacher Assessment and Support Consortium.

LCET—Louisiana components of effective teaching.

LDE—Louisiana Department of Education

NASDTEC—National Association of State Directors of Teacher Education and Certification.

NCATE—National Council for Accreditation of Teacher Education.

OFAT—out-of-field authority to teach, a non-standard license.

TAT—temporary authorization to teach, a non-standard license.

TEP—temporary employment permit, a non-standard license.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1833 (October 2006), amended LR 37:560 (February 2011), LR 43:1315 (July 2017), LR 48:

Family Impact Statement

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

repeal, or amendment. All Family Impact Statements will be kept on file in the state board office which has adopted, amended, or repealed rules in accordance with the applicable provisions of the law relating to public records.

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

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

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

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

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

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

Poverty Impact Statement

In accordance with section 973 of title 49 of the *Louisiana Revised Statutes*, there is hereby submitted a Poverty Impact Statement on rules proposed for adoption, amendment, or repeal. All Poverty Impact Statements will be in writing and kept on file in the state agency which has adopted, amended, or repealed rules in accordance with the applicable provisions of the law relating to public records. For the purposes of this section, the word "poverty" means living at or below 100 percent of the federal poverty line.

1. Will the proposed Rule affect the household income, assets, and financial authority? No.

2. Will the proposed Rule affect early childhood development and preschool through postsecondary education development? Yes.

3. Will the proposed Rule affect employment and workforce development? No.

4. Will the proposed Rule affect taxes and tax credits? No.

5. Will the proposed Rule affect child and dependent care, housing, health care, nutrition, transportation, and utilities assistance? No.

Small Business Statement

The impact of the proposed Rule on small businesses as defined in R.S. 49:965.6, the Regulatory Flexibility Act, has been considered. It is estimated that the proposed action is not expected to have a significant adverse impact on small businesses. The agency, consistent with health, safety, environmental, and economic welfare factors has considered and, where possible, utilized regulatory methods in the drafting of the proposed Rule that will accomplish the objectives of applicable statutes while minimizing the adverse impact of the proposed Rule on small businesses.

Provider Impact Statement

The proposed Rule should not have any known or foreseeable impact on providers as defined by HCR 170 of the 2014 Regular Legislative Session. In particular, there should be no known or foreseeable effect on:

1. the staffing level requirements or qualifications required to provide the same level of service;

2. the cost to the providers to provide the same level of service; or

3. the ability of the provider to provide the same level of service.

Public Comments

Interested persons may submit written comments via the U.S. Mail until noon, December 10, 2021, to Shan N. Davis, Executive Director, Board of Elementary and Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA 70804-9064. Written comments may also be hand delivered to Shan Davis, Executive Director, Board of Elementary and Secondary Education, Suite 5-190, 1201 North Third Street, Baton Rouge, LA 70802 and must be date stamped by the BESE office on the date received. Public comments must be dated and include the original signature of the person submitting the comments.

Shan N. Davis
Executive Director

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Bulletin 746—Louisiana Standards for State Certification of School Personnel

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

The proposed revisions may result in increased costs for local school systems to provide the necessary training to child nutrition program supervisors; however, such costs are indeterminable and dependent upon district size and the number of staff requiring training. The proposed revisions revise the requirements for these supervisors to align them with federal regulations.

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

The proposed revisions will result in an indeterminable impact on self-generated revenue collections for the Department of Education (LDE) associated with the collection of fees for school employee certifications.

The proposed revisions allow teachers with nonpublic teaching certifications to teach in public schools without obtaining an equivalent public school certification, provided that they meet the qualifications for the public school certification. This may result in reduced certification fee revenues.

However, the proposed revisions also make certain certificates easier to obtain. To the extent that these revisions incentivize more educators to apply for these certificates, this will increase certification fee revenues.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED, SMALL BUSINESSES, PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)

The proposed revisions will benefit teachers by adopting new Praxis exams for middle school and high school. The new exams provide more time per question than the previous iterations. In addition, the proposed revisions will make it easier for teachers to advance their teaching certification, as required teaching experience can be earned in any subject area as opposed to the current rule which requires experience be in the educator's area of certification.

In addition, the proposed revisions will benefit teachers and educational leaders by allowing them to more easily obtain certain certifications. The proposed revisions will benefit nonpublic school teachers by allowing them to teach in public school without first obtaining a public school teaching certification, and by allowing them to obtain a mentor teacher ancillary certificate. Finally, the proposed revisions will benefit holders of family child care child development associate (CDA) credentials by allowing them to obtain an ancillary Early Childhood Certificate.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT
(Summary)

The proposed revisions may increase the number of mentor teachers and Early Childhood Certificate holders, as these certifications will be more accessible to educators. The revisions may also increase the available labor pool of teachers, superintendents, and career and technical trade and industrial education (CTTIE) educators.

Beth Scioneaux
Deputy Superintendent
2111#041

Alan M. Boxberger
Deputy Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

**Board of Regents
Office of Student Financial Assistance**

Higher Education Scholarship and Grant Programs
(LAC 28:IV.103, 301, 509, 701, 703, 1203,
1403, 1501, 1701, 1807, 1901, and 1903)

The Louisiana Board of Regents announces its intention to amend its Scholarship/Grant rules (R.S. 17:3021-3025, R.S. 3041.10-3041.15, R.S. 17:3042.1, R.S. 17:3048.1, R.S. 17:3048.5 and R.S. 17:3048.6).

This rulemaking implements the provisions of House Bill 635 and Act 95 of the 2021 Regular Session of the Louisiana Legislature. More specifically, this rulemaking adds African American Studies as a course that may be used to satisfy the TOPS Core Curriculum requirement in history; allows for consideration of an ACT score achieved on a July test date; permits the administering agency to consider ACT scores achieved after the final deadline in certain circumstances; and changes references to regional accrediting agency to institutional accrediting agency. (SG21200NOI)

**Title 28
EDUCATION**

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

Chapter 1. Scope

§103. Purpose

A. - C. ...

D. LAC 28:IV shall be amended and updated as necessary. Such updates will be forwarded to institutions in the form of scholarship and grant program memoranda (SGPM), or Taylor Opportunity Program for Students (TOPS) bulletins. These memoranda and bulletins will cover additions, deletions, revisions and clarifications to the rules and regulations. In compliance with R.S. 17:5063, information shall be mailed to the president and superintendent of each city and parish school board in the state, the principal and counselors of each high school in the state, the chancellor, director of financial aid, business office, auditor and registrar of each public post-secondary school in the state and each institutionally accredited independent college or university which is a member of the Louisiana Association of Independent Colleges and Universities.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3021-3031.

HISTORICAL NOTE: Promulgated by the Student Financial Assistance Commission, Office of Student Financial Assistance, LR 22:338 (May 1996), repromulgated LR 24:632 (April 1998), amended LR 24:1897 (October 1998), LR 26:65 (January 2000),

repromulgated LR 27:1841 (November 2001), amended LR 35:227 (February 2009), amended by the Board of Regents, Office of Student Financial Assistance, LR 44:484 (March 2018), LR 48:

Chapter 3. Definitions

§301. Definitions

A. Words and terms not otherwise defined in this Chapter shall have the meanings ascribed to such words and terms in this Section. Where the masculine is used in these rules, it includes the feminine, and vice versa; where the singular is used, it includes the plural, and vice versa. The term “the board” refers to the Louisiana Board of Regents.

* * *

Average Award Amount (TOPS-Tech)—is applicable to those students awarded the TOPS-Tech and TOPS Opportunity, Performance, and Honors Awards who attend an institutionally accredited independent college or university in Louisiana that is a member of the Louisiana Association of Independent Colleges and Universities or who attend an eligible cosmetology or proprietary school and are enrolled in a vocational, technical education certificate or diploma program or non-academic undergraduate degree program, and is determined by dividing the total dollar value of awards, which are made to students enrolled in the same types of programs in the 2016-2017 academic year (TOPS) at eligible public colleges and universities that do not offer academic degrees at the baccalaureate level, by the total number of students that received the awards.

Award Amount—

a. through the 2015-2016 academic year (college), an amount equal to tuition at the school attended, for those students attending a Louisiana public college or university, as determined by the board, which may be used by the student to pay any educational expense included in that student's “cost of attendance.” The amount paid for TOPS and TOPS-Tech Awards shall be as follows:

i. for students with the TOPS Opportunity, Performance, and Honors Award attending a Louisiana public college or university and enrolled in an academic degree program, the amount shall equal the actual cost of tuition;

ii. for students with the TOPS Opportunity, Performance, and Honors Award attending an institutionally accredited independent college or university in Louisiana that is a member of the Louisiana Association of Independent Colleges and Universities or an out-of-state college or university if all of the conditions of §703.I are met and enrolled in an academic degree program, the amount shall equal the weighted average award amount;

iii. for students with the TOPS Opportunity, Performance, and Honors Award attending a Louisiana public college or university and enrolled in a program for a vocational or technical education certificate or diploma or a non-academic undergraduate degree, the amount shall equal the actual cost of tuition;

iv. for students with the TOPS Opportunity, Performance, and Honors Award attending an institutionally accredited independent college or university in Louisiana that is a member of the Louisiana Association of Independent Colleges and Universities or who attend an eligible cosmetology or proprietary school and enrolled in a program for a vocational or technical education certificate or

diploma or a non-academic undergraduate degree, the amount shall equal the average award amount (TOPS-Tech);

v. for students with the TOPS-Tech Award attending an eligible public college or university that does not offer an academic undergraduate degree at the baccalaureate level or higher and enrolled in a program for a vocational or technical education certificate or diploma or a non-academic undergraduate degree, the amount shall equal the actual cost of tuition;

vi. for students with a TOPS-Tech Award attending an eligible college or university that offers an academic undergraduate degree at the baccalaureate level or higher and enrolled in a program for a vocational or technical education certificate or diploma or a non-academic undergraduate degree, the amount shall equal the average award amount (TOPS-Tech);

vii. for students with the TOPS Opportunity, Performance, and Honors Award enrolled in a Louisiana professional school, the amount shall be equal to the tuition charged or the tuition charged a student pursuing a baccalaureate degree at the highest cost public school, whichever is less or the weighted average award amount, depending upon whether the Louisiana professional school is a public or private school;

viii. for students with the TOPS Opportunity, Performance and Honors Award enrolled in a Louisiana graduate degree program, the amount shall be equal to the tuition or the tuition charged for a student while pursuing a baccalaureate degree at the highest cost public school in the state, whichever is less;

b. beginning with the 2016-2017 academic year (college), the award amount determined by the board in accordance with Subparagraph a.i-viii above during the 2016-2017 academic year (college), plus any increase in the award amount specifically authorized by the Louisiana Legislature.

* * *

Eligible Colleges or Universities—Louisiana public colleges or universities and institutionally accredited independent colleges or universities in the state that are members of the Louisiana Association of Independent Colleges and Universities; for recipients of the TOPS Tech Award only, beginning with the 2009-2010 academic year (TOPS), and for recipients of the TOPS Tech, Opportunity, Performance and Honors Award, beginning with the 2010-2011 academic year (TOPS), any school that has a valid and current certificate of registration issued by the state Board of Cosmetology in accordance with law and that is accredited by an accrediting organization recognized by the United States Department of Education and any proprietary school that has a valid and current license issued by the board in accordance with law and that is accredited by an accrediting organization recognized by the United States Department of Education.

* * *

Returning Student—a student who graduated from high school beginning with academic year (high school):

a. 2001-2002, and met all the academic requirements for a TOPS Award, but who enrolled for the first time as a full-time student no later than the deadline established in §703.A.4 in an out-of-state postsecondary

institution accredited by an institutional accrediting organization recognized by the United States Department of Education and, thereafter, returns to Louisiana and enrolls as a full-time student in an eligible college or university; or

b. who was determined eligible for a TOPS Opportunity, Performance or Honors Award and enrolled for the first time as a full-time student no later than the deadline established in §703.A.4 in an eligible college or university in Louisiana, subsequently enrolled in an out-of-state postsecondary institution accredited by an institutional accrediting organization recognized by the United States Department of Education and, thereafter, returns to Louisiana and enrolls as a full-time student in an eligible college or university during or after the 2009-2010 academic year (TOPS).

* * *

Weighted Average Award Amount—for those students with the TOPS Opportunity, Performance, and Honors Award attending an institutionally accredited independent college or university in this state which is a member of the Louisiana Association of Independent Colleges and Universities and enrolled in an academic program, the total dollar value of awards made under TOPS in the 2016-2017 academic year, excluding award stipends, to students attending public colleges and universities that offer academic degrees at the baccalaureate level, divided by the total number of students that received the awards

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3021-3031, R.S. 17:3042.1 and R.S. 17:5001 et seq.

HISTORICAL NOTE: Promulgated by the Student Financial Assistance Commission, Office of Student Financial Assistance, LR 22:338 (May 1996), repromulgated LR 24:632 (April 1998), amended LR 24:1898 (October 1998), LR 24:2237 (December 1998), LR 25:256 (February 1999), LR 25:654 (April 1999), LR 25:1458 and 1460 (August 1999), LR 25:1794 (October 1999), LR 26:65 (January 2000), LR 26:688 (April 2000), LR 26:1262 (June 2000), LR 26:1601 (August 2000), LR 26:1993, 1999 (September 2000), LR 26:2268 (October 2000), LR 26:2752 (December 2000), LR 27:36 (January 2001), LR 27:284 (March 2001), LR 27:1219 (August 2001), LR 27:1840 (November 2001), LR 27:1875 (November 2001), LR 28:45 (January 2002), LR 28:446 (March 2002), LR 28:772 (April 2002), LR 28:2330, 2331 (November 2002), LR 29:555 (April 2003), LR 29:879 (June 2003), LR 30:1159 (June 2004), LR 30:2015 (September 2004), LR 31:36 (January 2005), LR 31:3112 (December 2005), LR 33:86 (January 2007), LR 33:439 (March 2007), LR 33:1339 (July 2007), LR 33:2612 (December 2007), LR 34:234 (February 2008), LR 34:1388 (July 2008), LR 34:1884 (September 2008), LR 35:228 (February 2009), LR 35:1489 (August 2009), LR 35:1490 (August 2009), LR 36:311 (February 2010), LR 36:490 (March 2010), LR 36:2854 (December 2010), LR 37:1561 (June 2011), LR 37:1562 (June 2011), LR 38:1953 (August 2012), LR 38:3156 (December 2012), LR 39:308 (February 2013), LR 40:53 (January 2014), LR 40:281 (February 2014), LR 41:649, 658 (April 2015), LR 41:2595 (December 2015), amended by the Board of Regents, Office of Student Financial Assistance, LR 42:1880 (November 2016), amended by the Board of Regents, Office of Student Financial Assistance, LR 44:486 (March 2018), LR 45:1172 (September 2019), LR 48:

Chapter 5. Applications, Federal Grant Aid and ACT Test

§509. ACT Testing Deadline

A.1. The student must take the official ACT test (including national, international, military or special test

types) on or before the official April test date in the academic year (high school) in which the student graduates or completes a home study program approved by BESE.

2. A student may submit a request for exception to the deadline established in §509.A.1, which will be considered only under the following circumstances:

a. the student was prevented from taking the ACT test on or prior to the official April test date due to circumstances beyond his control and which are attributable to the administration of the test; and

b. the student achieves a qualifying score on or before August 1 of the year of the student's high school graduation.

c. the award for a student whose request for exception is approved under this Section shall not be reduced as set forth in §509.C.

d. except for an applicant who has qualified for a TOPS-Tech Award on or prior to the April national ACT test date, an applicant will not be allowed to use a test score obtained after the April national ACT test date to upgrade a TOPS Award.

3. An eligible non-graduate must take the official ACT test (including national, international, military or special test types) before the first day of the semester the student first enrolls in an eligible college or university.

4.a. Applicable to 2020 graduates only, the final deadline for achieving a qualifying score on an official ACT test (including national, international, military or special test types) is December 31, 2020. A student may qualify for an initial award or a higher award based on such test. The award for a student who achieves a qualifying ACT score as provided in the Section shall not be reduced as set forth in §509.C.

b. The provisions of this Subsection shall apply to any student who:

i. was enrolled in a Louisiana public high school during the 2019-2020 academic year (high school);

ii. was enrolled in a nonpublic high school in Louisiana having the approval by the State Board of Elementary and Secondary Education required by Part I of this Chapter for program eligibility purposes during the 2019-2020 academic year (high school);

iii. resided in the state of Louisiana and was enrolled in a home study program approved by the State Board of Elementary and Secondary Education during the 2019-2020 academic year (high school); or

iv. resided out of state during the 2019-2020 academic year but who is able to meet the residency requirements to qualify for an award as provided for in §703.A.2.

c. A student who meets the requirements of this Subsection may request an exception to the December 31, 2020, deadline if the student provides documentation that:

i. he was registered for one or more ACT exams prior to the December 31, 2020 deadline; and

ii. one or more ACT exams for which the student was registered was cancelled due to Hurricane Laura, Hurricane Delta, Hurricane Zeta, or due to measures implemented to mitigate the spread of COVID-19; and

iii. he was unable to register for an ACT exam that would occur prior to December 31, 2020, that was within a reasonable distance from his home or from the location to

which he/his family had been evacuated due to Hurricane Laura or Hurricane Delta.

d. The initial award or upgraded award for any student who requests and is granted an exception in accordance with the provisions of this Subsection shall be paid for the first time during the semester in which the qualifying ACT was achieved.

5.a. Applicable to 2021 graduates only, the final deadline for achieving a qualifying score on an official ACT test (including national, international, military or special test types) established in §509.A.1 may be extended under the circumstances described in §509.A.5.c below. A student may qualify for an initial award or a higher award based on such test. The award for a student who achieves a qualifying ACT score as provided in the Section shall not be reduced as set forth in §509.C.

b. The provisions of this Subsection shall apply to any student who:

i. was enrolled in a Louisiana public high school during the 2020-2021 academic year (high school);

ii. was enrolled in a nonpublic high school in Louisiana having the approval by the State Board of Elementary and Secondary Education required by Part I of this Chapter for program eligibility purposes during the 2020-2021 academic year (high school);

iii. resided in the state of Louisiana and was enrolled in a home study program approved by the State Board of Elementary and Secondary Education during the 2020-2021 academic year (high school); or

iv. resided out of state during the 2020-2021 academic year but who is able to meet the residency requirements to qualify for an award as provided for in §703.A.2.

c. A student who meets the requirements of this Subsection may request an exception to the final deadline if the student provides documentation that:

i. he was registered for one or more ACT exams prior to the April deadline; and

ii. one or more ACT exams for which the student was registered was cancelled due to Hurricane Laura, Hurricane Delta, Hurricane Zeta, or due to measures implemented to mitigate the spread of COVID-19; and

iii. he was unable to register for an ACT exam that would occur prior to the deadline, that was within a reasonable distance from his home or from the location to which he/his family had been evacuated due to Hurricane Laura, Hurricane Delta, or Hurricane Zeta.

B.1. The student may substitute an equivalent score, as determined by the comparison tables used by the board, on an equivalent SAT taken on or before the official April test date in the academic year (high school) in which the student graduates. In order to substitute a SAT score, the student must direct the college board to send the score to LOSFA so that the score is electronically reported to LOSFA by the college board within 45 days of the final test date allowed by §509. SAT scores received in any other manner shall not be considered.

2. An eligible non-graduate may substitute an equivalent score, as determined by the comparison tables used by the board, on an equivalent SAT taken before the first day of the semester the student first enrolls in an eligible college or university. In order to substitute an SAT

score, the student must direct the college board to send the score to LOSFA so that the score is electronically reported to LOSFA by the college board within 45 days of the final test date allowed by §509. SAT scores received in any other manner shall not be considered.

C. Final ACT Testing Deadline for Reduced Awards

1.a. Beginning with awards made to applicants graduating in academic year (high school) 2000 through 2003, if an applicant does not achieve a qualifying score on the ACT or on the SAT for the TOPS Opportunity Award by the April national ACT test date in the year of the applicant's high school graduation, then the applicant's first qualifying score for any TOPS Award obtained on an authorized testing date after the April national ACT test date in the year of the applicant's high school graduation but prior to July 1 of the year of such graduation will be accepted. However, when granting an award to an applicant whose qualifying test score is obtained on an authorized testing date after the date of the applicant's high school graduation but prior to July 1 of the year of such graduation, the applicant's period of eligibility for the award shall be reduced by one semester, two quarters, or an equivalent number of units at an eligible institution which operates on a schedule based on units other than semesters or quarters. Except for an applicant who has qualified for a TOPS-Tech Award on or prior to the April national ACT test date, an applicant will not be allowed to use a test score obtained after the April national ACT test date to upgrade a TOPS Award.

b.i. Beginning with awards made to applicants graduating in academic year (high school) 2004 through 2010, if an applicant does not achieve a qualifying score on the ACT or on the SAT for the TOPS Opportunity Award by the April national ACT test date in the year of the applicant's high school graduation, then the applicant's first qualifying score for any TOPS Award obtained on an authorized testing date after the April national ACT test date in the year of the applicant's high school graduation but prior to July 1 of the year of such graduation will be accepted. However, when granting an award to an applicant whose qualifying test score is obtained on an authorized testing date after the April national ACT test date in the year of the applicant's high school graduation but prior to July 1 of the year of such graduation, the applicant's period of eligibility for the award shall be reduced by one semester, two quarters, or an equivalent number of units at an eligible institution which operates on a schedule based on units other than semesters or quarters. Except for an applicant who has qualified for a TOPS-Tech Award on or prior to the April national ACT test date, an applicant will not be allowed to use a test score obtained after the April national ACT test date to upgrade a TOPS Award.

ii. Beginning with awards made to applicants graduating in academic year (high school) 2011, if an applicant does not achieve a qualifying score on the ACT or on the SAT for the TOPS Opportunity Award by the April national ACT test date in the year of the applicant's high school graduation, then the applicant's first qualifying score for any TOPS Award obtained on an authorized testing date after the April national ACT test date in the year of the applicant's high school graduation but prior to July 1 of the year of such graduation will be accepted or, if the board determines that the applicant was prevented from taking the

test prior to July 1 of the year of graduation due to circumstances beyond the immediate control of the student and attributable to the administration of the test, the applicant's first qualifying score for any TOPS Award obtained on an authorized testing date after the April national ACT test date in the year of the applicant's high school graduation but prior to October 1 of the year of such graduation will be accepted. However, when granting an award to an applicant whose qualifying test score is obtained on an authorized testing date after the April national ACT test date in the year of the applicant's high school graduation, the applicant's period of eligibility for the award shall be reduced by one semester, two quarters, or an equivalent number of units at an eligible institution which operates on a schedule based on units other than semesters or quarters. Except for an applicant who has qualified for a TOPS-Tech Award on or prior to the April national ACT test date, an applicant will not be allowed to use a test score obtained after the April national ACT test date to upgrade a TOPS Award.

c. Beginning with awards made to applicants graduating in academic year (high school) 2020, if an applicant does not achieve a qualifying score on the ACT or on the SAT for the TOPS Opportunity Award by the April national ACT test date in the year of the applicant's high school graduation, then the applicant's first qualifying score for any TOPS Award obtained on an authorized testing date after the April national ACT test date in the year of the applicant's high school graduation but prior to August 1 of the year of such graduation will be accepted, or, if the board determines that the applicant was prevented from taking the test prior to August 1 of the year of graduation due to circumstances beyond the immediate control of the student and attributable to the administration of the test, the applicant's first qualifying score for any TOPS Award obtained on an authorized testing date after the April national ACT test date in the year of the applicant's high school graduation but prior to October 1 of the year of such graduation will be accepted. However, when granting an award to an applicant whose qualifying test score is obtained on an authorized testing date after the April national ACT test date in the year of the applicant's high school graduation, the applicant's period of eligibility for the award shall be reduced by one semester, two quarters, or an equivalent number of units at an eligible institution which operates on a schedule based on units other than semesters or quarters unless the student can demonstrate that he was unable to take the test on or prior to the April national ACT test date due to circumstances beyond his control which are attributable to the administration of the test. An applicant will be allowed to use a test score obtained after the April national ACT test date to upgrade a TOPS Award.

c. For the purpose of the Subsection, the April national ACT test date shall be defined as the month of April.

d. Tests taken by an eligible non-graduate after the first day of the semester the student first enrolls in an eligible college or university shall not be accepted.

