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This public document was published at a total cost of \$4,350.00. Five hundred copies of this public document were published in this monthly printing at a cost of \$4,350.00. The total cost of all printings of this document including reprints is \$4,350.00. This document was published by Moran Printing, Inc. 5425 Florida Boulevard, Baton Rouge, LA 70806, as a service to the state agencies in keeping them cognizant of the new rules and regulations under the authority of R.S. 49:950-971 and R.S. 981-999. This material was printed in accordance with standards for printing by state agencies established pursuant to R.S. 43:31. Printing of this material was purchased in accordance with the provisions of Title 43 of the Louisiana Revised Statutes.

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# Executive Orders

## EXECUTIVE ORDER KBB 05-15

Bond Allocation—Louisiana Housing Finance Agency

WHEREAS, Executive Order No. KBB 2005-10, issued on March 28, 2005, granted a private activity bond allocation from the 2005 private activity bond volume limit to the Louisiana Housing Finance Agency in accordance with the requirements of Section 146 of the Internal Revenue Code of 1986, as amended; and

WHEREAS, it is necessary to amend Executive Order No. KBB 2005-10 in order to extend the time period in which the bonds may be delivered to initial purchasers;

NOW THEREFORE I, KATHLEEN BABINEAUX BLANCO, 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: Section 3 of Executive Order No. KBB 2005-10, issued on March 28, 2005, is hereby amended to provide as follows:

The granted allocation shall be valid and in full force and effect through December 31, 2005, provided that such bonds are delivered to the initial purchasers thereof on or before September 13, 2005.

SECTION 2: All other sections of Executive Order No. KBB 2005-10 shall remain in full force and effect.

SECTION 3: The provisions of this Order are effective upon signature.

IN WITNESS WHEREOF, I have set my hand officially and caused to be affixed the Great Seal of Louisiana, at the Capitol, in the city of Baton Rouge, on this 15th day of June, 2005.

Kathleen Babineaux Blanco  
Governor

ATTEST BY  
THE GOVERNOR  
Fox McKeithen  
Secretary of State  
0507#032

## EXECUTIVE ORDER KBB 05-16

Louisiana's Plan for Access to Mental Health Care

WHEREAS, according to the Substance Abuse and Mental Health Services Administration, an estimated twenty (20) percent of Louisiana citizens will experience a need for mental health care treatment in any given year;

WHEREAS, mental illness can occur at any stage in life and at any socio-economic level;

WHEREAS, the President's New Freedom Commission on Mental Health found that the country's mental health care system needed to be fundamentally transformed to become recovery oriented, to integrate programs that are fragmented across levels of government and different agencies and to replace unnecessary

institutional care with efficient, effective community services;

WHEREAS, direction has been provided to states under the American with Disabilities Act and the U.S. Supreme Court's decision in *Olmstead v. L.C.*, 527 U.S. 581(1999);

WHEREAS, in order to promote recovery, minimize costly school failures, associated physical health impacts, years of lost productivity and involvement with the justice system, Louisiana residents and their families who need mental health care must have access to a full range of prevention, early intervention, and treatment services;

WHEREAS, integral components of recovery for individuals with mental disorders include accessible, affordable primary health care; housing; transportation; educational, vocational, and avocational opportunities;

WHEREAS, in order to create an integrated comprehensive system of mental health care services, Louisiana is committed to assuring a full array of effective mental health care services for those in need through direct service delivery as permitted within the resources available to the state, as well as partnerships with the private sector;

WHEREAS, Louisiana has begun initiatives to provide effective mental health care services through the pursuit of federal grants, national policy academes, and through the "State Plan" optional services, which includes cross agency efforts designed to increase the availability of prevention, early intervention, and treatment services available to Louisiana residents in community-based settings;

WHEREAS, the citizens of the state of Louisiana will best be served by the adoption of a statewide policy that enhances access to a comprehensive integrated system of mental health care services based on national best practices and broad stakeholder input;