2.a. Beginning with applicants graduating in academic year (high school) 1997 through 2010, applicants who fail to achieve an ACT or SAT qualifying score prior to July 1 of

the year of high school graduation shall not be considered for an award.

b. Beginning with applicants graduating in academic year (high school) 2011 through 2019, applicants shall not be considered for an award if they fail to achieve a qualifying score on the ACT or on the SAT prior to July 1 of the year of high school graduation, or prior to October 1 of the year of high school graduation, if the board determines that the applicant was prevented from taking the test prior to July 1 of the year of graduation due to circumstances beyond the immediate control of the student and attributable to the administration of the test.

D. For 1997 and 1998 high school graduates who have not previously taken an ACT test, the ACT score shall include those scores obtained from a national ACT test taken not later than the October 1998 national test date.

E. Students who graduated during the 1998-1999 school year who are otherwise qualified for a TOPS Award and who obtained a qualifying score on the ACT test or the scholastic aptitude test on an authorized testing date after the date of the student's graduation but prior to July 1, 1999 shall be considered to have met the requirements of §509.A and B.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3021-3031, R.S. 17:3042.1 and R.S. 17:5001 et seq.

HISTORICAL NOTE: Promulgated by the Student Financial Assistance Commission, Office of Student Financial Assistance, LR 26:1995 (September 2000), amended LR 26:2000 (September 2000), LR 27:36 (January 2001), LR 27:284 (March 2001), repromulgated LR 27:1847 (November 2001), amended LR 30:1161 (June 2004), LR 31:37 (January 2005), LR 38:3157 (December 2012), amended by the Board of Regents, Office of Student Financial Assistance, LR 44:503 (March 2018), LR 44:1869 (October 2018), LR 47:38 (January 2021), LR 48:

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

§701. General Provisions

A. - E.4.b. ...

5. Students attending an institutionally accredited independent college or university which is a member of the Louisiana Association of Independent Colleges and Universities (LAICU):

a. in an academic program receive an amount equal to the weighted average award amount, as defined in §301, plus any applicable stipend, prorated by two semesters, three quarters, or equivalent units in each academic year (college). The stipend will be paid for each qualified summer session, semester, quarter, or equivalent unit for which a TOPS Award is paid. Attending a qualified summer session for which a TOPS Award is paid will count toward the eight semester limit for TOPS;

b. in a program for a vocational or technical education certificate or diploma or a non-academic undergraduate degree receive an amount equal to the average award amount (TOPS-Tech), as defined in §301, plus any applicable stipend, prorated by two semesters, three quarters, or equivalent units in each academic year (TOPS). The stipend will be paid for each qualified summer session, semester, quarter, term or equivalent unit for which a TOPS Award is paid. Attending a qualified summer session for which a TOPS Award is paid will count toward the eight-semester limit for TOPS.

6. Recipients of TOPS Awards who are also beneficiaries of Student Tuition Assistance and Revenue Trust (START) Saving Program accounts, may apply the START disbursements to pay tuition, and any remaining tuition due may be paid by the TOPS Award. Any balance of the TOPS Award which remains after payment of the institution's charges, shall be credited to the student's account and treated in accordance with institutional policies. In the event the student's total aid, including vocational rehabilitation awards, exceeds the cost of attendance, any federal loan aid included in the total aid package shall be reduced, then institutional and other aid in accordance with institutional practice, then the TOPS Award shall be reduced by the amount of any remaining over award.

7. Students funded under the Tuition Assistance Plan (TAP) or the Louisiana Honors Scholarship during the 1997-98 award year, who have maintained eligibility for the 1998-99 award year, shall be continued as TOPS opportunity or performance recipients, respectively.

8. Students funded under the Tuition Assistance Plan (TAP) or the Louisiana Honors Scholarship Program during the 1997-98 award year, who lost eligibility due to their failure to maintain the required grade point average, shall be continued as TOPS Opportunity or Performance recipients, respectively, however, their eligibility for an award shall be suspended pending their satisfaction of the continuation requirements of §705.A.7 and 8. If a student satisfies the applicable requirements of §705.A.7 and 8 no later than the end of the 2000 spring semester, he/she shall be eligible for reinstatement of the award in accordance with §705.B, for the semester following the satisfaction of the requirements of §705.A.7 and 8.

9. Prior recipients of the Louisiana Honors Scholarship who attend a campus of the Louisiana Technical College may continue to attend that institution as a recipient of the TOPS Performance Award.

10. Award amounts shall be credited to a student's account with the institution and shall be used consistent with the institution's policy, and as directed by the student, to pay for those educational expenses included in the cost of attendance.

11. Students enrolled and attending more than one college or university at the same time shall be awarded as follows:

a. students attending two or more Louisiana public two- or four-year colleges or universities shall receive a total amount not to exceed the amount that would be charged to the student by the school with the highest award amount, as defined in §301, among those at which the student is simultaneously enrolled;

b. students attending two or more institutionally-accredited independent colleges or universities which are members of the Louisiana Association of Independent Colleges and Universities (LAICU) shall receive a total amount not to exceed the weighted average highest award amount paid at those schools at which the student is simultaneously enrolled, as defined in §301;

c. students attending a combination of Louisiana public two- or four-year colleges or universities and institutionally accredited independent colleges or universities which are members of the Louisiana Association

of Independent Colleges and Universities (LAICU) in an academic program shall receive a total amount not to exceed the amount that would be paid at the public school with the highest award amount paid at those schools at which the student is simultaneously enrolled or the weighted average award amount for the enrolled LAICU school, whichever amount is greater.

F. - G.2. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3021-3031, R.S. 17:3042.1 and R.S. 17:5001 et seq.

HISTORICAL NOTE: Promulgated by the Student Financial Assistance Commission, Office of Student Financial Assistance, LR 22:338 (May 1996), amended LR 23:1645-1648 (December 1997), repromulgated LR 24:635 (April 1998), amended LR 24:1901 (October 1998), LR 25: 256 (February 1999), LR 26:67 (January 2000), LR 26:1262 (June 2000), LR 26:1995 (September 2000), LR 26:2000 (September 2000), repromulgated LR 27:1848 (November 2001), amended LR 28:447 (March 2002), LR 28:2331 (November 2002), LR 29:880 (June 2003), LR 29:2372 (November 2003), LR 30:1161 (June 2004), LR 31:2213 (September 2005), LR 35:228 (February 2009), LR 36:2854 (December 2010), LR 40:1002 (May 2014), LR 41:663 (April 2015), amended by the Board of Regents, Office of Student Financial Assistance, LR 42:1881 (November 2016), amended by the Board of Regents, Office of Student Financial Assistance, LR 44:504 (March 2018).

§703. Establishing Eligibility

A. - A.5.a.i.(g). ...

* * *

(h). beginning with the graduates of academic year (high school) 2021-2022, at the time of high school graduation, an applicant must have successfully completed 19 units of high school course work that constitutes a core curriculum and is documented on the student's official transcript as approved by the Louisiana Department of Education as follows.

Units	Course
English - 4 Units	
1	English I
1	English II
1	English III, AP English Language Arts and Composition, or IB English III (Language A or Literature and Performance)
1	English IV, AP English Literature and Composition, or IB English IV (Language A or Literature and Performance)
Math - 4 Units	
1	Algebra I
1	Geometry
1	Algebra II
1	One unit from: Algebra III; Advanced Math- Functions and Statistics, Advanced Math-Pre-Calculus, Pre-Calculus, or Math Methods I IB (Mathematical Studies SL); Calculus, AP Calculus AB, or Math Methods II IB (Mathematics SL); AP Calculus BC; Probability and Statistics or AP Statistics; IB Further Mathematics HL; IB Mathematics HL
Science - 4 Units	
1	Biology I
1	Chemistry I

Units	Course
2	Two units from: Earth Science; Environmental Science; Physical Science; Agriscience I and Agriscience II (one unit combined); Chemistry II or AP Chemistry or IB Chemistry II; AP Environmental Science or IB Environmental Systems; Physics I, AP Physics I, AP Physics B, or IB Physics I; AP Physics C: Electricity and Magnetism, AP Physics C: Mechanics, IB Physics II, or AP Physics II; Biology II or AP Biology or IB Biology II
Social Studies - 4 Units	
1	U.S. History or AP U.S. History or IB U.S. History
1	Civics, Government, AP US Government and Politics: Comparative, or AP US Government and Politics: United States
2	Two units from: Western Civilization, European History or AP European History; World Geography, AP Human Geography, or IB Geography; World History, AP World History, or World History IB; History of Religion; IB Economics, Economics, AP Macroeconomics, or AP Microeconomics; African American History.
Foreign Language - 2 Units	
2	Foreign Language, both units in the same language, which may include: AP Chinese Language and Culture, AP French Language and Culture, AP German Language and Culture, AP Italian Language and Culture, AP Japanese Language and Culture, AP Latin, AP Spanish Language and Culture, French IV IB, French V IB, Spanish IV IB, and Spanish V IB
Art - 1 Unit	
1	One unit of Art from: Performance course in Music, Dance, or Theatre; Fine Arts Survey; Arts I, II, III, and IV; Talented Art I, II, III, and IV; Talented Music I, II, III, and IV; Talented Theater Arts I, II, III, and IV; Speech III and IV (one unit combined); AP Art History; AP Studio Art: 2-D Design; AP Studio Art: 3-D Design; AP Studio Art: Drawing; AP Music Theory; Film Study I IB; Film Study II IB; Music I IB; Music II IB; Art Design III IB; Art Design IV IB; Theatre I IB; or Drafting
NOTE: AP = Advanced Placement IB = International Baccalaureate	

A.5.a.ii.(a) - I.1. ...

2. the college or university is accredited by an institutional accrediting organization recognized by the United States Department of Education; and

I.3. - L.2.c.ii. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3021-3025, R.S. 17:3042.1, and R.S. 17:3048.1.

HISTORICAL NOTE: Promulgated by the Student Financial Assistance Commission, Office of Student Financial Assistance, LR 22:338 (May 1996), repromulgated LR 24:636 (April 1998), amended LR 24:1902 (October 1998), LR 24:2237 (December 1998), LR 25:257 (February 1999), LR 25:655 (April 1999), LR 25:1794 (October 1999), LR 26:64, 67 (January 2000), LR 26:689 (April 2000), LR 26:1262 (June 2000), LR 26:1602 (August 2000), LR 26:1996, 1999, 2001 (September 2000), LR 26:2268 (October 2000), LR 26:2753 (December 2000), LR 27:36 (January 2001), LR 27:702 (May 2001), LR 27:1219, 1219 (August 2001), repromulgated LR 27:1850 (November 2001), amended LR 28:772 (April 2002), LR 28:2330, 2332 (November 2002), LR 29:125 (February 2003), LR 29:2372 (November 2003), LR 30:1162 (June 2004), LR 30:1471 (July 2004), LR 30:2019 (September 2004), LR 31:37 (January 2005), LR 31:2213 (September 2005), LR 31:3112 (December 2005), LR 32:2239 (December 2006), LR 33:435 (March 2007), LR 33:2357 (November 2007), LR 33:2612 (December 2007), LR 34:1389 (July 2008), LR 35:228 (February 2009), LR 36:312 (February 2010), LR 36:490 (March 2010), LR 36:2269 (October 2010), LR 36:2855 (December 2010), LR 37:2987 (October 2011), LR 38:354 (February 2012), LR 38:3158 (December 2012), LR 39:481 (March 2013), LR 39:2485 (September 2013), LR 40:54 (January 2014), LR 41:373 (February 2015), LR 41:651, 664 (April 2015), LR 41:1486 (August 2015), LR 41:2596, 2599 (December 2015), amended by the Board of Regents, Office of Student Financial Assistance, LR 42:1657 (October 2016), LR 42:1882 (November 2016), LR 43:518 (March 2017), LR 43:1346 (July 2017), amended by the Board of Regents, Office of Student Financial Assistance, LR 44:506 (March 2018), LR 44:1004 (June 2018), LR 44:1870 (October 2018), LR 46:326 (March 2020), LR 47:39 (January 2021), LR 48:

Chapter 12. Louisiana GO Grant

§1203. Definitions

A. The following definitions shall be applicable to the Louisiana GO Grant Program. Words and terms not otherwise defined in this Chapter shall have the meanings ascribed to such words and terms in this Section. Where the masculine is used in these rules, it includes the feminine, and vice versa; where the singular is used, it includes the plural, and vice versa. The term “the board” refers to the Louisiana Board of Regents.

* * *

Eligible Louisiana Institution—

a. Louisiana public colleges or universities and institutionally accredited independent colleges or universities in the state that are members of the Louisiana Association of Independent Colleges and Universities; and

b. Louisiana public colleges that have been granted regional candidacy status, but are not yet eligible to participate in title IV programs. Candidacy status institutions must require students to complete a FAFSA and the institution must determine a student's eligibility in accordance with rules under this Chapter.

* * *

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3021-3023 and R.S. 17:3046 et seq.

HISTORICAL NOTE: Promulgated by the Student Financial Assistance Commission, Office of Student Financial Assistance, LR 33:2615 (December 2007), amended LR 34:236 (February 2008), LR 35:647 (April 2009), LR 35:2349 (November 2009), LR 36:2853 (December 2010), LR 39:2234 (August 2013), amended by the Board of Regents, Office of Student Financial Assistance, LR 44:536 (March 2018).

Chapter 14. Early Start Program

§1403. Definitions

A. Words and terms not otherwise defined in this Chapter shall have the meanings ascribed to such words and terms in this Section. Where the masculine is used in these rules, it includes the feminine, and vice versa; where the singular is used, it includes the plural, and vice versa.

* * *

*Eligible Postsecondary Institution—*Louisiana public colleges or universities and institutionally-accredited independent colleges or universities which are members of the LAICU.

* * *

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3021-3031 and R.S. 17:3129.7.

HISTORICAL NOTE: Promulgated by the Student Financial Assistance Commission, Office of Student Financial Assistance, LR 33:2610 (December 2007), amended LR 34:240 (February 2008), LR 35:232 (February 2009), amended by the Board of Regents, Office of Student Financial Assistance, LR 44:542 (March 2018), LR 48:

Chapter 15. Grant Opportunity for Youth ChalleNGe Skills Training Program

§1501. General Provisions

A. - D. ...

E. Eligible Institutions. Eligible students may use the program grant at the following institutions:

1. any Louisiana public postsecondary institution; and
2. an institutionally accredited independent college or university in the state that is a member of the Louisiana Association of Independent Colleges and Universities.

F. Grant Amounts. The program grant shall be paid for a period not to exceed the equivalent of two academic years in an amount:

1. equal to the actual cost of tuition for a student enrolled in a Louisiana public postsecondary institution;
2. equal to the average tuition amount paid for students attending public postsecondary institutions for a student enrolled at an institutionally accredited independent college or university in the state that is a member of the Louisiana Association of Independent Colleges and Universities. See §1903.B.8 for method of computation.

G. Definitions. For the purposes of this Chapter, the following definitions are applicable.

*Certification—*the time at which LOSFA has received both the certification from the State Military Department and the results of the FAFSA data from the federal processor.

*FAFSA—*the free application for federal student aid used to apply for federal grant aid and eligibility for other federal assistance.

*Graduate—*a student who has completed the Louisiana GO-Youth ChalleNGe Program and, no later than 18 months after entry into the program, received a Louisiana high school equivalency diploma or, beginning in the 2019-2020 academic year, a student who has completed the Louisiana Youth ChalleNGe Program and, no later than 24 months after entry into the program, received a high school diploma.

*Program—*the GO-Youth ChalleNGe Program.

*Resident of Louisiana—*a student who actually resides in Louisiana during the 24 months prior to the month the student enrolls for the first time as a full-time student in an

eligible institution as a recipient of a grant under the program.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3021-3025, and R.S. 17:3050.1-3050.4.

HISTORICAL NOTE: Promulgated by the Student Financial Assistance Commission, Office of Student Financial Assistance, LR 30:782 (April 2004), repromulgated by the Board of Regents, Office of Student Financial Assistance, LR 44:545 (March 2018), amended LR 45:1172 (September 2019), LR 46:19 (January 2020), LR 48:

Chapter 17. Responsibilities of High Schools, School Boards, Special School Governing Boards, the Louisiana Department of Education and the Louisiana Board of Regents on Behalf of Eligible Non-Louisiana High Schools

§1701. Eligibility of Graduates Based upon the High School Attended

A. - A.3.d. ...

4. out-of-state high schools—

a. all other public or nonpublic high schools located in one of the United States or territories of the United States, other than Louisiana:

i. which have been approved by the state or territory's chief school officer, or by the public body which is that state's or territory's equivalent of the Louisiana Board of Elementary and Secondary Education (BESE); or

ii. which high school has been approved by the Southern Association of Colleges and Schools' Commission on Secondary and Middle Schools and can demonstrate that it meets the standards adopted by BESE for approval of nonpublic schools of Louisiana as set forth in §1701.A.2, above; or

iii. for students graduating during the 2002-2003 school year and thereafter, which high school has been approved by an institutional accrediting organization recognized by the United States Department of Education and can demonstrate that it meets the standards adopted by BESE for approval of nonpublic schools of Louisiana as set forth in §1701.A.2, above; and

iv. for students graduating during the 2009-2010 school year and thereafter with an international baccalaureate diploma, which high school has been approved by the International Baccalaureate Organization to issue such a diploma;

A.4.b. - B. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3021-3031, R.S. 17:3129.7, R.S. 17:5001 et seq., and R.S. 17:3050.1-3050.4.

HISTORICAL NOTE: Promulgated by the Student Financial Assistance Commission, Office of Student Financial Assistance, LR 22:338 (May 1996), repromulgated LR 24:642 (April 1998), amended LR 24:1911 (October 1998), LR 25:849 (May 1999), LR 26:67 (January 2000), LR 26:1997 (September 2000), repromulgated LR 27:1862 (November 2001), amended LR 30:784 (April 2004), LR 30:1165 (June 2004), LR 34:242 (February 2008), LR 40:56 (January 2014), amended by the Board of Regents, Office of Student Financial Assistance, LR 44:551 (March 2018), LR 48:

Chapter 18. Chafee Educational and Training Voucher Program

§1807. Eligibility of Institutions of Higher Education

A. Institutions of Higher Education Eligible to Participate

1. Louisiana public colleges and universities are authorized to participate in the Chafee ETV Program.

2. Institutionally-accredited private colleges and universities that are members of the Louisiana Association of Independent Colleges and Universities, Inc. (LAICU) are authorized to participate in the Chafee ETV Program. As of June 2010, LAICU membership included Centenary College, Dillard University, Louisiana College, Loyola University, New Orleans Baptist Theological Seminary, Franciscan Missionaries of Our Lady University, The University of Holy Cross, St. Joseph Seminary College, Tulane Medical Center, Tulane University and Xavier University.

3. Louisiana proprietary schools licensed pursuant to chapter 24-A of title 17 of the *Revised Statutes* are authorized to participate in the Chafee ETV Program.

4. Any other institution of learning that is an institution of higher education.

B. Audits. Institutions of higher education that participate in the Chafee ETV Program grant LOSFA, the Louisiana Legislative Auditor, and the Louisiana Department of Children and Family Services the right to inspect records and perform on-site audits of each institution's administration of the program for the purpose of determining the institution's compliance with state law and applicable program rules and regulations.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3021-3031 and R.S. 17:3129.7.

HISTORICAL NOTE: Promulgated by the Student Financial Assistance Commission, Office of Student Financial Assistance, LR 36:2548 (November 2010), amended by the Board of Regents, Office of Student Financial Assistance, LR 44:555 (March 2018), LR 48:

Chapter 19. Eligibility and Responsibilities of Post-Secondary Institutions

§1901. Eligibility of Post-Secondary Institutions to Participate

A. Undergraduate degree granting schools which are components of Louisiana public university medical centers and two- and four-year public colleges and universities are authorized to participate in the Taylor Opportunity Program for Students (TOPS), TOPS-Tech, TOPS-Tech Early Start, Rockefeller State Wildlife Scholarship, Louisiana Go Grant, and other funded state and federal scholarship, grant and loan programs administered by the Louisiana Board of Regents (the board) and the Louisiana Office of Student Financial Assistance (LOSFA) as applicable.

B. Institutionally-accredited private colleges and universities which are members of the Louisiana Association of Independent Colleges and Universities, Inc. (LAICU) are authorized to participate in TOPS, TOPS-Tech, TOPS Tech Early Start Award, Louisiana Go Grant, and other funded state and federal scholarship, grant and loan programs administered by the Louisiana Board of Regents (the board) and the Louisiana Office of Student Financial Assistance (LOSFA) as applicable. As of April 2000, LAICU membership included Centenary College, Dillard University, Louisiana College, Loyola University, New Orleans Theological Seminary, Franciscan Missionaries of Our Lady University, The University of Holy Cross, St. Joseph Seminary College, Tulane Medical Center, Tulane University and Xavier University.

C. - E. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3021-3031, 17:3046 et seq., R.S. 17:3129.7, R.S. 17:5001 et seq., and R.S. 17:3050.1-3050.4.