NOW THEREFORE I, KATHLEEN BABINEAUX BLANCO, 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 Department of Health and Hospitals shall be the lead agency and shall convene the Department of Social Services; the Department of Public Safety and Corrections; the Department of Education; the Department of Transportation and Development; the Department of Labor; the Department of Insurance; the Office of Youth Services; the Department of Veterans Affairs; the Governor's Office of Elderly Affairs; the Governor's Office of Disability Affairs; the Louisiana Housing Finance Agency; and the Louisiana State University Health Sciences Center (hereafter "Agencies") to develop a comprehensive and effective plan for the transformation of Louisiana's mental health care system, including recommended administrative and legislative actions that may be reasonably achieved by 2010 with the resources available to the state. Upon obtaining input from the Health Care Reform Panel, this comprehensive plan shall be presented to the governor no later than June 2006 for

consideration and approval and shall thereafter constitute Louisiana's Plan for Access to Mental Health Care (hereafter "Louisiana's Mental Health Plan").

SECTION 2: Louisiana's Mental Health Plan shall include, but is not limited to, the following:

A. A review and analysis of all laws, rules and regulations, programs and/or policies of the state of Louisiana and/or any of the departments, commissions, boards, agencies, and/or offices in the executive branch thereof, which pertain to mental health care services and supports, to identify barriers to access and make recommendations that will enable residents of Louisiana who require assistance to access needed mental health care services;

B. Proposals for administrative restructuring of programs, policies, procedures, and/or partnerships to improve the mental health care delivery system, including non-medical services such as transportation, housing, education, and vocational assistance, that are necessary for recovery and productive community-based living, which are achievable within the resources available to the state;

C. Analysis of programmatic, procedural, and fiscal impacts of any policies/practices recommended for adoption;

D. Exploration of means available to the state to secure funding for community-based services for persons needing mental health care services;

E. Recommendations on strategies to educate the public regarding identification of mental health care needs and effective treatment for mental illness and methods of accessing services;

SECTION 3: In developing Louisiana's Mental Health Plan, the Agencies will:

A. Take advantage of relevant work in progress and/or completed by the Agencies, various statewide task forces, councils, commissions, and other bodies that have convened to address related mental health care issues;

B. Consider all existing studies, reports and settlement agreements related to Louisiana's system of mental health services and supports;

C. Seek input from a broad range of stakeholders, including consumers, their family members, advocates, and private providers of services;

D. Seek consultation from nationally recognized experts and officials in other states in order to identify promising and/or proven practices that are consumer-centered, research-based, cost effective, and applicable to improving accessibility, capacity, quality, and financing across all mental health care services and supports.

SECTION 4: Upon approval of Louisiana's Mental Health Plan, the Agencies will meet quarterly to review progress in the implementation of the plan and will revise the plan as needed based on lessons learned, stakeholder input, and advances in best practices for mental health care delivery services.

SECTION 5: The secretary of the Department of Health and Hospitals, as chair of the Governor's Health Care Reform Panel, shall submit Louisiana's Mental Health Plan to the governor for consideration and approval.

SECTION 6: All departments, commissions, boards, offices, entities, agencies, and officers of the state of Louisiana, or any political subdivision thereof, are authorized and directed to cooperate with the implementation the provisions of this Order.

SECTION 7: This Order is effective upon signature and shall continue 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, at the Capitol, in the city of Baton Rouge, on this 30th day of June, 2005.

Kathleen Babineaux Blanco  
Governor

ATTEST BY  
THE GOVERNOR  
Fox McKeithen  
Secretary of State  
0507#033

# Emergency Rules

## DECLARATION OF EMERGENCY

### Department of Environmental Quality Office of Environmental Assessment

#### Laboratory Accreditation Exemption for Analyses of Target Volatile Organic Compounds (LAC 33:I.4719)(OS064E1)

In accordance with the emergency provisions of R.S. 49:953(B) of the Administrative Procedure Act, which allows the Department of Environmental Quality (Department) to use emergency procedures to establish rules, and of R.S. 30:2011, which allows the department to establish standards, guidelines, and criteria, to promulgate rules and regulations, and to issue compliance schedules, the secretary of the department hereby finds that imminent peril to the public welfare exists and accordingly adopts the following Emergency Rule.