HISTORICAL NOTE: Promulgated by the Student Financial Assistance Commission, Office of Student Financial Assistance, LR 22:338 (May 1996), repromulgated LR 24:645 (April 1998), amended LR 24:1914 (October 1998), LR 25:1459 (August 1999), LR 26:1998 (September 2000), repromulgated LR 27:1864 (November 2001), amended LR 28:448 (March 2002), LR 30:784 (April 2004), LR 31:3111, 3114 (December 2005), LR 35:235 (February 2009), LR 35:1490 (August 2009), LR 36:2857 (December 2010), LR 41:376 (February 2015), amended by the Board of Regents, Office of Student Financial Assistance, LR 44:557 (March 2018), LR 48:

§1903. Responsibilities of Post-Secondary Institutions

A. - B.8. ...

9. upon the school's certification that a recipient of a GO-Youth ChalleNge Program Grant is enrolled full-time, institutions shall bill for and the board will reimburse the institution for each such recipient as follows:

a. eligible public community colleges and Louisiana Technical College may bill for an amount up to the tuition for that institution, as defined in §301; and

b. institutionally-accredited independent colleges or universities in the state that are members of LAICU may bill up to an amount equal to the award amount authorized for TOPS-Tech students attending LAICU institutions during the academic year;

B.10. - F.2. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3021-3031, R.S. 17:3041.10-3041.15, 17:3041.21-3041.26, R.S. 17:5001 et seq., and R.S. 17:3050.1-3050.4.

HISTORICAL NOTE: Promulgated by the Student Financial Assistance Commission, Office of Student Financial Assistance, LR 22:338 (May 1996), repromulgated LR 24:645 (April 1998), amended LR 24:1914 (October 1998), LR 25:1459 (August 1999), LR 26:1998 and 2002 (September 2000), repromulgated LR 27:1864 (November 2001), amended LR 28:448 (March 2002), LR 28:775 (April 2002), LR 28:1760 (August 2002), LR 28:2333 (November 2002), LR 30:784 (April 2004), LR 30:1166 (June 2004), LR 31:40 (January 2005), LR 31:3111, 3114 (December 2005), LR 33:1340 (July 2007), LR 35:1233 (July 2009), LR 35:1490 (August 2009), LR 35:1491 (August 2009), LR 36:2857 (December 2010), LR 40:282 (February 2014), LR 40:1003 (May 2014), LR 41:667 (April 2015), LR 41:2599 (December 2015), amended by the Board of Regents, Office of Student Financial Assistance, LR 43:519 (March 2017), LR 44:557 (March 2018), LR 45:1173 (September 2019), LR 48:

Family Impact Statement

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

Poverty Impact Statement

The proposed rulemaking will have no impact on poverty as described in R.S. 49:973.

Small Business Analysis

The proposed Rule will have no adverse impact on small businesses as described in LSA-R.S. 49:965.2 et seq.

Provider Impact Statement

The proposed Rule will have no adverse impact on providers of services for individuals with developmental disabilities as described in HCR 170 of 2014.

Public Comments

Interested persons may submit written comments on the proposed changes (SG21200NI) until 4:30 p.m., December 13, 2021, by email to LOSFA.Comments@la.gov or to Sujuan Williams Boutté, Ed. D., Executive Director, Office of Student Financial Assistance, P.O. Box 91202, Baton Rouge, LA 70821-9202.

Robyn Rhea Lively
Senior Attorney

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES RULE TITLE: Higher Education Scholarship and Grant Programs

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

The proposed changes to implement Act 95 of the 2021 Regular Session of the Louisiana Legislature will result in an increase in state expenditures for the TOPS program as they allow students additional opportunities to qualify for an award in certain circumstances; such increases in TOPS expenditures are indeterminable, however they are anticipated to be minimal and within the normal TOPS projection error.

For illustrative purposes, on average, for testers who received an initial ACT score between 13 and 29, the second composite score increases by one point. But taking the test more than two times does not generally result in a significantly higher score and may result in a repeat of a previous score. Currently, the vast majority of TOPS eligible students have a qualifying ACT score before or on the April national test date, so the additional testing opportunities are not anticipated to result in a significant number of students becoming eligible for a TOPS award or qualifying for a higher TOPS award level.

The proposed accrediting agency name change and the TOPS core curriculum change will not have an impact on TOPS expenditures since one is a purely technical change and the other does not substitute a harder or easier course for those currently required for TOPS eligibility.

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

Revenue collections of state and local governments will not be affected by the proposed changes.

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

Under the proposed changes, students that experienced difficulty in scheduling and taking an ACT exam to achieve a qualifying score to be eligible for a TOPS award will be allowed additional opportunities to take the exam. Many of these students will attend an in-state school to further their education and will remain in Louisiana upon completion of their education. This will provide Louisiana employers a better-educated workforce and may also attract out-of-state employers to Louisiana, thus providing additional better paying jobs.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

Students attending post-secondary institutions will increase the number of educated/trained workers in the state, which will have a positive impact on competition and employment.

Robyn Rhea Lively
Senior Attorney
2110#030

Alan M Boxberger
Deputy Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT
Office of the Governor
Auctioneers Licensing Board

Auctioneers (LAC 46:III.Chapters 10, 11, 17 and 25)

Editor's Note: This Notice of Intent is being reprinted to correct a procedural submission error. The original Notice of Intent can be viewed in its entirety on pages 1377-1379 of the September 20, 2021 *Louisiana Register*.

Notice is hereby given in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., and through the authority granted in R.S. 37:3101 that the Auctioneers Licensing Board proposes to amend its existing rules and regulations to further clarify the existing requirement for online auctions, eliminate unnecessary licensing application requirements, to add the acceptance of credit cards and personal checks for payment of licensing fees, to add rules relative to Act 200, Session 2020- Military licensing, to add rules relative to Act 279, Session 2021- Healthcare dependent licensing, and to add rules relative to Act 275, Session 2020- occupational licensing and examination fee waiver.

Title 46
PROFESSIONAL AND OCCUPATIONAL
STANDARDS

Part III. Auctioneers

Chapter 10. General Provisions

§1001. Definitions

Absolute Auction—an auction which will result in a change of ownership regardless of price.

Applicant—any person applying for a license under this Chapter.

Apprentice—any person who is employed, either directly or indirectly, by an auctioneer to deal or engage in auctions or who is studying to become an auctioneer.

Auction—the sale by competitive bid of any property which sale consists of a series of invitations for offers to purchase property made by the auctioneer and offers to purchase made by members of the audience culminating in the acceptance by the auctioneer of the highest or most favorable bid. The term "auction" or "sale at auction" includes but is not limited to the following:

1. live auctions;
2. online auctions;
3. real-time auctions;
4. extended auctions;
5. any similar such events as may be devised with the development of technology; and
6. any combination of the foregoing.

Auction House, Auction Company, and Auction Business—synonymous and interchangeable terms and mean any entity, whether a sole proprietorship, partnership, limited liability partnership, limited liability company, corporation, or any other legal entity defined by the board, which arranges, manages, sponsors, advertises, or carries out two or more auctions within any twelve-month period and which regularly represents that goods are sold at auction. However, a public livestock auction business which exclusively auctions livestock and which is regulated as a livestock market by the Louisiana Board of Animal Health pursuant to

R.S. 3:2091 et seq. shall not be defined as an auction business for purposes of this Chapter. An auction house includes those businesses defined herein which conduct business on an internet-based platform.

1. Auction houses which conduct business solely through internet-based platforms are not required to employ a licensed auctioneer to call the auction. Any live or simulcast auctions are required to employ a licensed auctioneer to call the live or real-time auction.

2. Auction houses which conduct any auction through an internet-based platform are responsible for the actions of the platform.

Auctioneer—any person who, for another, with or without receiving or collecting a fee, commission, or other valuable consideration, sells or offers to sell property at an auction.

Board—the Louisiana Auctioneers Licensing Board created as created in R.S. 37:3111.

Department—the Office of the Governor.

Licensee—any person or business holding a license under this Chapter.

Person—an individual, partnership, company, corporation, association, or group however organized.

Property—any property, tangible and intangible, movable or immovable, real, personal, or mixed.

Secured Party—a person holding a security interest in a property, whether movable or immovable.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3103.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Auctioneers Licensing Board, LR 48:

Chapter 11. License of Auctioneer

§1101. Auction Requirements

A. No person, firm, auction house, or corporation, or combination thereof shall sell, dispose of, or offer for sale at public auction or cause or permit to be sold, disposed of, or offered for sale at any public auction any property of whatsoever nature unless said auction is conducted by a duly licensed auctioneer and if such sale takes place at an auction house, by a duly licensed auction house.

B. Notwithstanding any other provision of law to the contrary, a person, firm or corporation, or combination thereof, may sell, dispose of, or offer for sale at any public auction any property of whatever nature without the necessity of any other license, provided that the auction is conducted by a person who is a duly licensed Louisiana auctioneer or Louisiana apprentice auctioneer working under the supervision of a Louisiana licensed auctioneer, whichever is applicable, or otherwise meets the exceptions in accordance with the provisions of this Chapter.

C. The auctioneer license is required in the state of Louisiana for all sales conducted within the state boundaries of the state of Louisiana and for the sales of all immovable and movable properties which are physically located in the state of Louisiana.

D. The following do not require an auctioneer license or an auction house license:

1. a sale conducted by order of any United States Court pursuant to Title 11 of the United States Code relating to bankruptcy.

2. a sale conducted by an employee of the United States or the state of Louisiana or its political subdivisions in the course and scope of his employment.

3. a sale conducted by a charitable or nonprofit organization. This exclusion is only available if the following applies:

a. the Internal Revenue Service has recognized the organization as a nonprofit or charitable organization, or the State of Louisiana has recognized the sale as one for a charitable benefit; and

b. the person conducting the auction as the auctioneer is not paid for his services;

4. a sale conducted by an individual of his own property if such individual is not engaged in the business of selling such property as an auctioneer on a regular basis:

a. anyone selling his own property at auction more than once in a rolling 12-month period will be considered to be in the business of auctioneering and be required to have a license.

b. if any third party's property is included with the individual's own property, the individual selling the property will be required to have a license;

5. a foreclosure sale of realty conducted personally by a trustee under a recorded deed of trust;

6. a foreclosure sale of personal property conducted personally by the mortgagee or other secured party or an employee of such mortgagee or other secured party acting in the course and scope of his employment under a recorded chattel mortgage or other security or agreement;

7. a sale conducted by sealed bid. This exclusion includes silent auctions unless there is an active solicitation of individual bids.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3104 and R.S. 37:3105.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Auctioneers Licensing Board, LR 48:

§1102. Qualifications for Applicant [Formerly §1101]

A. The board shall base determination of satisfactory minimum qualifications for licensing as follows:

1. be of good moral character;
2. be a citizen, or a legal resident of the United States;
3. be at least 18 years of age;
4. has completed one of the following:

a. completed a series of studies at a school of auctioneering licensed or approved by the board;

b. completed an apprenticeship of one year working with and under an auctioneer duly licensed in the state of Louisiana.

B. An applicant for licensing shall fill out and file with the board an application form provided by the board. The form shall require relevant information about the applicant's character, knowledge and experience in application of that knowledge. Among the data required on the application form, the applicant shall submit the following information:

1. education background;

2. previous occupational experience in the auction business;

3. three references, including their business addresses, who attest to the applicant's reputation and adherence to ethical standards.

C. If, in the opinion of the board, the applicant provides inadequate information to allow the board to ascertain

whether the applicant satisfies the qualifications for licensing, the applicant shall be required to provide additional information for purposes of the application or may be required to present himself for an interview for this purpose.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3113.

HISTORICAL NOTE: Promulgated by the Department of Commerce, Auctioneer Licensing Board, LR 11:336 (April 1985), amended by the Department of Economic Development, Auctioneers Licensing Board, LR 14:784 (November 1988), amended by the Office of the Governor, Auctioneers Licensing Board, LR 31:1325 (June 2005), LR 48:

§1103. Licensing Procedure

A. Applications for the license to be obtained under provision of the board's enabling act shall be on the forms prescribed by the board and furnished to such applicants. The applications shall contain such information as the board deems necessary to enable it to fully determine the qualifications and eligibility of the applicant for the license applied for.

B. - B.5. ...

6. check, money order, or credit card in the sum of \$300 for all fees covered in the initial licensing procedure;

7. Repealed

8 - 15. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3112 and R.S. 37:3113.

HISTORICAL NOTE: Promulgated by the Department of Commerce, Auctioneer Licensing Board, LR 11:337 (April 1985), amended by the Department of Economic Development, Auctioneers Licensing Board, LR 14:784 (November 1988), amended by the Office of the Governor, Auctioneers Licensing Board, LR 31:1325 (June 2005), LR 37:2147 (July 2011), LR 48:

§1109. Examination Procedure

A. ...

B. The board shall issue a numbered license to an applicant who meets the requirements of this statute and rules, passes satisfactorily 70 percent the examination administered by the board and pays the fee to be a licensed auctioneer.

C. The board shall give examinations for licensure as needed.

D - H. ...

I. The board may establish such procedures for applicants to take the examination outside the parish of the domicile of the board office, through providers approved by the board, as long as the applicant pays all costs of the examination and the procedures.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3112 and R.S. 37:3113.

HISTORICAL NOTE: Promulgated by the Department of Commerce, Auctioneer Licensing Board, LR 11:337 (April 1985), amended by the Department of Economic Development, Auctioneers Licensing Board, LR 14:784 (November 1988), amended by the Office of the Governor, Auctioneers Licensing Board, LR 31:1326 (June 2005), LR 37:2147 (July 2011), LR 48:

§1113. Fees

A. - A.13. ...

B. All fees shall be paid by check, money order, or credit card made payable to the board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3116.

HISTORICAL NOTE: Promulgated by the Department of Commerce, Auctioneer Licensing Board, LR 11:337 (April 1985), amended by the Department of Economic Development, Auctioneers Licensing Board, LR 14:785 (November 1988), amended by the Office of the Governor, Auctioneers Licensing Board, LR 31:1326 (June 2005), amended LR 37:2147 (July 2011), LR 48:

§1117. Qualifications for Licensing as an Apprentice Auctioneer

- A. - A.4.a. ...
- b. Repealed.
- 4.c. - 5.
- 6. Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3118.

HISTORICAL NOTE: Promulgated by the Department of Commerce, Auctioneer Licensing Board, LR 11:338 (April 1985), amended by the Department of Economic Development, Auctioneers Licensing Board, LR 14:786 (November 1988), amended by the Office of the Governor, Auctioneers Licensing Board, LR 31:1326 (June 2005), LR 37:2147 (July 2011), LR 40:2541 (December 2014), LR 48:

§1119. Apprentice Auctioneer Licensing

- A - J.1. ...
- 2. Repealed
- 3 - 6. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3112.

HISTORICAL NOTE: Promulgated by the Department of Commerce, Auctioneer Licensing Board, LR 11:338 (April 1985), amended by the Department of Economic Development, Auctioneers Licensing Board, LR 14:786 (November 1988), amended by the Office of the Governor, Auctioneers Licensing Board, LR 31:1326 (June 2005), LR 40:2541 (December 2014), LR 48:

§1120. Auction Business Licensing.

A. Every applicant seeking to operate an auction house shall file with the board a completed application (on a form provided by the board) for a license for each auction business to be operated by that person. Although an auction business may operate in more than one location, at all times, it may only operate under the name licensed with the Louisiana Auctioneers Licensing Board. Auction businesses which sell property, either immovable or movable, located within the State of Louisiana are required to have a business license.

B. Auction houses which conduct business solely through internet-based platforms are not required to employ a licensed auctioneer to call the auction. Any live or simulcast auctions are required to employ a licensed auctioneer to call the live or real-time auction.

C. Auction houses which conduct any auction through an internet-based platform are responsible for the actions of the platform.

D. Licensing Fee. Each application for licensing shall be accompanied by a license fee in the amount of \$300. Renewal of each auction business license shall be on an annual basis, no later than February 1 of each calendar year. An auction business license renewal fee shall be \$300.

E. Application Information. Each applicant shall submit the following information on the designated application form:

1. the name of each owner of the entity and the length of time each such person has been an owner;
2. each business address of the entity;
3. each auctioneer licensed by the date of application who has been employed by the business for more than one auction in the previous calendar year;
4. the nature of the business and the product to be sold;
5. two references who shall be auctioneers currently licensed in this state in good standing with the board;
6. a good and sufficient surety bond executed by the applicant as principal and by a surety company qualified to do business in the state of Louisiana as surety in the amount of \$10,000.

F. If, in the opinion of the board, the applicant provided inadequate information to allow the board to ascertain whether the applicant satisfies the qualifications for licensing, the applicant shall be required to provide additional information for purposes of the application or may be required to present himself for an interview for this purpose.

G. The qualifications of an applicant applying for an auction business license shall be the same as those articulated at R.S. 37:3113(a)1 through 37:3113(b)4, pertaining to the licensing of auctioneers.

H. An auction business licensee with a physical location within this State shall be able to operate the licensed auction business in any parish of the state of Louisiana. Should the licensee desire to operate the business at more than one location or change the location, the licensee shall give the Louisiana Auctioneers Licensing Board written notice of the change at least five days prior to the change of address or establishment of new location, as well as provide a physical and mailing address of the new or additional location of the business. Failure by licensee to give notice to the Louisiana Auctioneers Licensing Board after such change of location (or establishment of an additional location) shall be grounds for revocation of the auction business license by the board.

I. A licensee's auction business license shall automatically be suspended if no licensed auctioneer is engaged in conducting the auctions for the licensee if the auction house conducts live or simulcast auctions. Such license may be reinstated by the board for the unexpired term upon proof that a duly licensed auctioneer has been affiliated with the auction business. This subsection will not apply to auction houses which conduct business solely through internet-based platforms which are not required to employ a licensed auctioneer to call the auction.

J. The provision of R.S. 37:3115 relative to renewal of license, certificate and penalties for failure to renew the license of auctioneers, shall also apply to an auction business license.

K. No auction business license shall be issued or renewed unless the applicant presents a bond in the amount of \$10,000 in a form approved by the board.

L. A resident Louisiana licensed auctioneer may operate an auction business without a fee, and without posting of an additional surety bond if a surety bond guaranteeing his performance as an auctioneer has previously been posted.

M. An auction business must display in its office or offices, its current license to do business as an auction

business at all times. An auction business must display its Louisiana license number on its website and in all advertising in a prominent location with the license number preceded by "LA" to indicate the issuing state.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3103.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Auctioneers Licensing Board, LR 48:

§1123. Issuing of Licenses for Military

A. All licenses issued to those with military training, spouse, or dependent of a member of the military or a United States Department of Defense civilian employee who received military orders for a change of station to a military installation or assignment located in Louisiana will be issued in accordance with Act 2020, No. 200.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3651

HISTORICAL NOTE: Promulgated by the Office of the Governor, Auctioneers Licensing Board, LR 48:

§1125. Issuing of Licenses for Healthcare Professional Dependents

A. All licenses issued to dependents of healthcare professionals will be issued in accordance with Act 2021, No. 279.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1751.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Auctioneers Licensing Board, LR 48:

§1127. Occupational License and Examination Fee Waiver

A. All licenses issued to qualified individuals will be issued in accordance with Act 2020, No. 275.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:23.4

HISTORICAL NOTE: Promulgated by the Office of the Governor, Auctioneers Licensing Board, LR 48:

Chapter 17. Responsibilities of Licensed Auctioneer

§1706. Absolute Auction

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3112.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Auctioneers Licensing Board, LR 37:2148 (July 2011), repealed LR 48:

Chapter 25. Auctioneer Business

§2501. Licensing of Auction Business

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3119.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Louisiana Auctioneers Licensing Board, LR 20:1367 (December 1994), amended by the Office of the Governor, Auctioneers Licensing Board, LR 31:1328 (June 2005), repealed LR 48:

Family Impact Statement

The proposed Rule has no known adverse impact on family formation, stability, or autonomy, as described in R.S. 49:972.

Poverty Impact Statement

The proposed Rule will have no known adverse impact on poverty as described in R.S. 49:973.

Small Business Statement

The proposed Rule will have no known adverse impact on small businesses as described in R.S. 49:965.2 et seq.

Provider Impact Statement

The proposed Rule should not have any known or foreseeable impact on providers as defined by HCR 170 of 2014 Regular Legislative Session.

Public Comments

Interested persons may submit written comments or request for a hearing until 3:30 p.m., October 10, 2021, to Sandy Edmonds, Auctioneers Licensing Board, 11736 Newcastle Avenue, Bldg. 2, Suite C, Baton Rouge, LA 70816.

Sandy Edmonds
Executive Director

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Auctioneers

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

The proposed rule change will have no impact on state or local government expenditures. The proposed rule change clarifies existing rules specific to online auctions, eliminates unnecessary application requirements, and adds the acceptance of credit card payments.

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

There will be no impact. The requirement for a license to conduct online auctions is not new but intended to clarify existing requirements.

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

The proposed rule will have no additional cost or economic benefit. The rule is simply a measure to further define the requirements already set by statute regarding online auctions.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rule change will have no effect on competition and/or employment.

Sandy Edmonds
Executive Director
2111#015

Alan M. Boxberger
Deputy Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

Department of Health Board of Dentistry

General Provisions; Dentists; Fees and Costs
(LAC 46:XXXIII.120, 306, and 419)

Editor's Note: This Notice of Intent is being reprinted to correct a procedural submission error. The original Notice of Intent can be viewed in its entirety on pages 1567-1568 of the October 20, 2021 *Louisiana Register*.

In accordance with the applicable provisions of the Administrative Procedure Act, R.S. 49:950, et seq., the Dental Practice Act, R.S. 37:751, et seq., and particularly R.S. 37:760(8), notice is hereby given that the Department of Health, Board of Dentistry intends to amend LAC 46:XXXIII.120, .306, and .419.

The Board of Dentistry is amending LAC 46:XXXIII.120 to conform with Louisiana legislature statutes, La. R.S.

37:3651 and 37:1751, which will allow the board to issue a license or to someone who is a dependent of someone in the military or of a healthcare worker a permit pending normal licensure if an application for full, normal licensure has been completed and the board is unable to issue a full license within 30 calendar year days of receiving the application and would be valid for 30 days but could not be extended beyond the next meeting of the Board.

The Board of Dentistry is amending LAC 46:XXXIII.306 to now allow dentists who receive their license by credentials to practice outside of Louisiana.

The Board of Dentistry is amending LAC 46:XXXIII.419 conform with Louisiana legislature statute which will allow the Board of Dentistry to issue a retired volunteer license to hygienists. The retired volunteer license will allow a hygienist to provide care only on a gratuitous basis for a fee of \$35.

Title 46

PROFESSIONAL AND OCCUPATIONAL STANDARDS

Part XXXIII. Dental Health Profession

Chapter 1. General Provisions

§120. Temporary Licenses and Permits Pending Normal Licenses

A. - J.3. ...

K. Permits Pending Normal Licenses. For applicants who qualify under the provisions of R.S. 37:3651 or R.S. 37:1751, a permit pending normal licensure may be issued if an application for full, normal licensure has been completed and the board is unable to issue a full license within 30 calendar days of receiving the completed application. The permit pending normal licensure is valid for 30 days and may be extended by the board beyond 30 days, but in no event beyond the next meeting of the board. The permit pending normal licensure expires automatically upon the occurrence of any one of the following:

1. 30 days have passed from the issuance of the permit pending normal license without an extension from the board; in no event may the permit pending normal licensure be extended beyond the next meeting of the board.