The department relies on analytical data submitted both directly and indirectly to the department to determine compliance with both state and federal regulations. As a result of deadlines established in current Louisiana regulations, the department is prohibited from accepting data from commercial laboratories that have not received departmental accreditation. This Rule will allow the department to accept data from laboratories that have supporting documentation showing the quality assurance and quality control program used to generate analytical data by the laboratory. The department recently issued a number of Administrative Orders to certain facilities requiring monitoring and testing of ozone precursors. In order to comply with these orders, the facilities will drastically increase the number of samples taken and analyzed. A finding of imminent peril to public health, safety, and welfare is based on the insufficient number of accredited laboratories existing at this time that are capable of performing the volume of sample analyses within the time frame required by the department. This is a renewal of Emergency Rule OS064E, which was effective on March 18, 2005, and published in the *Louisiana Register* on April 20, 2005. This version of the Emergency Rule revises LAC 33:I.4719.E to include a deadline date and submittal of analytical data pursuant to a departmental administrative order. A Notice of Intent to promulgate this Rule is published in this edition of the *Louisiana Register*.

The department relies on the analytical data to determine permit compliance, enforcement issues, and effectiveness of remediation of soils and groundwater. Permit issuance and compliance are effective means of determining the impact on human health and the environment. The department must have access to accurate, reliable, precise analytical data in order to meet its mandate to protect human health and the environment.

This Emergency Rule is effective on July 16, 2005, and shall remain in effect for a maximum of 120 days or until a final Rule is promulgated, whichever occurs first. For more

information concerning OS064E1, you may contact the Regulation Development Section at (225) 219-3550.

## Title 33

### ENVIRONMENTAL QUALITY

#### Part I. Office of the Secretary

#### Subpart 3. Laboratory Accreditation

#### Chapter 47. Program Requirements

#### §4719. Implementation

A. All commercial laboratories analyzing data as of the effective date of these regulations that are directly or indirectly submitting data to the department must submit an application for accreditation as required in LAC 33:I.4701.A.1, including the review fee, by July 1, 2000. The department shall not accept laboratory data generated by laboratories that do not comply with this deadline until such laboratories receive accreditation and fully comply with the requirements of this Section. Except as provided in Subsection E of this Section, the department shall not accept environmental data submitted to the department either directly or indirectly until the laboratory has applied for accreditation under these regulations.

B. All laboratories subject to these regulations must receive accreditation from the department, as provided in these regulations, undergo an on-site inspection as specified in LAC 33:I.4701.A.2, and successfully participate in proficiency evaluations as required in LAC 33:I.4701.A.3 by December 31, 2000, or as otherwise agreed to by the department and the applicant, not to exceed one year from December 31, 2000. Except as provided in Subsection E of this Section, the department shall not accept data generated by laboratories that do not comply with these deadlines until such laboratories receive accreditation and fully comply with the requirements of this Section.

C. - D. ...

E. The department shall accept, until December 31, 2007, analytical data generated by a laboratory that is not accredited under these regulations, provided that:

1. the laboratory has supporting documentation showing the quality assurance and quality control programs used in generating analytical data by the laboratory and that the laboratory follows all requirements established by the EPA-approved analytical method employed;

2. the laboratory is submitting analytical data pursuant to a departmental administrative order to a facility requiring monitoring and testing of ozone precursors; and

3. the laboratory is submitting analytical data for any of the target volatile organic compounds listed in Table 1 of this Section using Compendium Method TO-14A or Compendium Method TO-15, as described in *The Compendium of Methods for the Determination of Toxic Organic Compounds in Air, Second Edition* (EPA 625/R-96/010b), with modifications as specified below:

a. a flame ionization detector (FID) must be used for the detector;

b. a 1-point calibration with propane must be used;

c. a reporting limit of at least 10 parts per billion (ppb) must be used;

d. any analytical result below the method detection limit (MDL) must be reported and flagged as an estimated value;

e. any analytical result at the instrument detection limit (IDL) must be reported and flagged as an estimated value.