2. a determination by the board that the applicant is not qualified for a normal, permanent license.

3. the issuance of a normal, permanent license by the board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:760(8).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Dentistry, LR 24:1114 (June 1998), amended LR 26:1612 (August 2000), repromulgated LR 27:1893 (November 2001), amended LR 33:2652 (December 2007), LR 33:2652 (December 2007), LR 38:2771 (November 2012), LR 39:2279 (August 2013), LR 41:1285 (July 2015), LR 48:

Chapter 3. Dentists

§306. Requirements of Applicants for Dental Licensure by Credentials

A. - B. ...

C. Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:760(8) and R.S. 37:768.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Dentistry, LR 18:739 (July 1992), amended LR 21:571 (June 1995), LR 22:23 (January 1996), LR 23:1528 (November 1997), LR 24:1114 (June 1998), LR 25:513 (March 1999), LR 26:692 (April 2000), LR 26:1612 (August

2000), repromulgated LR 27:1893 (November 2001), amended LR 28:1777 (August 2002), LR 30:2305 (October 2004), LR 31:927 (April 2005), LR 32:243 (February 2006), LR 33:846 (May 2007), LR 33:2652 (December 2007), LR 34:2564 (December 2008), repromulgated LR 35:67 (January 2009), amended LR 37:1405 (May 2011), LR 37:3515 (December 2011), repromulgated LR 38:355 (February 2012), amended LR 39:87 (January 2013), amended by the Department of Health, Board of Dentistry, LR 44:46 (January 2018), LR 48:

Chapter 4. Fees and Costs

Subchapter D. Fees for Dental Hygienists

§419. Licenses, Permits and Examinations (Dental Hygienists)

A.1. - A.13. ...

14. annual fee to support well-being program—\$15;

15. retired volunteer hygiene license—\$35.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:760 (8), R.S. 37:768, and R.S. 37:795.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Dentistry, LR 14:792 (November 1988), amended LR 16:566 (June 1990), LR 18:741 (July 1992), LR 23:1527 (November 1997), LR 24:1115 (June 1998), LR 25:1478 (August 1999), LR 26:691 (April 2000), LR 28:1778 (August 2002), LR 32:243 (February 2006), LR 33:846 (May 2007), LR 34:2564 (December 2008), repromulgated LR 35:68 (January 2009), amended LR 37:590 (February 2011), LR:37:2151 (July 2011), LR 39:2278 (August 2013), LR 48:

Family Impact Statement

There will be no family impact in regard to issues set forth in R.S. 49:972.

Poverty Statement

The proposed rulemaking will have no impact on poverty as described in R.S. 49:973. In particular, there should be no known or foreseeable effect on:

1. the effect on household income, assets, and financial security;

2. the effect on early childhood development and preschool through postsecondary education development;

3. the effect on employment and workforce development;

4. the effect on taxes and tax credits;

5. the effect on child and dependent care, housing, health care, nutrition, transportation, and utilities assistance.

Provider Impact Statement

The proposed rulemaking should not have any know or foreseeable impact on providers as defined by HCR 170 of 2014 Regular Legislative Session. In particular, there should be no known or foreseeable effect on:

1. the effect on the staffing level requirements or qualifications required to provide the same level of service;

2. the total direct and indirect effect of the cost to the providers to provide the same level of service; or

3. the overall effect on the ability of the provider to provide the same level of service.

Public Comments

Interested persons may submit written comments on these proposed rule changes to Arthur Hickham, Jr., Executive Director, Louisiana State Board of Dentistry, P.O. Box 5256, Baton Rouge, Louisiana, 70821. Written comments must be submitted to and received by the Board within 20 days of the date of the publication of this notice. A request pursuant to R.S. 49:953 (A)(2) for oral presentation, argument, or public hearing must be made in writing and received by the Board within 20 days of the date of the publication of this notice.

Public Hearing

A request pursuant to R.S. 49:953 (A)(2) for oral presentation, argument, or public hearing must be in writing and received by the board within 20 days of the date of the publication of this notice.

Arthur Hickham, Jr.
Executive Director

NOTICE OF INTENT

**Department of Health
Board of Pharmacy**

Hemp Facility (LAC 46:LIII.2701 and 2705)

In accordance with the provisions of the Administrative Procedure Act (R.S. 49:950 et seq.) and the Pharmacy Practice Act (R.S. 37:1161 et seq.), the Louisiana Board of Pharmacy hereby gives notice of its intent to amend two sections within Chapter 27 of its rules relative to the issuance of a controlled substance license to hemp handlers. The proposed change in §2701 amends the definition of hemp facility to include hemp handlers. The proposed change in §2705 adds hemp handler to stakeholders authorized to apply for a controlled dangerous substances license and removes the requirement for laboratory accreditation.

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES
RULE TITLE: General Provisions;
Dentists; Fees and Costs**

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

The proposed rule change will result in a one-time SGR expenditure of \$500 in FY 22 for the LA State Board of Dentistry (LSBD) to publish the notice of intent and proposed rule revision in the Louisiana Register. The proposed rule change will not affect implementation costs (savings) to state or local governmental units.

The proposed rule change allows the Board to issue temporary licenses and permits pending normal licenses to certain qualifying individuals, to remove a restriction on dentists receiving licensure by credentials from practicing outside Louisiana and establish a fee for a retired voluntary hygienist license.

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

The proposed rule change will not materially affect revenue collections for state or local governmental units.

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

The proposed change to §120 is meant to conform to the recently passed statutes by the Louisiana legislature and will and will benefit dependents of military personnel and of healthcare workers to make it easier for them to be issued a “permit pending normal license” in Louisiana that would expire within 30 days. This rule is not anticipated to materially change the number of licensees statewide and is estimated to impact four applicants per year.

The proposed change to §306 will benefit dentists who receive their license by credentials to practice outside of Louisiana.

The proposed change to §419 is also to conform to the recently passed statutes passed by the Louisiana legislature and will benefit a dental hygienist who would like to seek a retired voluntary hygiene license to provide care on a gratuitous basis for a fee of \$35.00. The Board estimates that there could be 3 to 5 dental hygienists per year that may would apply for the retired voluntary license.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rule changes should not impact competition or employment.

Arthur Hickham, Jr.
Executive Director
2111#018

Alan M. Boxberger
Deputy Fiscal Officer
Legislative Fiscal Office

Title 46

**PROFESSIONAL AND OCCUPATIONAL
STANDARDS**

Part LIII. Pharmacists

Chapter 27. Controlled Dangerous Substances

Subchapter A. General Provisions

§2701. Definitions

A. Words not defined in this Chapter shall have their common usage and meaning as stated in the Merriam Webster’s Collegiate Dictionary—Tenth Edition, as revised, and other similarly accepted reference texts. As used in this Chapter, the following terms shall have the meaning ascribed to them in this Section unless the context clearly indicates otherwise:

Hemp Facility—a facility licensed by the Louisiana Department of Agriculture and Forestry as a hemp seed producer, hemp grower, hemp handler or hemp processor.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:972.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 34:2127 (October 2008), amended by the Department of Health, Board of Pharmacy, LR 46:569 (April 2020), LR 47:0000 (November 2021), LR

§2705. Licenses and Exemptions

A. - D.3. ...

E. Healthcare Facilities and Hemp Facilities

1. ...

2. The issuance of a CDS license to a hemp facility, and the renewal thereof, shall require a valid and verifiable license as a hemp seed producer, hemp grower, hemp handler or hemp processor issued by the Louisiana Department of Agriculture and Forestry (LDAF).

F. - J. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:972.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 34:2129 (October 2008), amended LR 39:312 (February 2013), amended by the Department of Health, Board of Pharmacy, LR 46:570 (April 2020), LR 47:0000 (November 2021), LR

Family Impact Statement

In accordance with Section 953 of Title 49 of the Louisiana Revised Statutes, there is hereby submitted a family impact statement on the Rule proposed for adoption, repeal, or amendment. The following statements will be published in the *Louisiana Register* with the proposed agency Rule.

1. The Effect on the Stability of the Family. The proposed rule changes will have no effect on the stability of the family.

2. The Effect on the Authority and Rights of Parents Regarding the Education and Supervision of their Children. The proposed rule changes will have no effect on the authority and rights of parents regarding the education and supervision of their children.

3. The Effect on the Functioning of the Family. The proposed rule changes will have no effect on the functioning of the family.

4. The Effect on Family Earnings and Family Budget. The proposed rule changes will have no effect on family earnings or family budget.

5. The Effect on the Behavior and Personal Responsibility of Children. The proposed rule changes will have no effect on the behavior and personal responsibility of children.

6. The Ability of the Family or a Local Government to Perform the Function as Contained in the Proposed Rule. The proposed rule changes will have no effect on the ability of the family or a local government to perform the activity as contained in the proposed rule.

Poverty Impact Statement

In accordance with Section 973 of Title 49 of the Louisiana Revised Statutes, there is hereby submitted a poverty impact statement on the Rule proposed for adoption, repeal, or amendment.

1. The Effect on Household Income, Assets, and Financial Security. The proposed rule changes will have no effect on household income, assets, or financial security.

2. The Effect on Early Childhood Development and Preschool through Postsecondary Education Development. The proposed rule changes will have no effect on early childhood development or preschool through postsecondary education development.

3. The Effect on Employment and Workforce Development. The proposed rule changes will have no effect on employment or workforce development.

4. The Effect on Taxes and Tax Credits. The proposed rule changes will have no effect on taxes or tax credits.

5. The Effect on Child and Dependent Care, Housing, Health Care, Nutrition, Transportation, and Utilities Assistance. The proposed rule changes will have no effect on child and dependent care, housing, health care, nutrition, transportation, or utilities assistance.

Small Business Analysis

In accordance with Section 965 of Title 49 of the Louisiana Revised Statutes, there is hereby submitted a regulatory flexibility analysis on the Rule proposed for adoption, repeal, or amendment. This will certify the agency has considered, without limitation, each of the following

methods of reducing the impact of the proposed Rule on small businesses:

1. The Establishment of Less Stringent Compliance or Reporting Requirements for Small Businesses. The proposed rule changes will reduce the compliance requirements by removing a laboratory accreditation requirement.

2. The Establishment of Less Stringent Schedules or Deadlines for Compliance or Reporting Requirements for Small Businesses. The proposed rule changes will have no effect on deadlines for compliance or reporting requirements.

3. The Consolidation or Simplification of Compliance or Reporting Requirements for Small Businesses. The proposed rule changes will have no effect on reporting requirements which are federal in origin.

4. The Establishment of Performance Standards for Small Businesses to Replace Design or Operational Standards Required in the Proposed Rule. The proposed rule changes will remove a laboratory accreditation requirement.

5. The Exemption of Small Businesses from All or Any Part of the Requirements Contained in the Proposed Rule. There are no exemptions for small businesses in the proposed rule changes.

Provider Impact Statement

In accordance with House Concurrent Resolution No. 170 of the Regular Session of the 2014 Legislature, there is hereby submitted a provider impact statement on the Rule proposed for adoption, repeal, or amendment. This will certify the agency has considered, without limitation, the following effects on the providers of services to individuals with developmental disabilities:

1. The effect on the staffing level requirements or qualifications required to provide the same level of service. The proposed rule changes will have no effect on the staffing level requirements or the qualifications for that staff to provide the same level of service.

2. The Total Direct and Indirect Effect on the Cost to the Provider to Provide the Same Level of Service. The proposed rule changes will have no effect on the cost to the provider to provide the same level of service.

3. The Overall Effect on the Ability of the Provider to Provide the Same Level of service. The proposed rule changes will have no effect on the ability of the provider to provide the same level of service.

Public Comments

Interested persons may submit written comments, via United States Postal Service or other mail carrier, or in the alternative by personal delivery to Malcolm J Broussard, Executive Director, at the office of the Louisiana Board of Pharmacy, 3388 Brentwood Drive, Baton Rouge, LA 70809-1700. He is responsible for responding to inquiries regarding the proposed Rule amendment.

Public Hearing

A public hearing to solicit comments and testimony on the proposed Rule amendment is scheduled for 9 am on Tuesday, December 28, 2021. During the hearing, all interested persons will be afforded an opportunity to submit data, views, or arguments, either orally or in writing. The deadline for the receipt of all comments is 12 p.m. noon that

same day. To request reasonable accommodations for persons with disabilities, please call the board office at 225.925.6496.

Malcolm J. Broussard
Executive Director

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: **Hemp Facility**

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

The proposed rule changes will require the Louisiana Board of Pharmacy (LBP) to publish the proposed and final rules in the state register, resulting in printing expenses of \$500 in FY 22. There will be no additional expenditures or cost savings for LBP or other state or local governmental units.

The proposed rule changes add hemp handlers to other types of hemp stakeholders eligible to apply for a state controlled dangerous substance license and remove the ISO/IEC 17025 laboratory accreditation requirement.

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

The proposed rule changes are not anticipated to add new entities seeking licensure as this change reclassifies existing licensees in response to passed legislation. LBP also does not administer laboratory accreditation. As a result, LBP does not anticipate additional licensing revenue.

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

The proposed rule changes will enable hemp handlers to qualify for a state controlled dangerous substance license and will reduce the cost associated with obtaining ISO/IEC 17025 accreditation for their laboratory by removing that requirement.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rule changes will have no effect on competition or employment.

Malcom J. Broussard
Executive Director
2111#016

Charles A. Keaton
Legislative Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

Department of Health Board of Pharmacy

Medication Administration
(LAC 46:LIII.521, 709, 711, 907, 913 and 1103)

In accordance with the provisions of the Administrative Procedure Act (R.S. 49:950 et seq.) and the Pharmacy Practice Act (R.S. 37:1161 et seq.), the Louisiana Board of Pharmacy hereby gives notice of its intent to amend four existing sections of rules and to add two new sections of rules, all relative to medication administration by various pharmacy personnel. The proposed changes in §521 establish the standards for education, training and continuing competency for pharmacists who intend to administer medications, remove the requirement to obtain a medication administration registration from the board, and remove the requirement for pharmacists to report vaccine administration to a patient physician in lieu of the existing requirement to

report vaccine administration to the state immunization registry. The proposed change in §709 clarifies the scope of practice for pharmacy interns to include medication administration and exclude independent supervision of pharmacy technician candidates. The proposed new §711 establishes the standards for education, training and continuing competency for pharmacy interns who intend to administer medications. The proposed change in §907 clarifies the scope of practice for pharmacy technician candidates to exclude medication administration. The proposed new §913 establishes the standards for education, training and continuing competency for pharmacy technicians who intend to administer medications. The proposed change in §1103 establishes certain standards for pharmacies hosting medication administration activities in a location other than the pharmacy; these standards already exist in §521 but are being relocated to §1103.

Title 46

PROFESSIONAL AND OCCUPATIONAL STANDARDS

Part LIII. Pharmacists

Chapter 5. Pharmacists

Subchapter B. Professional Practice Procedures

§521. Administration of Medications

A. Education and Training Required; Supervision

1. Pharmacists who intend to administer medications to their patients shall obtain the education and training described within this Section prior to engaging in such activity.

2. Pharmacists who intend to supervise other pharmacy personnel who administer medications to patients shall obtain the education and training described within this Section prior to engaging in such activity.

B. Education, Training and Continuing Competency

1. A pharmacist who intends to administer medications to patients shall possess a pharmacist license in active status. In the event the license is lapsed, suspended, or in any other inactive status, the pharmacist shall not administer medications. A pharmacist with a license in restricted status may administer medications unless the restriction imposed by the board prevents such activity.

2. The pharmacist shall successfully complete a certificate program for medication administration which is an evidence-based didactic course that meets current Centers for Disease Control and Prevention (CDC) training guidelines. The certificate program shall be acquired from a provider accredited by ACPE, or in the alternative, by joint accreditation (JA); and further, the certificate program shall provide a minimum of 20 hours of instruction and experiential training in the following content areas;

- a. standards for medication administration practices;
- b. basic immunology;
- c. recommended medication administration schedules;
- d. vaccine storage and management;
- e. informed consent;
- f. physiology and techniques for medication administration;
- g. pre- and post-administration assessment and counseling;

h. medication administration record management; and

i. management of adverse events, including identification and appropriate response, as well as documentation and reporting.

3. The pharmacist shall complete a life safety certification by the American Heart Association through its Basic Life Support (BLS) CPR and AED Training for Healthcare Professionals course, or its successor, or through an equivalent course sponsored by an alternative vendor. The pharmacist may substitute the Advanced Cardiac Life Support (ACLS) course for the BLS standard; however, the Heartsaver CPR and AED or other courses intended for the general public shall not be sufficient to meet this standard. The pharmacist shall renew their certification prior to the expiration date assigned by the course provider.

4. To maintain continuing competency for medication administration, the pharmacist shall acquire at least one hour of continuing pharmacy education per year related to this topic. Continuing pharmacy education activities obtained for this purpose shall be acquired from a provider accredited by ACPE, or in the alternative, by JA; and further, the credit earned for such programs may be included within the total number of credits required to renew the pharmacist license.

5. The pharmacist shall retain evidence of their education, training and continuing competency; and further, shall furnish copies of such documentation upon request by the board.

6. Sanctions

a. The failure of a pharmacist to obtain and maintain the education, training and continuing competency described in this Section prior to administering medications to patients or supervising other pharmacy personnel administering medications to patients shall substantiate a violation of R.S. 37:1241(A)(3), and shall subject the pharmacist to disciplinary action by the board.

b. The failure to a pharmacist to provide documentation of their education, training and continuing competency to administer medications when requested by the board shall substantiate a violation of R.S. 37:1241(A)(22), and shall subject the pharmacist to disciplinary action by the board.

C. Reporting Administration of Immunizations

1. The immunizing pharmacist or his designee shall report the immunization to the state immunization registry within 72 hours of the administration of the immunization. The report of an immunization administration to the state immunization registry shall satisfy any requirement for notification of such information to the patient's primary care provider.

D. Pharmacists administering medications in a location other than a pharmacy, shall comply with the following minimum standards:

1. There shall be sufficient staffing available for the pharmacist to administer the medication, supervise any other pharmacy personnel administering medications, and monitor the patient afterward without distraction from other responsibilities.

2. To facilitate emergency management of anaphylactic reactions, there shall be adequate supplies of medication and equipment, as well as pre-determined

procedures for the arrangement of emergency medical services.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1182.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 14:708 (October 1988), effective January 1, 1989, amended LR 29:2085 (October 2003), effective January 1, 2004, LR 34:1409 (July 2008), amended by the Department of Health, Board of Pharmacy, LR 46:578 (April 2020), LR 47:0000 (November 2021), LR 48:

Chapter 7. Pharmacy Interns

§709. Scope of Practice

A. - B. ...

C. A pharmacy intern may not:

1. ...

2. sign or initial any document which is required to signed or initialed by a pharmacist unless a preceptor cosigns the document; or independently supervise pharmacy technicians or pharmacy technician candidates.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1182.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 36:755 (April 2010), amended by the Department of Health Board of Pharmacy, LR 48:

§711. Administration of Medications

A. Education and Training Required; Supervision

1. Pharmacy interns who intend to administer medications to their patients shall obtain the education and training described within this Section prior to engaging in such activity.

2. Pharmacy interns, once properly qualified as required by the provisions of this Section, may only administer medications to patients while under the supervision of a pharmacist with the same qualification in medication administration as described in Chapter 5 of this Part.

B. Education, Training and Continuing Competency

1. A pharmacy intern who intends to administer medications to patients shall possess a pharmacy intern registration in active status. In the event the registration is lapsed, suspended, or in any other inactive status, the pharmacy intern shall not administer medications. A pharmacy intern with a registration in restricted status may administer medications unless the restriction imposed by the board prevents such activity.

2. The pharmacy intern shall successfully complete a certificate program for medication administration which is an evidence-based didactic course that meets current Centers for Disease Control and Prevention (CDC) training guidelines. The certificate program shall be acquired from a provider accredited by ACPE, or in the alternative, by Joint Accreditation (JA); and further, the certificate program shall provide a minimum of 20 hours of instruction and experiential training in the following content areas;

a. standards for medication administration practices;

b. basic immunology;

c. recommended medication administration schedules;

d. vaccine storage and management;

e. informed consent;

f. physiology and techniques for medication administration;

g. pre- and post-administration assessment and counseling;

h. medication administration record management; and

i. management of adverse events, including identification and appropriate response, as well as documentation and reporting.

3. The pharmacy intern shall complete a life safety certification by the American Heart Association through its Basic Life Support (BLS) CPR and AED Training for Healthcare Professionals course, or its successor, or through an equivalent course sponsored by an alternative vendor. The pharmacy intern may substitute the Advanced Cardiac Life Support (ACLS) course for the BLS standard; however, the Heartsaver CPR and AED or other courses intended for the general public shall not be sufficient to meet this standard. The pharmacy intern shall renew their certification prior to the expiration date assigned by the course provider.

4. To maintain continuing competency for medication administration, the pharmacy intern shall acquire at least one hour of continuing pharmacy education per year related to this topic. Continuing pharmacy education activities obtained for this purpose shall be acquired from a provider accredited by ACPE, or in the alternative, by JA.

5. The pharmacy intern shall retain evidence of their education, training and continuing competency; and further, shall furnish copies of such documentation upon request by the board.

6. Sanctions

a. The failure of a pharmacy intern to obtain and maintain the education, training and continuing competency described in this Section prior to administering medications to patients shall substantiate a violation of R.S. 37:1241(A)(3), and shall subject the pharmacy intern to disciplinary action by the board.

b. The failure to a pharmacy intern to provide documentation of their education, training and continuing competency to administer medications when requested by the board shall substantiate a violation of R.S. 37:1241(A)(22), and shall subject the pharmacy intern to disciplinary action by the board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1182.

HISTORICAL NOTE: Promulgated by the Department of Health, Board of Pharmacy, LR 48:

Chapter 9. Pharmacy Technicians

§907. Scope of Practice

A. - A.2. ...

B. Pharmacy technician candidates shall not:

1. - 5. ...

6. administer medications.

C. - C.3. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1212.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 30:2486 (November 2004), effective January 1, 2005, amended LR 32:1049 (June 2006), amended by the Department of Health, Board of Pharmacy, LR 43:2498 (December 2017), effective January 1, 2018, amended LR 48:

§913. Administration of Medications

A. Education and Training Required; Supervision

1. Pharmacy technicians who intend to administer medications to their patients shall obtain the education and training described within this Section prior to engaging in such activity.

2. Pharmacy technicians, once properly qualified as required by the provisions of this Section, may only administer medications to patients while under the supervision of a pharmacist with the same qualification in medication administration as described in Chapter 5 of this Part.