## DECLARATION OF EMERGENCY

### Department of Health and Hospitals Office of the Secretary Bureau of Health Services Financing

#### Disproportionate Share Hospital Payment Methodologies (LAC 50:V.Chapter 3)

Table 1
Target Volatile Organic Compounds
Acetylene
Benzene
1,3-Butadiene
n-Butane
1-Butene
cis-2-Butene
trans-2-Butene
Cyclohexane
Cyclopentane
2,2-Dimethylbutane
2,3-Dimethylbutane
2,3-Dimethylpentane
2,4-Dimethylpentane
Ethane
Ethylene
Ethylbenzene
n-Heptane
n-Hexane
1-Hexene
Isobutane
Isopentane
Isoprene (2-methyl-1,3-butadiene)
Methylcyclohexane
Methylcyclopentane
2-Methylheptane
3-Methylheptane
2-Methylhexane
3-Methylhexane
2-Methylpentane
3-Methylpentane
n-Octane
1-Pentane
n-Pentane
cis-2-Pentene
trans-2-Pentene
Propane
Propylene
Styrene
Toluene
2,2,4-Trimethylpentane (isooctane)
2,3,4-Trimethylpentane
m/p-Xylene
o-Xylene

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2011.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, LR 24:922 (May 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:1436 (July 2000), LR 29:312 (March 2003), amended by the Office of Environmental Assessment, LR 31:

Mike McDaniel, Ph.D.  
Secretary

0507#021

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing promulgates the following Emergency Rule in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act and Act 182 of the 2005 Regular Session of the Louisiana Legislature. This Emergency Rule is promulgated in accordance with the Administrative Procedure Act, R.S. 49:953(B)(1) et seq., and shall be in effect for the maximum period allowed under the Act or until adoption of the final rule, whichever occurs first.

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing promulgated a rule to adopt the provisions governing the disproportionate share payment methodologies for hospitals in May of 1999 (*Louisiana Register*, Volume 25, Number 5). The May 20, 1999 rule was later amended to change the criteria used to define rural hospitals and to clarify the policy governing final payments and adjustments (*Louisiana Register*, Volume 29, Number 1). In compliance with Act 491, Act 1024 and Senate Concurrent Resolution 94 of the 2001 Regular Session and Senate Concurrent Resolution 27 of the 2002 Regular Session, the Department adopted an emergency rule to repeal and replace all the provisions governing disproportionate share hospital payments (*Louisiana Register*, Volume 29, Number 6). In compliance with Acts 14, 526 and 1148 of the 2003 Regular Session, the Department amended the June 20, 2003 Emergency Rule to amend the qualifying criteria and the payment methodology for disproportionate share payments to small rural hospitals. (*Louisiana Register*, Volume 29, Number 9).

Act 182 of the 2005 Regular Session of the Louisiana Legislature, enacted as the Healthcare Affordability Act, established the Louisiana Healthcare Affordability Trust Fund as a special fund in the state treasury for the purposes of preserving and enhancing the availability of inpatient and outpatient hospital care for all patients, enhancing the stability of Medicaid funding by capturing a reliable source of funding for a portion of the state's obligation, and easing "cost-shifting" to employers and private insurers by providing reimbursement for a portion of hospitals' uncompensated care and Medicaid underpayment. The monies in the fund shall be generated by a provider fee levied on all hospitals licensed by the state under R.S. 40:2100 et seq., except for those hospitals specifically exempted by the provisions contained in Act 182.

In order to comply with the directives of Act 182, the Department proposes to amend the June 20, 2005 Emergency Rule governing the disproportionate share payment methodologies for hospitals. This action is being taken to enhance federal revenue. It is estimated that

implementation of this proposed Emergency Rule will increase expenditures for disproportionate share payments by approximately \$75,651,514 for state fiscal year 2005-2006.

Effective July 1, 2005, the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing amends the following provisions contained in the June 26, 2005 emergency rule governing disproportionate share hospital payment methodologies.

#### **Title 50**

### **PUBLIC HEALTH—MEDICAL ASSISTANCE**

#### **Part V. Medical Assistance Program—Hospital Services**

##### **Subpart 1. Inpatient Hospitals**

#### **Chapter 3. Disproportionate Share Hospital Payment Methodologies**

##### **§301. General Provisions**

A. - B.2. ...

3. DSH payments to a hospital determined under any of the methodologies described in this Chapter 3 shall not exceed the hospital's net uncompensated cost as defined in §305-313 or the disproportionate share limits as defined in Section 1923(g)(1)(A) of the Social Security Act for the state fiscal year to which the payment is applicable. Any Medicaid profit shall be used to offset the cost of treating the uninsured in determining the hospital specific DHH limits.

4. Qualification is based on the hospital's latest filed cost report and related uncompensated cost data as required by the Department. Qualification for small rural hospitals is based on the latest filed cost report. Hospitals must file cost reports in accordance with Medicare deadlines, including extensions. Hospitals that fail to timely file Medicare cost reports and related uncompensated cost data will be assumed to be ineligible for disproportionate share payments. Only hospitals that return timely disproportionate share qualification documentation will be considered for disproportionate share payments. After the final payment during the state fiscal year has been issued, no adjustment will be given on DSH payments with the exception of public state-operated hospitals, even if subsequently submitted documentation demonstrates an increase in uncompensated care costs for the qualifying hospital. For hospitals with distinct part psychiatric units, qualification is based on the entire hospital's utilization.

B.5. - B.6. ...

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 31:

##### **§303. Disproportionate Share Hospital Qualifications**

A.1. - 4.b.ii. ...

c. Repealed.

d. Repealed.

5. ...

6. any hospital licensed by the state under R.S. 40:2100 et seq., but does not include:

a. any hospital owned by the state;

b. any hospital owned by the United States or any agency or department thereof;

c. any hospital that generally seeks no reimbursement for its services;

d. rural hospitals as defined in R.S. 40:1300.143; and

e. hospitals certified by Medicare as separately licensed long term acute care, rehabilitation or psychiatric hospitals.

7. in addition to the qualification criteria outlined in §303.A.1-6, effective July 1, 1994, must also have a Medicaid inpatient utilization rate of at least 1 percent.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 31:

##### **§307. Other Uninsured Hospitals**

A. ...

B. DSH payments to an individual other uninsured hospital shall be calculated as follows.

1. Private Other Uninsured. Hospitals shall be compensated for at least 75 percent of their uncompensated care as reported on the latest uncompensated care filing prior to May 31 of the previous fiscal year. Any hospital which has not filed previously or is not yet required by regulation to make an uncompensated care filing, or which is without a full year cost report, may file an estimate of its uncompensated costs within 45 days of the end of the quarter in which such care was provided. Any such hospital otherwise eligible for uncompensated care cost compensation shall be included in the payment to be made in the quarter in which the estimate is filed, subject to final adjustment as otherwise provided. Except as hereinafter provided, the uncompensated care payment shall be paid in equal quarterly installments due on the fifteenth day of the third month in each calendar quarter. The amount of the fourth quarter payments in any fiscal year for inpatient services, outpatient services, inpatient psychiatric services and disproportionate share hospital payments shall be reduced or increased proportionately as necessary to achieve the total annual cost to the state, including federal financial participation, of implementing this amended reimbursement methodology. Amounts due to individual hospitals shall be adjusted as necessary to reflect any differences between payments during the preceding 12 months to hospitals for estimates of uncompensated care and the amount actually due during the period based on uncompensated care filings by those hospitals.

2. Public Other Uninsured. Non-state public hospitals, except small rural hospitals, shall certify to the Department of Health and Hospitals the state nonfederal share of expenditures for all of their Medicaid claims and shall provide a certification of incurred uncompensated care costs that constitute public expenditures that are eligible for financial participation under Title XIX of the Social Security Act. Both certifications shall be submitted in a form satisfactory to the department at the earliest possible date after July 1, but no later than October 1 of each fiscal year beginning July 1, 2005. The reimbursement methodology for the hospitals participating in the certification, except small rural hospitals, shall be 100 percent of their allowable costs.

C. ...

D. Repealed.

E. ...



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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 31:

**§313. Public State-Operated Hospitals**

A. ...

B. DSH payments to individual public state-owned or operated hospitals shall be up to 100 percent of the hospital's net uncompensated costs. Final payment will be based on the uncompensated cost data per the audited cost report for the period(s) covering the state fiscal year.

C. - D. ...

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 31:

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

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

Frederick P. Cerise, M.D., M.P.H.  
Secretary

0507#064

**DECLARATION OF EMERGENCY**

**Department of Health and Hospitals  
Office of the Secretary  
Bureau of Health Services Financing**

Health Care Services Provider Fees  
Hospital Services (LAC 48:I.4001)

The Department of Health and Hospitals, Office of the Secretary, Office of Management and Finance amends LAC 48:I.4001 as authorized by R.S. 36:254 and pursuant to R.S. 46:2601-2605. This Emergency Rule is promulgated in accordance with the Administrative Procedure Act, R.S. 49:953(B)(1) et seq., and shall be in effect for the maximum period allowed under the Act or until adoption of the Rule, whichever occurs first.