B. Education, Training and Continuing Competency

1. A pharmacy technician who intends to administer medications to patients shall possess a pharmacy technician certificate in active status. In the event the certificate is lapsed, suspended, or in any other inactive status, the pharmacy technician shall not administer medications. A pharmacy technician with a certificate in restricted status may administer medications unless the restriction imposed by the board prevents such activity.

2. The pharmacy technician shall successfully complete a certificate program for medication administration which is an evidence-based didactic course that meets current Centers for Disease Control and Prevention (CDC) training guidelines. The certificate program shall be acquired from a provider accredited by ACPE, or in the alternative, by Joint Accreditation (JA); and further, the certificate program shall provide a minimum of six hours of instruction and experiential training in the following content areas;

a. recognition of vaccines and other medications and their corresponding routes of administration;

b. proper storage of vaccines and other medications;

c. safety procedures to avoid accidental needlestick injuries;

d. selection of proper needle length for injectable medications based on patient parameters;

e. proper technique for preparation and administration of medication;

f. demonstration of appropriate patient distraction techniques during medication administration;

g. demonstration of appropriate technique or intramuscular and subcutaneous injections;

h. demonstration of use of universal precautions pertinent to bloodborne pathogens;

i. procedures for management of adverse reactions; and

j. proper documentation procedures.

3. The pharmacy technician shall complete a life safety certification by the American Heart Association through its Basic Life Support (BLS) CPR and AED Training for Healthcare Professionals course, or its successor, or through an equivalent course sponsored by an alternative vendor. The pharmacy technician may substitute the Advanced Cardiac Life Support (ACLS) course for the BLS standard; however, the Heartsaver CPR and AED or other courses intended for the general public shall not be sufficient to meet this standard. The pharmacy technician shall renew their certification prior to the expiration date assigned by the course provider.

4. To maintain continuing competency for medication administration, the pharmacy technician shall acquire at least one hour of continuing pharmacy education per year related to this topic. Continuing pharmacy education activities obtained for this purpose shall be acquired from a provider accredited by ACPE, or in the alternative, by JA; and further, the credit earned for such programs may be included within the total number of credits required to renew the pharmacy technician certificate.

5. The pharmacy technician shall retain evidence of their education, training and continuing competency; and further, shall furnish copies of such documentation upon request by the board.

6. Sanctions

a. The failure of a pharmacy technician to obtain and maintain the education, training and continuing competency described in this Section prior to administering medications to patients shall substantiate a violation of R.S. 37:1241(A)(3), and shall subject the pharmacy technician to disciplinary action by the board.

b. The failure to a pharmacy technician to provide documentation of their education, training and continuing competency to administer medications when requested by the board shall substantiate a violation of R.S. 37:1241(A)(22), and shall subject the pharmacy technician to disciplinary action by the board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1182.

HISTORICAL NOTE: Promulgated by the Department of Health, Board of Pharmacy, LR

Chapter 11. Pharmacies

§1103. Prescription Department Requirements

A. - K. ...

L. Pharmacies hosting medication administration activities, as well as pharmacists administering medications in a location other than a pharmacy, shall comply with the following minimum standards.

1. There shall be sufficient staffing available for the pharmacist to administer the medication, supervise any other pharmacy personnel administering medications, and monitor the patient afterward without distraction from other responsibilities.

2. To facilitate emergency management of anaphylactic reactions, there shall be adequate supplies of medication and equipment, as well as pre-determined procedures for the arrangement of emergency medical services.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1182.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 23:1310 (October 1997), amended LR 29:2087 (October 2003), effective January 1, 2004, LR 39:315 (February 2013), amended by the Department of Health, Board of Pharmacy, LR 46:579 (April 2020), LR 48:

Family Impact Statement

In accordance with Section 953 of Title 49 of the Louisiana Revised Statutes, there is hereby submitted a family impact statement on the Rule proposed for adoption, repeal, or amendment. The following statements will be published in the *Louisiana Register* with the proposed agency Rule.

1. The Effect on the Stability of the Family. The proposed rule changes will have no effect on the stability of the family.

2. The Effect on the Authority and Rights of Parents Regarding the Education and Supervision of their Children. The proposed rule changes will have no effect on the authority and rights of parents regarding the education and supervision of their children.

3. The Effect on the Functioning of the Family. The proposed rule changes will have no effect on the functioning of the family.

4. The Effect on Family Earnings and Family Budget. The proposed rule changes will have no effect on family earnings or family budget.

5. The Effect on the Behavior and Personal Responsibility of Children. The proposed rule changes will have no effect on the behavior and personal responsibility of children.

6. The Ability of the Family or a Local Government to Perform the Function as Contained in the Proposed Rule. The proposed rule changes will have no effect on the ability of the family or a local government to perform the activity as contained in the proposed rule changes.

Poverty Impact Statement

In accordance with Section 973 of Title 49 of the Louisiana Revised Statutes, there is hereby submitted a poverty impact statement on the Rule proposed for adoption, repeal, or amendment.

1. The Effect on Household Income, Assets, and Financial Security. The proposed rule changes will have no effect on household income, assets, or financial security.

2. The Effect on Early Childhood Development and Preschool through Postsecondary Education Development. The proposed rule changes will have no effect on early childhood development or preschool through postsecondary education development.

3. The Effect on Employment and Workforce Development. The proposed rule changes will have no effect on employment or workforce development.

4. The Effect on Taxes and Tax Credits. The proposed rule changes will have no effect on taxes or tax credits.

5. The Effect on Child and Dependent Care, Housing, Health Care, Nutrition, Transportation, and Utilities Assistance. The proposed rule changes will have no effect on child and dependent care, housing, health care, nutrition, transportation, or utilities assistance.

Small Business Analysis

In accordance with Section 965 of Title 49 of the Louisiana Revised Statutes, there is hereby submitted a regulatory flexibility analysis on the Rule proposed for adoption, repeal, or amendment. This will certify the agency has considered, without limitation, each of the following methods of reducing the impact of the proposed Rule on small businesses:

1. The Establishment of Less Stringent Compliance or Reporting Requirements for Small Businesses. The proposed rule changes will reduce the reporting requirements for pharmacies currently tasked with reporting immunizations to primary care providers in addition to reporting immunizations to the state immunization registry.

2. The Establishment of Less Stringent Schedules or Deadlines for Compliance or Reporting Requirements for Small Businesses. The proposed rule changes will remove one of two reporting deadlines relative to immunizations.

3. The Consolidation or Simplification of Compliance or Reporting Requirements for Small Businesses. The proposed rule changes will have no effect on reporting requirements which are federal in origin.

4. The Establishment of Performance Standards for Small Businesses to Replace Design or Operational Standards Required in the Proposed Rule. The proposed rule changes do not change an existing performance standard relative to safety standards in pharmacies administering immunizations.

5. The Exemption of Small Businesses from All or Any Part of the Requirements Contained in the Proposed Rule. There are no exemptions for small businesses in the proposed rule changes.

Provider Impact Statement

In accordance with House Concurrent Resolution No. 170 of the Regular Session of the 2014 Legislature, there is hereby submitted a provider impact statement on the Rule proposed for adoption, repeal, or amendment. This will certify the agency has considered, without limitation, the following effects on the providers of services to individuals with developmental disabilities:

1. The effect on the staffing level requirements or qualifications required to provide the same level of service. The proposed rule changes will have no effect on the staffing level requirements or the qualifications for that staff to provide the same level of service.

2. The Total Direct and Indirect Effect on the Cost to the Provider to Provide the Same Level of Service. The proposed rule changes will have no effect on the cost to the provider to provide the same level of service.

3. The Overall Effect on the Ability of the Provider to Provide the Same Level of service. The proposed rule changes will have no effect on the ability of the provider to provide the same level of service.

Public Comments

Interested persons may submit written comments, via United States Postal Service or other mail carrier, or in the alternative by personal delivery to Malcolm J Broussard, Executive Director, at the office of the Louisiana Board of Pharmacy, 3388 Brentwood Drive, Baton Rouge, LA 70809-1700. He is responsible for responding to inquiries regarding the proposed Rule amendment.

Public Hearing

A public hearing to solicit comments and testimony on the proposed Rule amendment is scheduled for 9 am on Tuesday, December 28, 2021. During the hearing, all interested persons will be afforded an opportunity to submit data, views, or arguments, either orally or in writing. The deadline for the receipt of all comments is 12 p.m. noon that same day. To request reasonable accommodations for persons with disabilities, please call the board office at 225.925.6496.

Malcolm J Broussard
Executive Director

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Medication Administration

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

The proposed rule changes will require the Louisiana Board of Pharmacy (LBP) to publish the proposed and final rules in the state register, resulting in printing expenses of \$1,000 in FY 22. The removal of the requirement for the board to issue medication administration (MA) registrations will save the board \$500 per year beginning in FY 23 in information system credential maintenance fees and postage.

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

The LBP does not charge fees for MA registration and thus the proposed rule changes will not affect revenue collections of state or local governmental units.

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

The proposed rule changes will maintain current requirements for education, training and continuing competency for pharmacy personnel administering medications, but will save their time and expense for submitting such records to the board.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rule changes will have no effect on competition or employment.

Malcolm J. Broussard
Executive Director
2111#029

Christopher A. Keaton
Legislative Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

Department of Health Bureau of Health Services Financing

Crisis Receiving Centers
Licensing Standards
(LAC 48:I.Chapter 53 and 5415)

The Department of Health, Bureau of Health Services Financing proposes to amend LAC 48:I.Chapter 53 and adopt §5415 as authorized by R.S. 36:254 and R.S. 40:2180.11 et seq. This proposed Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49.950 et seq.

The Department of Health and the U.S. Department of Justice signed an agreement on June 6, 2018, which required the department to develop and implement a crisis service system. In compliance with this agreement, the Department of Health, Bureau of Health Services Financing proposes to amend the provisions governing crisis receiving centers (CRCs) to require CRCs to have separate wings and areas for voluntary and involuntary individuals and to create a licensure option for a voluntary-only CRC to only admit or receive individuals who are present on a voluntary basis.

Title 48
PUBLIC HEALTH—GENERAL
Part I. General Administration
Subpart 3. Licensing

Chapter 53. Level III Crisis Receiving Centers
Subchapter A. General Provisions
§5303. Definitions

* * *

Community Mental Health Center—a Medicare certified program as defined in 42 CFR §410.2. An entity that:

1. provides outpatient services, including specialized outpatient services for children, the elderly, individuals who are chronically mentally ill, and clients of its mental health service area who have been discharged from inpatient treatment at a mental health facility;
2. provides 24-hour-a-day emergency care services;
3. provides day treatment or other partial hospitalization services, or psychosocial rehabilitation services;
4. provides screening for patients being considered for admission to state mental health facilities to determine the appropriateness of this admission;
5. meets applicable licensing or certification requirements for CMHCs in the state in which it is located; and
6. provides at least 40 percent of its services to individuals who are not eligible for benefits under title XVIII of the Social Security Act.

* * *

Department—the Louisiana Department of Health (LDH).

* * *

Level III Crisis Receiving Center (or Center or CRC)—an agency, business, institution, society, corporation, person or persons, or any other group, licensed by the LDH to provide crisis identification, intervention and stabilization services for people in behavioral crisis. CRCs receive, examine, triage, refer, or treat people in behavioral health crisis. A CRC shall have no more than:

1. 36 chairs for crisis stabilization/observation; and
2. 24 beds for short term stay (three to seven days).
 - a. - b. Repealed.

NOTE: Refer to physical environment Section of this Chapter for physical space requirements.

* * *

Mental Health Emergency Room Extension (MHERE)—a mental health emergency room extension operating as a unit of a currently licensed hospital.

* * *

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2180.14.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 41:102 (January 2015), amended by the Department of Health, Bureau of Health Services Financing, LR 47:472 (April 2021), LR 48:

Subchapter B. Licensing

§5309. General Licensing Provisions

A. All entities providing crisis receiving services shall be licensed by LDH. It shall be unlawful to operate as a CRC without a license issued by the department. LDH is the only licensing authority for CRCs in Louisiana.

B. ...

C. The following entities are exempt from CRC licensure under this Chapter, so long as they are providing CRC services to existing clients:

1. community mental health centers (CMHCs);
2. - 3. ...
4. psychiatric residential treatment facilities;
5. - 6. ...
7. home and community based services (HCBS) waiver agencies limited to center-based respite;
8. substance use/addictive disorder facilities;
9. mental health clinics as defined in §5603;
10. ...
11. MHEREs; and
12. federally qualified health care centers (FQHCs).
13. Repealed.

D. - L. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2180.14.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 41:103 (January 2015), amended LR 48:

Subchapter I. Physical Environment

§5397. Interior Space

A. The CRC shall:

1. - 5. ...
6. maintain heating, ventilation and cooling systems in good order and safe condition to ensure a comfortable environment;
7. ensure that electric receptacles in client care areas are tamper-resistant or equipped with ground fault circuit interrupters; and
8. maintain separate wings or units for voluntary and involuntary individuals to include areas for admissions, sleeping, shower and toilet areas, and sally ports or other entry areas. Further, the CRC shall provide separate areas (which may be accomplished by providing areas to voluntary individuals at different times than to involuntary individuals) for dining, recreational, educational, vocational, health care, and passageways, for voluntary and involuntary individuals.

B. - P.1. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2180.14.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 41:121 (January 2015), amended by the Department of Health, Bureau of Health Services Financing, LR 47:475 (April 2021), LR 48:

Chapter 54. Crisis Receiving Centers

Subchapter B. Voluntary-Only Crisis Receiving Center

§5415 Voluntary-Only Crisis Receiving Center

A. Any entity, organization, or person applying to be licensed as a CRC has the option to be licensed as a voluntary-only crisis receiving center (VO-CRC), wherein the licensed entity shall only admit or receive individuals who present voluntarily to the facility.

B. Individuals presenting to a VO-CRC shall have the ability to come and go to the facility for services as the individual deems appropriate; individuals shall not be required to sign a formal voluntary admission form under R.S. 28:52 or successor statute.

C. A VO-CRC shall adhere to all the licensing requirements for CRCs, including Chapter 53 and Chapter 54 of this licensing Rule, with the following substitutions:

1. for §5367.C, a VO-CRC shall only receive individuals who present voluntarily to the unit/facility;
2. for §5367.F.1.b, a VO-CRC does not need to establish legal authority for the individual;
3. for §5397.A.8, the VO-CRC does not need to maintain separate spaces for involuntary and voluntary admissions or individuals, since the VO-CRC will only serve voluntary admissions or individuals; and
4. for §5397.G, a VO-CRC shall not have a seclusion room.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2180.14.

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing, LR 48:

Family Impact Statement

In compliance with Act 1183 of the 1999 Regular Session of the Louisiana Legislature, the impact of this proposed Rule on the family has been considered. It is anticipated that this proposed Rule will have no impact on family functioning, stability and autonomy as described in R.S. 49:972.

Poverty Impact Statement

In compliance with Act 854 of the 2012 Regular Session of the Louisiana Legislature, the poverty impact of this proposed Rule has been considered. It is anticipated that this proposed Rule will have no impact on child, individual, or family poverty in relation to individual or community asset development as described in R.S. 49:973.

Small Business Analysis

In compliance with Act 820 of the 2008 Regular Session of the Louisiana Legislature, the economic impact of this proposed Rule on small businesses has been considered. It is anticipated that this proposed Rule will have no impact on small businesses, as described in R.S. 49:978.1 et seq.

Provider Impact Statement

In compliance with House Concurrent Resolution (HCR) 170 of the 2014 Regular Session of the Louisiana Legislature, the provider impact of this proposed Rule has been considered. It is anticipated that this proposed Rule will have no impact on the staffing level requirements or qualifications required to provide the same level of service, no direct or indirect cost to the provider to provide the same level of service, and will have no impact on the provider's ability to provide the same level of service as described in HCR 170.

Public Comments

Interested persons may submit written comments to Tasheka Dukes, RN, Health Standards Section, P.O. Box 3767, Baton Rouge, LA 70821. Ms. Dukes is responsible for responding to inquiries regarding this proposed Rule. The deadline for submitting written comments is at 4:30 p.m. on December 30, 2021.

Public Hearing

Interested persons may submit a written request to conduct a public hearing by U.S. mail to the Office of the Secretary ATTN: LDH Rulemaking Coordinator, Post Office Box 629, Baton Rouge, LA 70821-0629; however, such request must be received no later than 4:30 p.m. on December 10, 2021. If the criteria set forth in R.S.

49:953(A)(2)(a) are satisfied, the department will conduct a public hearing at 8:00 a.m. on December 29, 2021 in Room 118 of the Bienville Building, which is located at 628 North Fourth Street, Baton Rouge, LA. All interested persons are invited to attend and present data, views, comments, or arguments, orally or in writing. To confirm whether or not a public hearing will be held, interested persons should first call Allen Enger at (225) 342-1342 after December 10, 2021. If a public hearing is to be held, all interested persons are invited to attend and present data, views, comments, or arguments, orally or in writing. In the event of a hearing, Parking is available to the public in the Galvez Parking Garage which is located between North Sixth and North Fifth/North and Main Streets (cater-corner from the Bienville Building). Validated parking for the Galvez Garage may be available to public hearing attendees when the parking ticket is presented to LDH staff at the hearing.

Dr. Courtney N. Phillips
Secretary

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES RULE TITLE: Crisis Receiving Centers Licensing Standards

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

It is anticipated that implementation of this proposed rule will have no programmatic fiscal impact to the state other than the cost of promulgation for FY 21-22. It is anticipated that \$1,080 will be expended in FY 21-22 for the state's administrative expense for promulgation of this proposed rule and the final rule.

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

It is anticipated that the implementation of this proposed rule will have no effect on revenue collections since the licensing fees, in the same amounts, will continue to be collected.

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

In compliance with the June 6, 2018 agreement between the Department of Health and the U.S. Department of Justice, this proposed rule amends the provisions governing crisis receiving centers (CRCs) to require CRCs to have separate wings and areas for voluntary and involuntary individuals and to create a licensure option for a voluntary-only CRC to only admit or receive individuals who are present on a voluntary basis. This proposed rule will be beneficial to CRC patients, since it separates individuals based on their admission status. It is anticipated that implementation of this proposed Rule will not result in any costs to crisis receiving centers in FY 21-22, FY 22-23, and FY 23-24, but will be beneficial by ensuring that licensure requirements for facilities that only admit voluntary patients are clearly and accurately promulgated in the Louisiana Administrative Code.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

This rule has no known effect on competition and employment.

Tasheka Dukes, RN
Deputy Assistant Secretary
2111#033

Alan M. Boxberger
Deputy Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

Department of Health Bureau of Health Services Financing

Facility Need Review
Relocation of Nursing Facility Beds
(LAC 48:I.12529)

The Department of Health, Bureau of Health Services Financing proposes to amend LAC 48:I.12529 as authorized by R.S. 36:254 and 40:2116. This proposed Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq.

The Department of Health, Bureau of Health Services Financing amended the provisions governing the facility need review (FNR) process in order to allow the department to approve a temporary relocation/transfer of a nursing facility's Medicaid FNR approvals to another licensed, certified and operational nursing facility outside of the service area or parish while awaiting the completion of a replacement nursing facility building (*Louisiana Register*, Volume 47, Number 9). The department now proposes to amend the provisions governing the FNR process in order to revise the timeframes for a temporary relocation/transfer of a nursing facility's Medicaid FNR approvals to another licensed, certified and operational nursing facility outside of the service area or parish while awaiting the completion of a replacement nursing facility building.

Title 48

PUBLIC HEALTH-GENERAL

Part I. General Administration

Subpart 5. Health Planning

Chapter 125. Relocation of Nursing Beds

Subchapter D. Relocation of Nursing Facility Beds

§12529. General Provisions

A. - D. ...

1. The department may approve a one-time temporary relocation of a nursing facility's Medicaid FNR approvals to another licensed building that may be outside the existing FNR approved service area or parish, provided that all of the following provisions are met:

a. - e. ...

f. The temporary license shall expire 18 months from the date of issuance and the facility shall relocate to its new replacement nursing facility building during that period. One extension of the temporary license, not to exceed 6 months, may be granted by the department for good cause shown.

g. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and 40:2116.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 21:806 (August 1995), amended LR 25:1250 (July 1999), LR 28:2190 (October 2002), LR 30:1023 (May 2004), LR 32:845 (May 2006), LR 34:2619 (December 2008), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 36:1009 (May 2010), amended by the Department of Health, Bureau of Health Services

Financing LR 46:953 (July 2020), LR 47:1306 (September 2021), LR 48:

Family Impact Statement

In compliance with Act 1183 of the 1999 Regular Session of the Louisiana Legislature, the impact of this proposed Rule on the family has been considered. It is anticipated that this proposed Rule will have no impact on family functioning, stability and autonomy as described in R.S. 49:972.

Poverty Impact Statement

In compliance with Act 854 of the 2012 Regular Session of the Louisiana Legislature, the poverty impact of this proposed Rule has been considered. It is anticipated that this proposed Rule will have no impact on child, individual, or family poverty in relation to individual or community asset development as described in R.S. 49:973.

Small Business Analysis

In compliance with Act 820 of the 2008 Regular Session of the Louisiana Legislature, the economic impact of this proposed Rule on small businesses has been considered. It is anticipated that this proposed Rule will have no impact on small businesses, as described in R.S. 49:978.1 et seq.

Provider Impact Statement

In compliance with House Concurrent Resolution (HCR) 170 of the 2014 Regular Session of the Louisiana Legislature, the provider impact of this proposed Rule has been considered. It is anticipated that this proposed Rule will have no impact on the staffing level requirements or qualifications required to provide the same level of service, and will have no impact on the provider's ability to provide the same level of service as described in HCR 170.

Public Comments

Interested persons may submit written comments to Tasheka Dukes, RN, Health Standards Section, P.O. Box 3767, Baton Rouge, LA 70821. Ms. Dukes is responsible for responding to this proposed Rule. The deadline for submitting written comments is at close of business, 4:30 p.m., on December 30, 2021.

Public Hearing

Interested persons may submit a written request to conduct a public hearing by U.S. mail to the Office of the Secretary ATTN: LDH Rulemaking Coordinator, Post Office Box 629, Baton Rouge, LA 70821-0629; however, such request must be received no later than 4:30 p.m. on December 10, 2021. If the criteria set forth in R.S. 49:953(A)(2)(a) are satisfied, LDH will conduct a public hearing at 9:30 a.m. on December 29, 2021 in Room 118 of the Bienville Building, which is located at 628 North Fourth Street, Baton Rouge, LA. To confirm whether or not a public hearing will be held, interested persons should first call Allen Enger at (225) 342-1342 after December 10, 2021. If a public hearing is to be held, all interested persons are invited to attend and present data, views, comments, or arguments, orally or in writing. In the event of a hearing, parking is available to the public in the Galvez Parking Garage, which is located between North Sixth and North Fifth/North and Main Streets (cater-corner from the Bienville Building). Validated parking for the Galvez Garage may be available to

public hearing attendees when the parking ticket is presented to LDH staff at the hearing.