The Department of Health and Hospitals, Office of Management and Finance adopted a Rule to amend the March 20, 1993, January 20, 1994 and October 20, 1994 rules governing health care services provider fees and repromulgated regulations pertaining to (1) the administration of fees; and (2) the rights and obligations of those on whom such fees are imposed (*Louisiana Register*, Volume 26, Number 7). The department also added a procedure to be used in estimating the amount of fees due in cases of failure to report, and revised the procedures for collecting delinquent fees to insure more prompt collection. The department also revised the nonsufficient fund check regulation in order to avail itself of the full benefits of R.S. 9:2782.

Act 182 of the 2005 Regular Session of the Louisiana Legislature, enacted as the Healthcare Affordability Act, establishes the Louisiana Healthcare Affordability Trust Fund as a special fund in the state treasury for the purposes of preserving and enhancing the availability of inpatient and outpatient hospital care for all patients, enhancing the stability of Medicaid funding by capturing a reliable source of funding for a portion of the state's obligation, and easing "cost-shifting" to employers and private insurers by providing reimbursement for a portion of hospital' uncompensated care and Medicaid underpayment. The monies in the fund shall be generated by a provider fee levied on all hospitals licensed by the state under R.S. 40:2100 et seq., except for those hospitals specifically exempted by the provisions contained in the Act.

In compliance with Act 182, the department proposes to promulgate an Emergency Rule to establish the provisions governing a provider fee levied on all hospitals licensed by the state, except for those hospitals specifically exempted by the provisions contained in the legislation. This action is being taken because the legislature specifically authorized the department to promulgate such regulations as necessary to comply with R.S. 47:8055(A) as emergency rules. It is estimated that the implementation of this proposed Rule will increase revenues by approximately \$297,206,337 for state fiscal year 2005-2006.

**Title 48**

**PUBLIC HEALTH—GENERAL**

**Part I. General Administration**

**Subpart 1. General**

**Chapter 40. Provider Fees**

**§4001. Specific Fees**

A. Definitions. As used in this Chapter 40, the following terms shall have the following meanings.

*Base Year Medicaid Hospital Funding*—the amount paid to all nonstate hospitals by the Medicaid program in state fiscal year 2004-2005, excluding Medicare upper payment limit payments.

*Base Year Medicaid Hospital Rates*—the rates, excluding upper payment limit payments, for inpatient and outpatient services paid to all nonstate hospitals by the Medicaid program in state fiscal year 2004-2005.

*Base Year Medicare Cost Report*—the hospital's Medicare cost report filed for the full cost report year beginning in the Federal fiscal year 2001 (October, 2000-September, 2001). In the event that the hospital did not file a full year Medicare cost report for this period, the base year Medicare cost report shall be the hospital's first full year Medicare cost report filed subsequent to this period.

*Calendar Quarter*—as applicable to the hospital services provider fee, the term *calendar quarter* shall be constituted as follows.

First Quarter	July, August, September
Second Quarter	October, November, December
Third Quarter	January, February, March
Fourth Quarter	April, May, June

*CMS*—the Centers for Medicare and Medicaid Services of the United States Department of Health and Human Services or its successor.

*Department*—the Department of Health and Hospitals.

*Fee Effective Date*—the date specified in R.S. 47:8056(E).

*Fund*—the Louisiana Healthcare Affordability Trust Fund.

*Hospital*—any hospital licensed by the state under R.S. 40:2100 et seq., but does not include:

- a. any hospital owned by the state;
- b. any hospital owned by the United States or any agency or department thereof;
- c. any hospital that generally seeks no reimbursement for its services;
- d. rural hospitals as defined in R.S. 40:1300.143; and
- e. hospitals certified by Medicare as separately licensed long term acute care, rehabilitation or psychiatric hospitals.

*Intentional Failure to Pay*—failure by a hospital to pay the fee imposed under this Chapter within 30 days of a notice of delinquency from the department.

*Medicaid Program*—the medical assistance program as established in Title XIX of the Social Security Act and as administered in the state of Louisiana by the Department of Health and Hospitals.