Dr. Courtney N. Phillips
Secretary

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES
RULE TITLE: Facility Need Review
Relocation of Nursing Facility Beds**

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

It is anticipated that implementation of this proposed rule will have no programmatic fiscal impact to the state other than the cost of promulgation for FY 21-22, as the rule will not result in an increase in licensed nursing facility beds and will not result in an increase in Medicaid Facility Need Review Approvals. It is anticipated that \$540 will be expended in FY 21-22 for the state's administrative expense for promulgation of this proposed rule and the final rule.

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

It is anticipated that the implementation of this proposed rule will not affect federal revenue collections since the licensing fees, in the same amounts, will continue to be collected.

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

This proposed Rule amends the provisions governing the facility need review (FNR) process in order to revise the timeframes for a temporary relocation/transfer of a nursing facility's Medicaid FNR approvals to another licensed, certified and operational nursing facility outside of the service area or parish while awaiting the completion of a replacement nursing facility building. It is anticipated that implementation of this proposed rule will not result in costs to nursing facility providers and will have no impact on small businesses in FY 21-22, FY 22-23 and FY 23-24, as the rule will not result in an increase in licensed nursing facility beds nor result in an increase in Medicaid facility need review approvals.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

This rule has no known effect on competition and employment.

Tasheka Dukes, RN
Deputy Assistant Secretary
2111#034

Alan M. Boxberger
Deputy Fiscal Officer
Legislative Fiscal Office

**NOTICE OF INTENT
Department of Health
Bureau of Health Services Financing**

Nursing Facilities

The Department of Health, Bureau of Health Services Financing proposes to repeal the following uncodified Rules in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act.

Register Date	Title	Register Volume, Number	Page Number
December 20, 1984	Physician Recertification for Recipients in SNFs and ICFs	Vol 10 No 12	1034
April 20, 1987	MAP - LTC Reimbursement Methodology - Wage Clarification	Vol 13 No 04	243
August 20, 1989	MAP - Pharmacist and Medical Records Practitioner Consultation for LTC Facilities	Vol 15 No 08	628
April 20, 1990	MAP - Temporary Management	Vol 16 No 04	318
March 20, 1994	Nursing Facility - Infectious Disease - Tuberculosis	Vol 20 No 03	306

This proposed Rule is promulgated in accordance with the provisions of the Administrative Procedures Act, R.S. 49:950 et seq.

The Department of Health, Bureau of Health Services Financing proposes to repeal the Rules governing Physician Recertification for Recipients in Skilled Nursing Facilities (SNFs) and Intermediate Care Facilities (ICFs) (*Louisiana Register*, Volume 10, Number 12), Medical Assistance Program (MAP) - Long Term Care (LTC) Reimbursement Methodology Wage Clarification (*Louisiana Register*, Volume 13, Number 4), Medical Assistance Program (MAP) Pharmacist and Medical Records Practitioner Consultation for Long Term Care Facilities (*Louisiana Register*, Volume 15, Number 8), Medical Assistance Program (MAP) - Temporary Management (*Louisiana Register*, Volume 16, Number 4) and Nursing Facility - Infectious Disease - Tuberculosis (*Louisiana Register*, Volume 20, Number 3). These Rules were promulgated prior to implementation of the *Louisiana Administrative Code* codification system, and it has been determined that the provisions are obsolete and should be repealed.

Implementation of the provisions of this Rule may be contingent upon the approval of the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS), if it is determined that submission to CMS for review and approval is required.

Family Impact Statement

In compliance with Act 1183 of the 1999 Regular Session of the Louisiana Legislature, the impact of this proposed Rule on the family has been considered. It is anticipated that this proposed Rule will have no impact on family functioning, stability and autonomy as described in R.S. 49:972.

Poverty Impact Statement

In compliance with Act 854 of the 2012 Regular Session of the Louisiana Legislature, the poverty impact of this proposed Rule has been considered. It is anticipated that this proposed Rule will have no impact on child, individual, or family poverty in relation to individual or community asset development as described in R.S. 49:973.

Small Business Analysis

In compliance with Act 820 of the 2008 Regular Session of the Louisiana Legislature, the economic impact of this proposed Rule on small businesses has been considered. It is anticipated that this proposed Rule will have no impact on small businesses, as described in R.S. 49:978.1 et seq.

Provider Impact Statement

In compliance with House Concurrent Resolution (HCR) 170 of the 2014 Regular Session of the Louisiana Legislature, the provider impact of this proposed Rule has been considered. It is anticipated that this proposed Rule will have no impact on staffing level requirements or qualifications required to provide the same level of service, no direct or indirect cost to the provider to provide the same level of service and will have no impact on the provider's ability to provide the same level of service as described in HCR 170.

Public Comments

Interested persons may submit written comments to Tasheka Dukes, RN, Health Standards Section, P.O. Box 3767, Baton Rouge, LA 70821. Ms. Dukes is responsible for responding to this proposed Rule. The deadline for submitting written comments is at 4:30 p.m. on December 30, 2021.

Public Hearing

Interested persons may submit a written request to conduct a public hearing by U.S. mail to the Office of the Secretary ATTN: LDH Rulemaking Coordinator, Post Office Box 629, Baton Rouge, LA 70821-0629; however, such request must be received no later than 4:30 p.m. on December 10, 2021. If the criteria set forth in R.S. 49:953(A)(2)(a) are satisfied, LDH will conduct a public hearing at 9:30 a.m. on December 29, 2021 in Room 118 of the Bienville Building, which is located at 628 North Fourth Street, Baton Rouge, LA. To confirm whether or not a public hearing will be held, interested persons should first call Allen Enger at (225) 342-1342 after December 10, 2021. If a public hearing is to be held, all interested persons are invited to attend and present data, views, comments, or arguments, orally or in writing. In the event of a hearing, parking is available to the public in the Galvez Parking Garage, which is located between North Sixth and North Fifth/North and Main Streets (cater-corner from the Bienville Building). Validated parking for the Galvez Garage may be available to public hearing attendees when the parking ticket is presented to LDH staff at the hearing.

Dr. Courtney N. Phillips
Secretary

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES RULE TITLE: Nursing Facilities

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

It is anticipated that implementation of this proposed rule will have no programmatic fiscal impact to the state other than the cost of promulgation for FY 21-22. It is anticipated that \$540 (\$270 SGF and \$270 FED) will be expended in FY 21-22 for the state's administrative expense for promulgation of this proposed rule and the final rule.

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

It is anticipated that the implementation of this proposed rule will have no effect on revenue collections other than the federal share of the promulgation costs for FY 21-22. It is anticipated that \$270 will be collected in FY 21-22 for the federal share of the expense for promulgation of this proposed rule and the final rule.

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

This proposed rule repeals the following rules which were promulgated prior to implementation of the Louisiana Administrative Code codification system: 1) Physician Recertification for Recipients in Skilled Nursing Facilities (SNFs) and Intermediate Care Facilities (ICFs); 2) Medical Assistance Program (MAP) - Long Term Care (LTC) Reimbursement Methodology Wage Clarification; 3) Medical Assistance Program (MAP) Pharmacist and Medical Records Practitioner Consultation for Long Term Care (LTC) Facilities; 4) Medical Assistance Program (MAP) - Temporary Management; and 5) Nursing Facility - Infectious Disease - Tuberculosis. The Department has determined that the provisions of these rules are obsolete and should be repealed. It is anticipated that implementation of this proposed rule will not result in costs or benefits to Medicaid providers or small businesses in FY 21-22, FY 22-23 and FY 23-24, since the current provisions governing these programs and services are already accurately reflected in the Louisiana Administrative Code.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

This Rule has no known effect on competition and employment.

Tasheka Dukes, RN
Deputy Assistant Secretary
2111#035

Alan M. Boxberger
Deputy Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

Department of Health Bureau of Health Services Financing

Nursing Facilities
Reimbursement Methodology
Cost Reports
(LAC 50:II.20003)

The Department of Health, Bureau of Health Services Financing proposes to amend LAC 50:II.20003 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This proposed Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq.

The Department of Health, Bureau of Health Services Financing proposes to amend the provisions governing reimbursement for nursing facilities in order to establish guidelines for submitting amended cost reports and to ensure that costs in the rate and floor component are classified appropriately.

Title 50

PUBLIC HEALTH—MEDICAL ASSISTANCE

Part II. Nursing Facilities

Subpart 5. Reimbursement

Chapter 200. Reimbursement Methodology

§20003. Cost Reports [Formerly LAC 50:VII.1303]

A. - A.3. ...

B. Cost reports must be prepared in accordance with the cost reporting instructions adopted by the Medicare Program using the definition of allowable and non-allowable cost contained in the CMS Publication 15-1, Provider Reimbursement Manuals, with the following exceptions.

1. - 2. ...

3. **Amended Cost Reports.** The department will accept amended cost reports in electronic format for a period of 12 months following the end of the cost reporting period. Cost reports may not be amended after an audit or desk review has been initiated; however, the department maintains the right, at their discretion, to supersede this requirement and allow a cost report to be amended after the desk review or audit has been initiated. When an amended cost report is received by the department, it will notify the submitting facility if a desk review or audit covering the submitted cost report period has been initiated and that the amended cost report cannot be accepted. Amended cost reports should include a letter explaining the reason for the amendment, an amended certification statement with original signature, and the electronic format completed amended cost reports. Each amended cost report submitted should be clearly marked with "Amended" in the file name.

4. **Rate Warning.** While the Medicare regulations may allow more than one option for classifying costs, Medicaid will only recognize costs in a rate and floor component based on the case mix cross-walk shown on the case mix cross-walk tab of the Medicaid Excel cost report template. If a facility chooses to classify cost on their Medicare cost report in a manner that excludes that cost from their direct care or care-related rate component and floor, then the cost will forever be excluded from the direct care and care-related rate and floor, unless adjusted at audit or desk review.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254, R.S. 46:2742, and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 28:1473 (June 2002), repromulgated LR 28:1790 (August 2002), amended LR 28:2537 (December 2002), LR 32:2263 (December 2006), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 40:541 (March 2014), amended by the Department of Health, Bureau of Health Services Financing, LR 43:526 (March 2017), LR 48:

Implementation of the provisions of this Rule may be contingent upon the approval of the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS), if it is determined that submission to CMS for review and approval is required.

Family Impact Statement

In compliance with Act 1183 of the 1999 Regular Session of the Louisiana Legislature, the impact of this proposed Rule on the family has been considered. It is anticipated that this proposed Rule will have no impact on family functioning, stability and autonomy as described in R.S. 49:972.

Poverty Impact Statement

In compliance with Act 854 of the 2012 Regular Session of the Louisiana Legislature, the poverty impact of this proposed Rule has been considered. It is anticipated that this proposed Rule will have no impact on child, individual, or family poverty in relation to individual or community asset development as described in R.S. 49:973.

Small Business Analysis

In compliance with Act 820 of the 2008 Regular Session of the Louisiana Legislature, the economic impact of this proposed Rule on small businesses has been considered. It is

anticipated that this proposed Rule will have no impact on small businesses, as described in R.S. 49:978.1 et seq.

Provider Impact Statement

In compliance with House Concurrent Resolution (HCR) 170 of the 2014 Regular Session of the Louisiana Legislature, the provider impact of this proposed Rule has been considered. It is anticipated that this proposed Rule will have no impact on the staffing level requirements or qualifications required to provide the same level of service, and will have no impact on the provider's ability to provide the same level of service as described in HCR 170.

Public Comments

Interested persons may submit written comments to Patrick Gillies, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821—9030. Mr. Gillies is responsible for responding to inquiries regarding this proposed Rule. The deadline for submitting written comments is at 4:30 p.m. on December 30, 2021.

Public Hearing

Interested persons may submit a written request to conduct a public hearing by U.S. mail to the Office of the Secretary ATTN: LDH Rulemaking Coordinator, Post Office Box 629, Baton Rouge, LA 70821-0629; however, such request must be received no later than 4:30 p.m. on December 10, 2021. If the criteria set forth in R.S. 49:953(A)(2)(a) are satisfied, LDH will conduct a public hearing at 9:30 a.m. on December 29, 2021 in Room 118 of the Bienville Building, which is located at 628 North Fourth Street, Baton Rouge, LA. To confirm whether or not a public hearing will be held, interested persons should first call Allen Enger at (225) 342-1342 after December 10, 2021. If a public hearing is to be held, all interested persons are invited to attend and present data, views, comments, or arguments, orally or in writing. In the event of a hearing, parking is available to the public in the Galvez Parking Garage, which is located between North Sixth and North Fifth/North and Main Streets (cater-corner from the Bienville Building). Validated parking for the Galvez Garage may be available to public hearing attendees when the parking ticket is presented to LDH staff at the hearing.

Dr. Courtney N. Phillips
Secretary

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES RULE TITLE: Nursing Facilities Reimbursement Methodology—Cost Report

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

It is anticipated that implementation of this proposed rule will have no programmatic fiscal impact to the state other than the cost of promulgation for FY 21-22. It is anticipated that \$648 (\$324 SGF and \$324 FED) will be expended in FY 21-22 for the state's administrative expense for promulgation of this proposed rule and the final rule.

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

It is anticipated that the implementation of this proposed rule will have no effect on revenue collections other than the federal share of the promulgation costs for FY 21-22. It is anticipated that \$324 will be collected in FY 21-22 for the

federal share of the expense for promulgation of this proposed rule and the final rule.

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

This proposed Rule amends the provisions governing cost reports for nursing facilities in order to establish guidelines for submitting amended cost reports and to ensure that the appropriate cross-walk is used to calculate the provider’s rate and floor calculations. It is anticipated that implementation of this proposed rule will not result in costs to nursing facilities for FY 21-22, FY 22-23, and FY 23-24, but will be beneficial by ensuring that the requirements for cost reports are clearly and accurately promulgated in the Louisiana Administrative Code.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

This rule has no known effect on competition and employment.

Patrick Gillies
Medicaid Executive Director
2111#036

Alan M. Boxberger
Deputy Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

**Department of Health
Office of Public Health**

Registration of Foods, Drugs, Cosmetics and
Prophylactic Devices (LAC 49:I.Chapter 5)

Under the authority of R.S. 40:4 and 40:5, and in accordance with R.S. 49:950 et seq., the Administrative Procedure Act, notice is hereby given that the state health officer, acting through the Louisiana Department of Health, Office of Public Health (LDH/OPH), intends to recodify parts of Chapter 5 of Title 49—Public Health—Food, Drugs, and Cosmetics and to amend those rules to comply with the requirements of Act 336 of the 2021 Regular Legislature.

This rule amends §501 and §§517-525 of Chapter 5 of Title 49—Public Health—Food, Drugs, and Cosmetics. §§527-529 are recodified with new requirement language and the original §§527-529 are relocated to §§531-533. Changes to §501 amend existing definitions and add new definitions. Changes to §§517-533 reflect changes to the name of hemp-derived products regulated by the department as well as changes to the statutory requirements.

Title 49

**PUBLIC HEALTH—FOOD, DRUGS, AND
COSMETICS**

Part I. Regulations

**Chapter 5. Registration of Foods, Drugs, Cosmetics
and Prophylactic Devices**

§501. Definitions [

Formerly 49:2.2100]

A. Unless otherwise specifically provided herein, the following words and terms used in this Chapter of Title 49, and all other Chapters of Title 49 which are adopted or may be adopted, are defined for the purposes thereof as follows.

* * *

Certificate of Consumable Hemp Product Registration (FD-8a)—certificate issued by the department attesting that consumable hemp products produced or distributed by the holder’s company have been registered as required

* * *

Consumable Hemp Product—any product derived from industrial hemp that contains any naturally-occurring cannabinoid, including cannabidiol, and is intended for consumption or topical use. This special class of products includes, but is not limited to, the following: food, animal foods or feed, hemp flower, and pet products. No consumable hemp product may contain a total THC concentration in excess of one percent on a dry-weight basis.

Consumable Hemp Products Database—repository of information on products and firms that are registered with the Food and Drug/Milk and Dairy Unit of LDH/OPH that fall into the category of consumable hemp products.

* * *

Industrial Hemp—the plant *Cannabis sativa* L. and any part of that plant, including the seeds thereof and all derivatives, extracts, cannabinoids, isomers, acids, salts, and salts of isomers, whether growing or not, with a total delta-9 THC concentration of not more than 0.3 percent on a dry weight basis.

* * *

THC—a combination of tetrahydrocannabinol and tetrahydrocannabinolic acid.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1482(J), R.S. 40:4(A)(13), R.S. 40:5(A)(8)(17) and R.S. 40:604.

HISTORICAL NOTE: Adopted by the Louisiana State Board of Health, September 1968, amended by the Department of Health, Office of Public Health, LR 46:358 (March 2020), amended by the Department of Health, Office of Public Health, LR 47:479 (April 2021), amended by the Department of Health, Office of Public Health, LR 47:

§517. Registration of Consumable Hemp Products

A. In accordance with the provisions of R.S. 3:1482 as promulgated by the 2021 Legislature, manufacturers or distributors of consumable hemp products must register each separate and distinct product with the department-annually and initially within 90 days of the effective date of these regulations or prior to marketing the products in the state of Louisiana, whichever comes first.

B. ...

C. In lieu of the annual examination and administration charge normally collected under R.S. 40:628(B), the applicant for a consumable hemp product registration must remit to (both initially and on or before July 1 of each year) the department the amount of \$50 per each separate and distinct product. The initial application packet will consist of the required remittance in a form deemed acceptable by the department, a completed application form, specimen copies of each product label in paper or electronic form, and a list of products the firm intends to register with the department. If the packet meets these regulatory requirements and the other requirements described in these regulations, the department will issue to the applicant an FD-8a Certificate of Consumable Hemp Product Registration and the application information will be entered into the Consumable Hemp Products Database.

D. No person is authorized to distribute any consumable hemp products in the state of Louisiana unless that person has first obtained a Certificate of Consumable Hemp Product Registration from the department.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4(A)(13), R.S. 3:1482(J) and R.S. 40:604.

HISTORICAL NOTE: Promulgated by the Department of Health, Office of Public Health, LR 46:359 (March 2020), amended by the Department of Health, Office of Public Health, LR 47:479 (April 2021), amended by the Department of Health, Office of Public Health, LR 47:

§519. Consumable Hemp Products Labeling Requirements: Certificate of Analysis

A. Consumable hemp products must bear labeling that includes a scannable bar code, QR code, or a web address linked to a document or website containing the certificate of analysis for that product.

B. - C.10. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4(A)(13), R.S. 3:1482(J) and R.S. 40:604.

HISTORICAL NOTE: Promulgated by the Department of Health, Office of Public Health, LR 46:359 (March 2020), amended by the Department of Health, Office of Public Health, LR 47:480 (April 2021), amended by the Department of Health, Office of Public Health, LR 47:

§523. Consumable Hemp Products Labeling Requirements: Medical Claims Prohibited

A. No product labeling or advertising material for any consumable hemp product sold or otherwise distributed in the state of Louisiana may bear any implicit or explicit medical claims.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4(A)(13), R.S. 3:1482(J) and R.S. 40:604.

HISTORICAL NOTE: Promulgated by the Department of Health, Office of Public Health, LR 46:359 (March 2020), amended by the Department of Health, Office of Public Health, LR 48:

§525. Consumable Hemp Products Labeling Requirements: Dietary Supplements Prohibited

A. No consumable hemp product may be marketed as a dietary supplement.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4(A)(13), R.S. 3:1482(J) and R.S. 40:604.

HISTORICAL NOTE: Promulgated by the Department of Health, Office of Public Health, LR 46:359 (March 2020), amended by the Department of Health, Office of Public Health, LR 48:

§527. Consumable Hemp Products Labeling Requirements: Marketing for Inhalation Prohibited

A. No hemp flower consumable product may be marketed for inhalation purposes.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4(A)(13).

HISTORICAL NOTE: Promulgated by the Department of Health, Office of Public Health, LR 48:

§529. Consumable Hemp Products Packaging Requirements: Hemp Flower Packaging

A. Hemp flower consumable products for registration must be packaged in tamper-resistant packaging or with tamper-evident seals and must bear the phrase “not for inhalation” or similar language explicitly contraindicating that usage on the labeling.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1483(J) and R.S. 40:604.

HISTORICAL NOTE: Promulgated by the Department of Health, Office of Public Health, LR 48:

§531. Penalties for Violations of Requirements to Register Consumable Hemp Products [Formerly §529]

A. Any person who violates the provisions requiring registration of consumable hemp products is subject to the penalties provided for by the State Food, Drug, and

Cosmetic Law (R.S. 40:601, et seq.) or other sanctions provided for by R.S. 3:1484.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4(A)(13), R.S. 3:1482(J) and R.S. 40:604.

HISTORICAL NOTE: Promulgated by the Department of Health, Office of Public Health, LR 46:359 (March 2020), amended by the Department of Health, Office of Public Health, LR 47:480 (April 2021), LR 48:

§533. Exemptions [Formerly §531]

A. Consumable hemp products that have been produced in accordance with R.S. 40: 1046 or that are Food and Drug Administration (FDA)-approved pharmaceuticals are not subject to the requirements of this regulation.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4(A)(13), R.S. 3:1482(J) and R.S. 40:604.

HISTORICAL NOTE: Promulgated by the Department of Health, Office of Public Health, LR 46:359 (March 2020), amended by the Department of Health, Office of Public Health, LR 47:480 (April 2021), LR 48:

Family Impact Statement

The proposed Rule should not have any known or foreseeable impact on family formation, stability, and autonomy. In particular, the proposed Rule has no known or foreseeable impact on:

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

Poverty Impact Statement

The proposed Rule should not have any known or foreseeable impact on any child, individual or family as defined by R.S. 49:973(B). In particular, there should be no known or foreseeable effect on:

1. the effect on household income, assets, and financial security;
2. the effect on early childhood development and preschool through postsecondary education development;
3. the effect on employment and workforce development;
4. the effect on taxes and tax credits; or
5. the effect on child and dependent care, housing, health care, nutrition, transportation, and utilities assistance.

Small Business Analysis

The proposed Rule should have no adverse impact on small businesses as defined in the Small Business Protection Act.

Provider Impact Statement

The proposed Rule should not have any known or foreseeable impact on providers as defined by HCR 170 of the 2014 Regular Legislative Session. In particular, there should be no known or foreseeable effect on:

1. the staffing level requirements or qualifications required to provide the same level of service;
2. the total direct and indirect effect on the cost to the providers to provide the same level of service; or
3. the overall effect on the ability of the provider to provide the same level of service.

Public Comments

Interested persons may submit written comments on the proposed rule. Such comments must be received no later than Monday, December 27, 2021 and should be addressed to Michael Vidrine, Director, Sanitarian Services, P.O. Box 4489, Baton Rouge, LA 70821.

Public Hearing

Interested persons may submit a written request to conduct a public hearing either by U.S. mail to the Office of the Secretary ATTN: LDH Rulemaking Coordinator, Post Office Box 629, Baton Rouge, LA 70821-0629; however, such request must be received no later than Friday, December 10, 2021. If the criteria set forth in R.S. 49:953(A)(2)(a) are satisfied, LDH will conduct a public hearing at 9:00AM on Monday, December 27, 2021 in Room 173 of the Bienville Building, which is located at 628 North Fourth Street, Baton Rouge, LA. To confirm whether or not a public hearing will be held, interested persons should first call Allen Enger at (225) 342-1342 after Friday, December 10, 2021. If a public hearing is to be held, all interested persons are invited to attend and present data, views, comments, or arguments, orally or in writing. In the event of a hearing, parking is available to the public in the Galvez Parking Garage which is located between North Sixth and North Fifth/North and Main Streets (cater-corner from the Bienville Building). Validated parking for the Galvez Garage may be available to public hearing attendees when the parking ticket is presented to the Bienville Building's front security desk.

Dr. Courtney N. Phillips
Secretary

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES RULE TITLE: Registration of Foods, Drugs, Cosmetics and Prophylactic Devices

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

The Office of Public Health (OPH) will incur \$6,872 in expenses (\$906 for publication costs, \$350 for supplies, and \$5,616 for equipment) associated with this proposed rule change. The expenses will be paid with Self-generated Revenue.

To the extent that this rule change results in an additional workload to OPH that cannot be absorbed either wholly or partially using existing staff, the agency may need to hire additional staff. It is anticipated that OPH will use the revenue generated from licensing consumable hemp processors and the registration of products to cover these costs. However, if the revenue generated from these fees is not sufficient to cover the cost of additional staff, State General Fund will be used.

The proposed rule implements the regulatory framework for industrial hemp-derived cannabidiol products, as required by Act 336 of the 2021 RLS. This proposed rule amends Chapter 5 of Title 49—Public Health--Food, Drugs, and Cosmetics. The proposed amendments expand the categories of products derived from hemp that will be legal to sell in Louisiana.

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

The rule expands the categories of products derived from hemp that will be legal to sell in Louisiana. These products will

require a product label, which must be registered with OPH. OPH charges a product label registration fee of \$50.

To the extent that this rule change results in more consumable hemp processors, these facilities will need to apply for a license from OPH. The license fee on consumable hemp processors for each separate processing facility is based on annual sales and ranges from a minimum of \$175 up to a maximum of \$1,375.

The total revenue generated as a result of this rule change cannot be determined, as it depends on the number of additional products registered and the number of consumable hemp processor licenses that will be granted, which is unknown.

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

It is anticipated that this proposed rule will affect owners of businesses that sell products derived from hemp. The estimated costs or benefits are unknowable at this time; however, manufacturers and retailers of consumable hemp products are expected to experience an increase in income resulting from the increased sale of consumable hemp products.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

This proposed rule will broaden the scope of the market of legal consumable hemp products in the state by manufacturers and retailers. Possibly, if there is a large public demand for consumable hemp products, manufacturers and retailers of same may find it necessary to employ additional staff to handle the increased demand. The adoption of this proposed rule should not engender or have any effect on competition among manufacturers and retailers of consumable hemp products.

Kim Hood, JD, MPH
Assistant Secretary
2110#043

Alan M. Boxberger
Deputy Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

Department of Public Safety and Corrections Office of Motor Vehicles

Designations or Restrictions on Driver's Licenses and Identification Cards (LAC 55:III.108)

Under the authority of R.S. 37:3270 et seq., and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the Office of Motor Vehicles, hereby proposes to amend section 108 under Chapter 1 to implement a more comprehensive version of Title 55 as it relates to the rules governing designations or restrictions on driver's licenses and identification cards. In addition to a more comprehensive version of the rules governing driver's licenses and identification cards, the Office of Motor Vehicles implements Act 137 of the 2020 Regular Legislative Session regarding a designation for applicants with autism spectrum disorder.

Title 55

PUBLIC SAFETY

Part III. Motor Vehicles

Chapter 1. Driver's License

Subchapter A. General Requirements

§108 Designations or Restrictions on Driver's Licenses and Identification Cards

A. - A.6. ...

B. Autism

1. A special Louisiana driver's license shall be issued to any applicant upon request who has been diagnosed as having autism spectrum disorder. The designation shall be issued by the Department and exhibited on the driver's license.

2. An "autism" designation shall be exhibited on a driver's license, including a temporary instructional permit.

3. Only applicants with autism spectrum disorder documented as required in Paragraph B.4 of this Section are eligible for the designation "autism."

4. All applications for an "autism" designation shall be accompanied by one of the following to obtain the designation authorized in this Section:

a. a statement, on a form provided by the department, from a qualified medical professional licensed in Louisiana or another state or territory of the United States, stating the medical information which establishes the individual as having autism spectrum disorder; or

b. a statement from a qualified medical or mental health professional verifying the applicant's diagnosis; or a statement from a qualified mental health professional licensed in Louisiana or any other state or territory of the United States verifying the applicant's disability.

5. If the holder of a driver's license with an "autism" designation no longer wishes to have the designation displayed on the driver's license, the holder shall return the credential to have the designation removed.

6. No additional fee shall be charged to include such a designation. The charge for an "autism" driver's license shall be the same as for regular driver's license.

C. Deaf or Hard of Hearing

1. A special Louisiana driver's license card shall be issued to any applicant who is deaf or hard of hearing.

2. A restriction code will be placed on the driver's license for deaf or hard of hearing and these codes will be inclusive of a Restriction 41 as well.

3. Only applicants who are deaf or hard of hearing documented as required in Paragraph B.4 of this Section are eligible to have the restriction code placed on their driver's license.

4. All applications for a deaf or hard of hearing restriction shall be accompanied by a medical examination form from a qualified medical, audiologist, or speech pathologist professional licensed in Louisiana stating the medical information which establishes the applicant is deaf or hard of hearing.

5. No additional fee shall be charged to include such restriction. The charge for a driver's license inclusive of the restrictions shall be the same as for regular driver's license.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:412(O), R.S. 32:412(P), and R.S. 32:403.3.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Public Safety Services, Office of Motor Vehicles, LR 44:2020 (November 2018), LR 48:

Family Impact Statement

The Effect of this Rule on the Stability of the Family. This Rule will have no effect on the stability of the family.

The Effect of this Rule on the Authority and Rights of Parents Regarding the Education and Supervision of their Children. This Rule will have no effect on the authority and rights of parents regarding the education and supervision of their children.

The Effect of this Rule on the Functioning of the Family. This Rule will have no effect on the functioning of the family.

The Effect of this Rule on Family Earnings and Family Budget. This Rule will have no effect on family earning and family budget.

The Effect of this Rule on the Behavior and Personal Responsibility of Children. This Rule will have no effect on the behavior and personal responsibility of children.

The Effect of this Rule on the Ability of the Family or Local Government to Perform the Function as Contained in the Proposed Rules. This Rule will have no effect on the ability of the family or local government to perform the function as contained in the proposed Rules.

Small Business Analysis

The impact of the proposed Rule on small businesses as defined in R.S. 49:965.6, the Regulatory Flexibility Act, has been considered. It is estimated that the proposed action is not expected to have a significant adverse impact on small businesses. The agency, consistent with health, safety, environmental, and economic welfare factors has considered and, where possible, utilized regulatory methods in the drafting of the proposed Rule that will accomplish the objectives of applicable statutes while minimizing the adverse impact of the proposed Rule on small businesses.

Poverty Impact Statement

The proposed Rule should not have any known or foreseeable impact on any child, individual or family as defined by R.S. 49:973.B. In particular, there should be no known or foreseeable effect on:

1. the effect on household income, assets, and financial security;
2. the effect on early childhood development and preschool through postsecondary education development;
3. the effect on employment and workforce development;
4. the effect on taxes and tax credits;
5. the effect on child and dependent care, housing, health care, nutrition, transportation, and utilities assistance.

Provider Impact Statement

The proposed Rule should not have any known or foreseeable impact on providers as defined by HCR 170 of 2014 Regular Legislative Session. In particular, there should be no known or foreseeable effect on:

1. the effect on the staffing level requirements or qualifications required to provide the same level of service;
2. the total direct and indirect effect on the cost to the providers to provide the same level of service; or
3. the overall effect on the ability of the provider to provide the same level of service.

Public Comments

Interested persons may submit written comments to Laura H. Ellender, Attorney, Louisiana State Police, 7979 Independence Blvd., Suite 307, Baton Rouge, LA 70806. She is responsible for responding to inquiries regarding this proposed Rule.

Public Hearing

Requests for a public hearing must be submitted in writing either via email or written correspondence. Requests for a public hearing shall be sent to Laura.ellender@la.gov or to Laura H. Ellender, Attorney, Louisiana State Police, 7979

Independence Blvd., Suite 307, Baton Rouge, Louisiana 70806. The deadline for submitting a request for public hearing is December 10, 2021. All requests for a public hearing sent via written correspondence must be received December 10, 2022. A public hearing will be held on Tuesday, December 28, 2021 at 10:00 a.m. at 7979 Independence Boulevard, Suite 301, Baton Rouge, Louisiana 70806. If the requisite number of comments are not received, the hearing will be cancelled. Please call and confirm the hearing will be conducted before attending.

Karen St. Germain
Commissioner

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Designations or Restrictions on Driver's Licenses and Identification Cards

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)
It is anticipated that implementation of this proposed rule will have no programmatic fiscal impact to the state other than the de minimis cost of promulgation for FY 21-22.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
It is anticipated that the implementation of this proposed rule will not affect revenue collections.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)
It is anticipated that implementation of this proposed rule will not have economic cost or benefits to directly affected persons or non-governmental groups for FY 21-22, FY 22-23, and FY 23-24.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
This rule has no known effect on competition and employment.

Jason Starns
Chief Administrative Officer
2111#017

Alan M. Boxberger
Deputy Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

Department of Wildlife and Fisheries Wildlife and Fisheries Commission

Alligators (LAC 76:V.701)

The Wildlife and Fisheries Commission does hereby give notice of its intent to reduce farm alligator releases to the wild from 10 percent to 5 percent. Allow landowners with minimal acreage landowner nuisance tags to harvest alligators year round. Declare that hatchlings be removed from incubation material, placed in clean fresh water and fed within 10 days of hatching. Change the minimum temperature requirements on farm facilities from 80° Fahrenheit to a more appropriate range from 70° Fahrenheit to 90° Fahrenheit. Change the slaughter regulations on alligator farms to prohibit cord severance followed by pithing of the brain as an acceptable slaughter method.

Over the past 50 years, alligator nest surveys have increased from an estimate of less than 10,000 in the 1970s

and 1980s to well over 60,000 nests in recent years. This increase in nesting has produced a population that can now be sustained with a much lower farm return rate. Allowing a landowner with minimal acreage to harvest an alligator at any time of the year will allow for greater flexibility in our nuisance control program. Adding a regulation stating that hatchlings must be removed from incubation material and placed in clean, fresh water and fed within 10 days of hatching will allow for maximum survivability and early growth of new hatchlings. Changing minimum temperature requirements on farm facilities from 80° Fahrenheit to a more appropriate range from 70° Fahrenheit to 90° Fahrenheit will be more consistent with modern alligator farming practices. Changing slaughter regulations on alligator farms to no longer allow cord severance followed by pithing of the brain as an acceptable slaughter method will put Department of Wildlife and Fisheries regulations in line with the World Organization for Animal Health guidelines.

The secretary of the Department of Wildlife and Fisheries is authorized to take any and all necessary steps on behalf of the Commission to promulgate and effectuate this notice of intent and final rule, including but not limited to, the filing of the Fiscal and Economic Impact statement, the filing of the Notice of Intent and final Rule and the preparation of reports and correspondence to other agencies of government.

Title 76

WILDLIFE AND FISHERIES

Part V. Wild Quadrupeds and Wild Birds

Chapter 7. Alligators

§701. Alligator Regulations

A. - A.6.f.vii. ...

7. Open Season, Open Areas, and Quotas

a. Open seasons are as follows.

i. The state shall be divided into the east and west alligator hunting zones by the following boundary: Beginning at the southwestern most part of Point Au Fer Island thence north along the western boundary of Terrebonne Parish to the Atchafalaya River, thence north along the Atchafalaya River to the East Atchafalaya Protection Levee, thence north along the East Atchafalaya Protection Levee, to Interstate 10, thence east along Interstate 10 to Interstate 12, thence east along Interstate 12 to Interstate 55, thence north along Interstate 55 to the Mississippi state line. The season for taking alligators in the wild shall open on the last Wednesday of August in the East Zone and the first Wednesday of September in the West Zone and will remain open for 60 days thereafter in each zone. The secretary shall be authorized to close, extend, delay, or reopen the season as biologically justifiable.

ii. Nuisance control hunters may take nuisance alligators at any time as prescribed by the department. An individual landowner may be issued landowner nuisance tags for minimal acreage of isolated parcels of non-contiguous wetlands and harvest alligators at any time prescribed by the department.

7.a.iii. - 13.d. ...

14. Alligator Egg Collections

a. - i. ...

j. The alligator egg collection permittee and the landowner are responsible for the return of the percentage of live alligators to the wild described on the alligator egg

collection permit. This requirement is nontransferable. Minimum return rates will be based upon the state average hatching success which is 78 percent. In no case shall the return rate be less than 5 percent at 48 inches total length. Each alligator shall be returned to the original egg collection area within a maximum time of two years from date of hatching. Each alligator shall be a minimum of 36 inches and a maximum of 60 inches (no alligator over 60 inches total length will be accepted for release) in total length and the returned sex ratio should contain at least 50 percent females. The alligator egg collection permittee/landowner are responsible for and must compensate in kind for alligator mortality which occurs for department-authorized return to the wild alligators while being processed, stored, or transported. The department shall be responsible for supervising the required return of these alligators. A department transfer authorization permit is not required for return to the wild alligators which are delivered to the farm of origin no more than 48 hours prior to being processed for wild release. Releases back to the wild will only occur between March 15 and August 25 of each calendar year provided that environmental conditions as determined by the department are favorable for survival of the released alligators. Any farmer who owes 1000 or more alligators at 48 inches must release at least 1/4 of the total owed for that year by April 30; at least another quarter by June 15; at least another quarter by July 31; and the remainder by August 25. A farmer may do more than the required 1/4 of his releases earlier if available unscheduled days allow. Should an alligator egg collection permittee be unable to release the required number of alligators to the wild from his own stock, he shall be required to purchase additional alligators from another farmer to meet compliance with the alligator egg collection permit and these regulations, as supervised by the department. Department-sanctioned participants in ongoing studies involving survivability and return rates are exempt from these requirements during the period of the study. Violation of this Subparagraph is a Class Four violation as described in R.S. 56.

k. ...

15. Alligator Farm Facility Requirements

a. - a.iv. ...

v. all controlled-temperature alligator sheds (environmental chambers) shall be of a design acceptable to the department.

vi. all alligator egg incubators shall be of a design acceptable to the department. Each incubator shall maintain a water and air temperature of 85° to 91° Fahrenheit during the egg incubation;

vii. applicant must be in compliance with all laws and regulations pertaining to zoning, construction, health and environmental standards and must possess any and all applicable permits and licenses;

viii. all alligator facilities should be constructed in a suitable location so as to minimize contact with people.

b. Following initial issuance of applicable license, all applicable facility requirements shall be adhered to and department personnel have the authority to inspect any and all of the facilities at any time. Failure to adhere to the requirements shall be a violation of these rules and violators will be given 60 days to correct the problem. Failure to comply shall result in confiscation of all animals and/or

closure of all facilities. Violation of this Subparagraph is a Class Three violation as described in R.S. 56.

c. All alligator farmers possessing alligator eggs outside an alligator nest should house these eggs in an incubator providing constant temperature and humidity conditions. All incubators used to incubate alligator eggs shall be of a design to allow for maximum temperature control and conform to department requirements to allow for the maximum hatching success. All alligator hatchlings shall be removed from incubation material and placed in clean fresh water and fed within 10 days after hatching. Violation of this Subparagraph is a Class Three violation as described in R.S. 56.

d. All alligator farmers possessing alligator hatchlings shall house hatchlings in controlled environmental chambers containing wet areas of sufficient surface area to permit all alligators to partially submerge in water. An acceptable temperature range to house alligators is 70°-90° Fahrenheit year-round. Alligator farmers shall make every reasonable effort to avoid or minimize the occurrence of temperatures outside of this acceptable range. Any changes in temperature should take place over a minimum of 4 hours. All alligators 48" or less in length shall be housed in environmental chambers unless a special permit is issued by the department to move them to outside growth areas. Violation of this Subparagraph is a Class Three violation as described in R.S. 56.

A.15.e.-A.15.h....

16. Farm-Raised Alligator Slaughter Methods

a.i. Legal methods for the slaughter of farm-raised alligators are as follows:

(a). death by penetrating captive bolt;

(b). death by non-penetrating captive bolt;

(c). death by gunshot (except for rounds fired from shotguns); and

(d). other slaughter methods may be acceptable if they are approved in writing by the department after review and consultation with a trained veterinarian; any slaughter method presented for review must quickly inflict severe damage to the brain, be humane and not pose a high risk to administering personnel; spinal cord severance with pithing of the brain may be used as an adjunct measure, but shall only be used after an approved slaughter method has been performed to render the alligator unconscious.

ii. Selected slaughter method must be administered properly so as to cause a rapid loss of consciousness and death.

iii. Violation of this Subparagraph is a Class Three violation as described in R.S. 56.

17. - 18.c. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:115, R.S. 56:259, R.S. 56:262, R.S. 56:263 and R.S. 56:280.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 16:1070 (December 1990), amended LR 17:892 (September 1991), LR 19:215 (February 1993), LR 20:321 (March 1994), LR 26:1492 (July 2000), LR 28:1996 (September 2002), LR 30:2338 (October 2004), LR 30:2878 (December 2004), LR 31:2267 (September 2005), LR 33:677 (April 2007), LR 35:690 (April 2009), LR 37:2421 (August 2011), LR 39:2291 (August 2013), LR 42:909 (June 2016), LR 43:90 (January 2017), LR 46:50 (January 2020), LR 46:1398 (October 2020), LR 48:

Family Impact Statement

In accordance with Act 1183 of 1999 Regular Session of the Louisiana Legislature, the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission hereby issues its Family Impact Statement in connection with the preceding Notice of Intent. This Notice of Intent will have no impact on the six criteria set out at R.S. 49:972(B).

Poverty Impact Statement

The proposed rulemaking will have no impact on poverty as described in R.S.49:973.

Provider Impact Statement

This Rule has no known impact on providers as described in HCR 170 of 2014.

Small Business Analysis

This proposed Rule has no known impact on small businesses as described in R.S. 49:965.2 through R.S. 49:965.8.

Public Comments

Interested persons may submit written comments relative to the proposed Rule to Mr. Jeb Linscombe, Alligator Program Manager, Department of Wildlife and Fisheries, 200 Dulles Drive, Lafayette, LA, 70506 or via email to jlinscombe@wlf.la.gov prior to January 4, 2022.

Jerri G. Smitko
Chair

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES RULE TITLE: Alligators

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

The proposed rule change will have no expenditure impact on state or local governmental units.

The proposed rule allows owners of small parcels of land that are non-contiguous with wetlands to obtain landowner nuisance tags from Louisiana Department of Wildlife and Fisheries (LDWF) and to remove nuisance alligators at times of the year in addition to the alligator harvest season.

The proposed rule lowers the percentage of live alligators that must be returned to the wild from 10% to 5% of the number of eggs hatched from the wild.

The proposed rule change requires the physical transfer of hatchlings from incubation material to clean fresh water within 10 days of hatching.

The proposed rule change sets an acceptable temperature range of 70°F to 90° F for facilities that house alligators in place of the precise minimum temperature requirement (80°F) specified in the current rule.

The proposed rule change requires that alligators be slaughtered and rendered unconscious with an approved slaughter method. The method of slaughter by spinal cord severance with pithing of the brain can be used only as an adjunct measure after an approved slaughter method has been performed.

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

Assuming that the number of eggs collected and hatched in a typical year is equal to the three-year average for 2017, 2018, and 2019, the number of live alligators returned to the wild under the proposed 5% return rate would be 24,134 animals less than the number returned under the current 10% return rate. Assuming that these 24,134 additional alligators retained by alligator farmers are transformed into alligator skins and sold two years after the eggs are harvested, fees paid into the

Alligator Resource Fund would be expected to increase by \$96,536 per year beginning in FY 23-24.

To the extent the proposed rule changes result in increased economic activity among alligator farmers and processors, the state would likely realize an indeterminable increase in State General Fund from increased income and sales tax collections. Accordingly, local government units may realize increased revenues from local sales tax collection.

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

The average number of alligator skins sold for the years 2017, 2018, and 2019 was 423,613 skins. Average estimated sales of meat and skin were at least \$92.2 million or approximately \$218 per skin sold. Assuming that the 24,134 alligators not returned to the wild are sold at the 2017-2019 value, the value of the additional alligators that farmers might retain under the proposed rule change would be at least \$5.3 million.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rule may have a minor positive effect on employment in the private sector. Alligator farms that sell alligator skins may have to hire more workers to process the additional alligators that they may retain under the proposed rule change.

Bryan McClinton
Undersecretary
2110#031

Alan M. Boxberger
Deputy Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

Department of Wildlife and Fisheries Wildlife and Fisheries Commission

General and Wildlife Management Area Hunting Rules and Regulations—Hunting Guide License (LAC 76:XIX.111)

Notice is hereby given that the Wildlife and Fisheries Commission proposes to amend the General and Wildlife Management Area Hunting Rules and Regulations to include a newly Legislatively established Hunting Guide License. The Department regulates the hunting licenses used by hunters in Louisiana. This action establishes and defines what persons need a hunting guide license in Louisiana and ensures that the Administrative Code is consistent with Louisiana Statute.

The Secretary of the Department of Wildlife and Fisheries is authorized to take any and all necessary steps on behalf of the commission to promulgate and effectuate this Notice of Intent and the final Rule, including but not limited to, the filing of the Fiscal and Economic Impact Statement, the filing of the Notice of Intent and final Rule and the preparation of reports and correspondence to other agencies of government.

Title 76

WILDLIFE AND FISHERIES

Part XIX. Hunting and WMA Regulations

Chapter 1. Resident Game Hunting Season §111. General and Wildlife Management Area Hunting Rules and Regulations

A. - D.3. ...

4. A hunting guide license is required for any person or entity who publicly represents himself to be a hunting guide or who transports, aids or provides assistance to

another individual(s) in the act of taking, or attempting to take, any wildlife species for compensation on a transactional or for-hire basis. For purposes of this rule, a hunting guide license is not required for any person or entity employed or contracted by a private hunting club to provide hunting guide services exclusively for the club's private members and its invited guests.

5. Taking game quadrupeds or birds from aircraft or participating in the taking of deer with the aid of aircraft or from automobiles or other moving land vehicles is prohibited.

6. Methods of Taking Resident Game Birds and Quadrupeds

a. It is illegal to intentionally feed, deposit, place, distribute, expose, scatter, or cause to be fed, deposited, placed, distributed, exposed, or scattered raw sweet potatoes to wild game quadrupeds.

b. Use of a traditional bow, compound bow and crossbow or any bow drawn, held or released by mechanical means or a shotgun not larger than a 10 gauge fired from the shoulder shall be legal for taking all resident game birds and quadrupeds. Also, the use of a handgun, rifle and falconry (special permit required) shall be legal for taking all game species except turkey. It shall be illegal to hunt or take squirrels or rabbits at any time with a breech-loaded rifle or handgun larger than .22 caliber, any centerfire firearm, or a muzzleloading firearm larger than .36 caliber. It shall be legal to hunt or take squirrels, rabbits, and outlaw quadrupeds with air rifles.

c. Still hunting is defined as stalking or stationary stand hunting without the use of dog(s). Pursuing, driving or hunting deer with dogs is prohibited when or where a still hunting season or area is designated, and will be strictly enforced. Shotguns larger than 10 gauge or capable of holding more than three shells shall be prohibited. Plugs used in shotguns must be incapable of being removed without disassembly. Refer to game schedules contained within these regulations for specific restrictions on the use of firearms and other devices.

d. No person shall take or kill any game bird or wild quadruped with a firearm fitted with an infrared sight, laser sight, or except as provided in R.S. 56:116(A)(8) any sighting device which projects a beam of light to the target or otherwise electronically illuminates the target, or device specifically designed to enhance vision at night [R.S. 56:116.1(B)(3)(a-b)].

7. Nuisance Animals. Landowners or their designees may remove beaver and nutria causing damage to their property without a special permit. Water set traps and firearms may be used to remove beaver; nutria may be removed by any means except that nutria cannot be taken by the use of headlight and gun between the hours of sunset and sunrise. With a special permit issued by the LDWF, beavers may be taken between one-half hour after official sunset to one-half hour before official sunrise for a period of three consecutive calendar evenings from the effective date of the permit. Any nuisance beaver or nutria trapped or shot outside open trapping season cannot be pelted or sold. A trapping license is required to sell or pelt nuisance beavers or nutria taken during open trapping season. Squirrels found depredating commercial crops of pecans may be taken year-round by permit issued by the LDWF. This permit shall be

valid for 30 days from the date of issuance. Contact the local region office for details.

8. Threatened and endangered species. Taking or harassment of any of these species is a violation of state and federal laws. (LAC 76:I.317)

1. Invertebrates		
Pink Mucket	<i>Lampsilis abrupta</i>	E
Louisiana Pearlshell	<i>Margaritifera hembeli</i>	T
Fat Pocketbook	<i>Potamilus capax</i>	E
Inflated Heelsplitter	<i>Potamilus inflatus</i>	T
Rabbitsfoot	<i>Quadrula cylindrica</i>	T
2. Fish		
Gulf Sturgeon	<i>Acipenser oxyrinchus desotoi</i>	T
Pallid Sturgeon	<i>Scaphirhynchus albus</i>	E
Smalltooth Sawfish	<i>Pristis pectinata</i>	E
3. Amphibians		
Dusky Gopher Frog	<i>Lithobates sevosus</i>	E
4. Reptiles (including eggs)		
Loggerhead Sea Turtle	<i>Caretta caretta</i>	T
Green Sea Turtle	<i>Chelonia mydas</i>	T
Hawksbill Sea Turtle	<i>Eretmochelys imbricata</i>	E
Kemp's Ridley Sea Turtle	<i>Lepidochelys kempii</i>	E
Leatherback Sea Turtle	<i>Dermochelys coriacea</i>	E
Ringed Map Turtle	<i>Graptemys oculifera</i>	T
Gopher Tortoise	<i>Gopherus polyphemus</i>	T
Black Pinesnake	<i>Pituophis melanoleucus lodingi</i>	T
Louisiana Pinesnake	<i>Pituophis ruthveni</i>	T
5. Birds (including eggs)		
Whooping Crane	<i>Grus americana</i>	E
Piping Plover	<i>Charadrius melodus</i>	T
Red Knot	<i>Calidris canutus rufa</i>	T
Interior Least Tern	<i>Sternula antillarum athalassos</i>	E
Red-cockaded Woodpecker	<i>Picoides borealis</i>	E
6. Mammals		
West Indian Manatee	<i>Trichechus manatus</i>	T
Northern Long-eared Bat	<i>Myotis septentrionalis</i>	T
Sperm Whale	<i>Physeter macrocephalus</i>	E
Florida Panther	<i>Felis concolor coryi</i>	E
7. Plants		
American Chaffseed	<i>Schwalbea americana</i>	E
Earth-fruit	<i>Geocarpon minimum</i>	T
Louisiana Quillwort	<i>Isoetes louisianensis</i>	E
Pondberry	<i>Lindera melissifolia</i>	E

E = Endangered; T = Threatened

9. Outlaw Quadrupeds. Holders of a legal hunting license may take coyotes, feral hogs, and armadillos year round during legal daylight shooting hours. The running of coyotes with dogs is prohibited in all turkey hunting areas during the open turkey season. Coyote hunting is restricted to chase only when using dogs during still hunting segments of the firearm and archery only seasons for deer. Foxes are protected quadrupeds and may be taken only with traps by licensed trappers during the trapping season. Remainder of the year "chase only" allowed by licensed hunters. On private property, outlaw quadrupeds may be taken with or by means of an automatic-loading or hand-operated repeating shotgun capable of holding more than three shells when using buckshot or rifled slug ammunition and may be taken while riding or standing in or upon a moving land vehicle.

10. Nighttime Take of Nuisance Animals and Outlaw Quadrupeds. On private property, the landowner, or his lessee or agent with written permission from the landowner and the landowner's contact information in his possession,

may take outlaw quadrupeds (coyotes, armadillos and feral hogs), nutria, or beaver during nighttime hours. However, no person shall be allowed to participate or be present during the nighttime hunting activities if convicted of a Class 3 or greater wildlife violation within the previous five years or if he has any other prohibition which would prevent the legal use of a firearm or participation in a hunting activity. Such taking may be with or without the aid of artificial light, infrared or laser sighting devices, or night vision devices. In addition, pursuant to R.S. 56:116(D)(3) any person who is authorized to possess a firearm suppressor may use a firearm fitted with a sound suppressor when taking outlaw quadrupeds, nutria, or beaver. Any person attempting to take outlaw quadrupeds, nutria, or beaver under the provisions of the Paragraph, shall notify the Sheriff of the Parish in which the property is located of his intention to attempt to take outlaw quadrupeds, nutria or beaver within twenty-four hours prior to the attempted taking or immediately upon taking the animal.

11. Hunting and/or Discharging Firearms on Public Roads. Hunting, standing, loitering or shooting game quadrupeds or game birds while on a public road or public road right-of-way is prohibited. Hunting or the discharge of firearms on roads or highways located on public levees or within 100 feet from the centerline of such levee roads or highways is prohibited. Spot lighting or shining from public roads is prohibited by state law. Hunting from all public roads and public road rights-of-way is prohibited.

12. Tags. Any part of the deer or wild turkey divided shall have affixed thereto the name, date, address and big game license number of the person killing the deer or wild turkey and the sex of that animal. This information shall be legibly written in pen or pencil, on any piece of paper or cardboard or any material, which is attached or secured to or enclosing the part or parts. See DMAP Regulations (LAC 76:V.111) for deer management assistance tagging requirements on lands enrolled in DMAP.

13. Sex Identification. Positive evidence of sex identification, including the head or sex organs, shall remain on any deer taken or killed within the state of Louisiana, or on all turkeys taken or killed so long as such deer or turkey is kept in camp or field, or is in route to the domicile of its possessor, or until a deer has been appropriately tagged and validated, and the tag remains with the carcass, or until such deer or turkey has been stored at the domicile of its possessor or divided at a cold storage facility and has become identifiable as food rather than as wild game. Possessors of any portion of a deer or wild turkey, which has been divided in camp or field, without evidence of positive sex identification shall affix a tag in accordance with LAC 76:XIX.111.D.11 identifying the sex of the animal.

E. - G.20.c. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:115 and R.S. 56:116.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 25:1279 (July 1999), amended LR 26:1494 (July 2000), LR 27:1049 (July 2001), LR 28:1603 (July 2002), LR 29:1124 (July 2003), repromulgated LR 29:1522 (August 2003), amended LR 30:1495 (July 2004), LR 31:1611 (July 2005), LR 32:1251 (July 2006), LR 33:1382 (July 2007), LR 34:1429 (July 2008), LR 35:1264 (July 2009), LR 36:1566 (July 2010), LR 37:2190 (July 2011), LR 38:1732 (July 2012), LR 39:2292 (August 2013), LR 40:1540 (August 2014), LR 41:963 (May 2015), LR 42:1112 (July

2016), LR 43:1423 (July 2017), LR 44:1277 (July 2018), LR 45:938 (July 2019), LR 46:961 (July 2020), LR 47:904 (July 2021), LR 48:

Family Impact Statement

In accordance with Act 1183 of 1999 Regular Session of the Louisiana Legislature, the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission hereby issues its Family Impact Statement in connection with the preceding Notice of Intent. This Notice of Intent will have no impact on the six criteria set out at R.S. 49:972(B).

Poverty Impact Statement

This proposed Rule will have no impact on poverty as described in R.S. 49:973.

Provider Impact Statement

This proposed Rule has no known impact on providers as described in HCR 170 of 2014.

Small Business Analysis

This proposed Rule has no known impact on small businesses as described in R.S. 49:965.2 through R.S. 49:965.8.

Public Comments

Interested persons may submit written comments relative to the proposed Rule until Wednesday, January 5, 2022 to Tommy Tuma, Wildlife Division, Department of Wildlife and Fisheries, P. O. Box 98000, Baton Rouge, LA 70898-9000 or via e-mail to ttuma@wlf.la.gov.

Jerri Smitko
Chair

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES RULE TITLE: General and Wildlife Management Area Hunting Rules and Regulations—Hunting Guide License

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

The proposed rule change will have no expenditure impact on state or local governmental units.

The proposed rule change inserts requirements for the hunting guide license into regulations to make Title 76 consistent with Act 356 of the 2021 Regular Session that created and mandated the license. The proposed rule change defines persons or entities who are required to hold a hunting guide license as any person or entity who transports, aids, or provides assistance to other individual in the act of taking, or attempting to take, any wildlife species for compensation on a transactional or for-hire basis. Hunting guide licensees who operate vessels are also required to hold valid captain's licenses issued by the U.S. Coast Guard. The proposed rule change exempts any person or entity who is employed or contracted by a private hunting club from the requirement to hold a hunting guide license.

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

The proposed rule change is expected to increase revenues of the Louisiana Department of Wildlife and Fisheries from the payment of fees for hunting guide licenses by an indeterminate amount.

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

The proposed rule change is expected to increase license expenditures for individuals or entities who meet the definition of a hunting guide. Fees for the resident hunting guide license

are \$150 per year. Fees for the non-resident hunting guide license are \$600 per year.

The proposed rule change may also lead to an increase in insurance premium expenditures by hunting guides who do not currently carry liability insurance policies.

Persons who meet the definition of a hunting guide who operate vessels may incur additional fees for captain's licenses issued by the U.S. Coast Guard.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rule change is anticipated to have no impact on competition and employment in Louisiana.

Bryan McClinton
Undersecretary
2110#032

Alan M. Boxberger
Deputy Fiscal Officer
Legislative Fiscal Office

Potpourri

POTPOURRI

Office of the Governor

Board of Examiners for New Orleans and Baton Rouge Steamship Pilots for the Mississippi River

Public Hearing—Substantive Changes to Proposed Rule
(LAC 46:LXX.6207, 6207, 6307, and 6312)

The Board of Examiners published a Notice of Intent to promulgate changes to Chapter 62, Qualifications and Examination of Pilots, and Chapter 63, Standards of Conduct, in the September 20, 2021, edition of the *Louisiana Register* (LR 47:1381-86). The notice solicited comments and testimony. As a result of its analysis of the comments and testimony received, the board proposes to amend certain portions of the proposed rule changes. Within §6206, the board proposes to add a requirement that an applicant be licensed under federal law, add a code of federal regulations citation for that requirement, and modify the education and experiential requirements to include more experience and a higher degree of licensure. Within §6207, the board proposes to reinsert the language “at any given time” regarding the board’s ability to determine the maximum number of pilots accepted into the Pilot Development Program, add language requiring the board to notify applicants that have submitted applications pursuant to the new application process of the commencement of the selection process within five business days, add language to require an in-person interview before applicants are considered eligible apprentice candidates, and modify an incorrect reference to a provision within the rules. Within §6307, the board proposes a requirement for pilots to annually provide the board a copy of their United States Coast Guard Medical Certificate. Finally, within §6312, the board proposes additional language prohibiting examiners and association members from counting days worked at VTC towards recency turns.

Taken together, the proposed amendments will more closely align the proposed Rule with the board’s original intent and the concerns brought forth during the comment period for the Notice of Intent as originally published. No fiscal or economic impact will result from the amendments proposed in this notice.

Title 46

PROFESSIONAL AND OCCUPATIONAL STANDARDS

Part LXX. River Pilots

Subpart 3. Board of Examiners for the New Orleans and Baton Rouge Steamship Pilots

Chapter 62. Qualifications and Examination of Pilots

§6206. Licenses/Education/Experience

A. ...

1. An applicant must be licensed under federal law, with requirements for service, experience, and tonnage as defined in CFR Title 46, Chapter I, Subchapter B, Part 11, Subpart G, or its successor regulations.

2. An applicant must hold at least a current First Class Pilots License, Any Gross Tons, upon the Lower Mississippi River from Chalmette, Louisiana to Baton Rouge Railroad and Highway Bridge at Baton Rouge, Louisiana.

a. Notwithstanding Paragraph A.1 of this Section, an applicant with first class pilotage from mile marker 88.0 AHP to mile marker 232.2 AHP shall be eligible for selection into the Pilot Development Program. However, an applicant selected for the Pilot Development Program shall be required to obtain first class pilotage from mile marker 232.2 AHP to mile marker 234.0 AHP prior to commissioning.

3. An applicant must meet one of the following requirements prior to the date of selection into the Pilot Development Program:

a. hold a United States Coast Guard Second Mate’s License, or an equivalent or greater license, AND a bachelor’s degree or higher from an accredited Maritime Academy (Deck Curriculum) approved by and conducted under rules prescribed by the Federal Maritime Administrator as listed at title 46, Code of Federal Regulations, part 310; or

b. hold either a United States Coast Guard Master of Steam or Motor Vessels of not more than 1600 gross tons upon Inland Waters, Rivers or Lakes, Near Coastal, or Oceans, or any upgrade thereof, OR a Master of Towing, to be held by the applicant for a minimum of 2 years prior to apprentice selection as described in §6207 AND a bachelor’s degree from an Accredited Institution of Higher Learning.

AUTHORITY NOTE: Promulgated in accordance with R.S. 34:1041 et seq.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of Examiners for New Orleans and Baton Rouge Steamship Pilots, LR 30:2473 (November 2004), amended by the Office of the Governor, Board of Examiners for New Orleans and Baton Rouge Steamship Pilots for the Mississippi River, LR 36:495 (March 2010), LR 38:3166 (December 2012), LR 44:44 (January 2018), LR 48:

§6207. Notice of Apprentice Selection

A. - A.5. ...

6. At the conclusion of a NOBRA apprentice selection, NOBRA shall provide the board, in writing, a list of those candidates selected for admission into the Pilot Development Program as an Apprentice Pilot. The board shall unilaterally determine the maximum number apprentices admitted into the Pilot Development Program at any given time. After receipt of notification from NOBRA, the board will notify the selected applicant via U.S. Mail of the time, date and location of the commencement of the Pilot Development Program.

B. - B.1. ...

2. Annually, the board will advertise the deadline for submission of application materials, in at least two periodicals, one of which shall have a circulation of the greater New Orleans area and one of which shall have a circulation of the greater Baton Rouge area and all relevant dates will be posted on the board’s website. Additionally, when NOBRA notifies the board that a selection is to be

held, the board shall notify all applicants within five business days.

3. The board will review all initial application received by October 31, schedule physicals, conduct background checks on the applicants, and certify that the applicants meet the criteria set forth by the board. At the board's discretion, the applicant may be given the opportunity to cure a deficient application prior to December 31. Prior to December 31, all applicants shall have completed an in-person application review with a member of the board or their authorized representative and an in-person interview with a board member prior to being considered an eligible apprentice candidate for the Pilot Development Program. Applicants must submit to interviews with additional board members upon request. All applications meeting the requirements set forth in §6205 and §6206 shall be considered complete on December 31.

4. - 5. ...

6. When NOBRA notifies the board that a selection is to be held, the board will submit to the pilots the list of eligible apprentice candidates as described in §6207(B)(4). At the conclusion of a NOBRA apprentice selection, NOBRA shall provide the board, in writing, a list of those candidates selected for admission into the Pilot Development Program as an Apprentice Pilot. The board shall unilaterally determine the maximum number apprentices admitted into the Pilot Development Program at any given time. After receipt of notification from NOBRA, the board will notify the selected applicant via U.S. Mail of the time, date and location of the commencement of the Pilot Development Program.

AUTHORITY NOTE: Promulgated in accordance with R.S. 34:1041 et seq.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of Examiners for New Orleans and Baton Rouge Steamship Pilots, LR 30:2474 (November 2004), amended by the Office of the Governor, Board of Examiners for New Orleans and Baton Rouge Steamship Pilots for the Mississippi River, LR 36:496 (March 2010), LR 38:3166 (December 2012), LR 44:44 (January 2018), LR 48:

Chapter 63. Standards of Conduct

§6307. Standards of Conduct

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

4. failure to maintain a current satisfactory United States Coast Guard approved physical (Merchant Mariner Physical Examination Report), which is to be submitted to the board annually along with a copy of the pilot's United States Coast Guard Medical Certificate;

5. - 9. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 34:1041 et seq.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of Examiners for New Orleans and Baton Rouge Steamship Pilots, LR 30:2476 (November 2004), amended by the Office of the Governor, Board of Examiners for New Orleans and Baton Rouge Steamship Pilots for the Mississippi River, LR 36:498 (March 2010), LR 38 3167 (December 2012), LR 44:45 (January 2018), LR 48:

§6312. Recency Requirement

A. - B.1. ...

2. Members of the examiners and association officers shall be considered recent by completing 25 turns or 25

observer turns each calendar year. Under this subsection, days worked at the VTC may not count as turns.

B.3. - D.1. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 34:1041 et seq.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of Examiners for New Orleans and Baton Rouge Steamship Pilots, LR 44:45 (January 2018), amended LR 48:

Public Hearing

In accordance with the provisions of the Administrative Procedures Act, specifically R.S. 49:968(H)(2), the Board of Examiners gives notice of a public hearing to receive additional comments and testimony on these substantive amendments to the proposed Rule. The hearing will be held at 10 a.m. on Monday, December 20, 2021, at the Old Metairie Library located at 2350 Metairie Road, Metairie, Louisiana 70001. At that time, all interested persons will be afforded an opportunity to submit data, views, or arguments, either orally or in writing. Interested persons may submit written comments to Capt. Casey Clayton, President, Board of Examiners for New Orleans and Baton Rouge Steamship Pilots for the Mississippi River, via U.S. mail at 2805 Harvard Avenue, Suite 101, Metairie, LA 70006, via fax at (504) 887-5799, or e-mail at cc@nobraexaminers.com. The deadline for receipt of all written comments is 10 a.m. on Monday, December 20, 2021.

Casey E. Clayton
President

2111#039

POTPOURRI

Department of Natural Resources Office of Conservation

Orphaned Oilfield Sites

Office of Conservation records indicate that the Oilfield Sites listed in the table below have met the requirements as set forth by Section 91 of Act 404, R.S. 30:80 et seq., and as such are being declared Orphaned Oilfield Sites.

Operator	Field	District	Well Name	Well Number	Serial Number
Birt and Olga S. Bridwell	Caddo Pine Island	S	Viola Holmes	006	46610
E. W. McGoldrick	Caddo Pine Island	S	Moslow	051	65143
McGoldrick Oil Co.	David Haas	L	Dh Sparta Su; Haas Inv Co	013	36531(30)
Meason Operating Co.	Port Barre	L	Garland	003	78595(30)
Sugar Oil Company	Caddo Pine Island	S	Hedge	B-4	50244
Union Producing Company and M.H. Marr	Big Island	M	Eota Realty Company	A-4	41010(30)

Operator	Field	District	Well Name	Well Number	Serial Number
W. C. Curry	Caddo Pine Island	S	Ark Fuel Oil Co	B-1	36679
White Operating Co., LLC	Unionville	M	C V Davis ra su 62; C J White	001	202600

POTPOURRI
Workforce Commission
Office of Unemployment Insurance Administration

Maximum Weekly Benefit Amount
for Unemployment Insurance

The Louisiana Workforce Commission is required, under R.S. 23:1474(G)(3)(b), to annually publish the formula for computation of benefits. The following table shall be applied by the administrator subsequent to his determination of comparative balance, and applied trust fund balance range:

Richard P. Ieyoub
Commissioner

2111#028

Procedure	Applied Trust Fund Balance Range	Maximum Dollar Amount of "wages" under R.S. 23:1474	Formula for Computation of Benefits	Maximum Weekly Benefit Amount
1	Less than seven hundred fifty million dollars	Eight thousand five hundred dollars	Apply R.S. 23:1592 without seven percent discount under R.S. 23:1592(D) then multiply by 1.05 and then multiply such amount by 1.16	Two hundred forty-nine dollars
2	Equal to or greater than seven hundred fifty million dollars but less than one billion one hundred fifty million dollars	Seven thousand seven hundred dollars	Apply R.S. 23:1592 without seven percent discount under R.S. 23:1592(C) and without five percent discount under R.S. 23:1592(D), then multiply such amount by 1.05 and then multiply such amount by 1.28	Two hundred seventy-five dollars
3	Equal to or greater than one billion one hundred fifty million dollars but less than one billion four hundred million dollars	Seven thousand dollars	Apply R.S. 23:1592 without seven percent discount under R.S. 23:1592(C) and without five percent discount under R.S. 23:1592(D), then multiply such amount by 1.05 and then multiply such amount by 1.33	Two hundred eighty-six dollars
4	Greater than one billion four hundred million dollars	Seven thousand dollars	Apply R.S. 23:1592 without seven percent discount under R.S. 23:1592(C) and without five percent discount under R.S. 23:1592(D), then multiply such amount by 1.05 and then multiply such amount by 1.45	Three hundred twelve dollars

Renita Williams
Deputy Secretary

2110#050

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