*Net Patient Revenue*—the amount reported as net patient revenue in the hospital's Medicare cost report.

*Net Uncompensated Cost*—with respect to hospitals subject to this Chapter, the cost of furnishing uncompensated care to uninsured patients less any payments received for such care.

*Nonstate Hospitals*—all hospitals licensed by the state or participating in the Medicaid program, excluding only those that are owned by the state.

*Quarter*—as applicable to provider fees for nursing facility services, intermediate care facility for the mentally retarded services, pharmacy services and transportation services, the term *quarter* shall be constituted as follows.

First Quarter	December, January, February
Second Quarter	March, April, May
Third Quarter	June, July, August
Fourth Quarter	September, October, November

Note: This definition of *quarter* is not applicable to the hospital services provider fee.

*Secretary*—the secretary of the Department of Health and Hospitals.

*State*—the state of Louisiana.

*Uncompensated Care*—with respect to hospitals subject to this Chapter, furnishing inpatient and outpatient hospital services to uninsured persons as defined by the Louisiana Department of Health and Hospitals.

B. - E. ...

F. Hospital Services

1. Effective July 1, 2005, a fee shall be paid by each hospital as defined in this Chapter 40 and the amount of the fee will be calculated as follows.

a. For each hospital having a base year Medicare cost report, the fee shall be 1 1/2 percent of its total net patient revenue.

b. For each hospital without a base year Medicare cost report, an interim fee of \$50,000 per calendar quarter shall be due until a base year Medicare cost report is filed. After the filing of a base year Medicare cost report, the

hospital shall, within 90 days of such filing amend its prior fee filing to reflect the actual net patient revenue. If additional monies are due for the period covered by the amendment, the balance shall be paid at the time the amendment is filed. If the amendment reflects that the fee was overpaid, the balance shall be refunded to the hospital within the same period.

c. In the event that the net patient revenue stated in the base year Medicare cost report is amended or adjusted at any time after fee payments under this Chapter have been made, the hospital shall, within 90 days of such amendment or adjustment, pay any difference between previous fee payments and the amount that would have been due in light of the cost report amendment or adjustment. If the amendment to the cost report reflects that the fee was overpaid, the balance shall be refunded to the hospital within the same period.

2. It is the intention of the legislature that the total amount collected as a fee under §4001.F of this Chapter in any year shall be no more than \$90,000,000. If at any time the department determines that total collections of this fee in any state fiscal year will exceed that amount, it shall immediately reduce the percentage amount of the fee due in the next calendar quarter to the extent necessary to limit total collections in that year to \$90,000,000 and shall publish notice in the *Louisiana Register*.

3. Except in the implementation period, the fee shall be paid in equal quarterly installments due on the twentieth day of the third month of each calendar quarter.

4. Any fee not timely paid by a hospital shall bear interest at the rate provided by law for failure to pay other fees due to the state, provided that the department may, in individual cases, waive the interest based on the financial condition of the hospital involved. The department shall cause a notice of delinquency to be sent to any hospital which has not paid in full any amount within 30 days of the date due.

5. When a hospital disputes that the fee is payable, or disputes the amount that is payable, it shall give the department written notice thereof at any time before the fee becomes delinquent. Under no circumstances shall the department offset any amounts due to a hospital to collect the fee to the extent that the fee has been properly disputed as provided herein.

6. Any fee collected pursuant to §4001.F of this Chapter shall be considered an allowable cost for purposes Medicare and Medicaid cost reporting and reimbursement. However, no hospital shall include the fee as an itemized and separately listed amount on any statement sent to any patient, responsibility party, insurer or self-insured employer programs.

7. Act 182 of the 2005 Regular Session of the Louisiana Legislature established a special fund in the state treasury to be known as the Louisiana Healthcare Affordability Trust Fund, which shall consist of monies generated by the fees on hospitals as set forth in the Act. The proceeds of the fund may be disbursed only to the department for use in the Medicaid Program consistent with the stated purposes of the Act, and only when the following conditions have been met.

a. Total Medicaid funding and reimbursement rates paid in the current fiscal year for payments to all nonstate

hospitals is not less than the base year Medicaid hospital funding.

b. The payments required to be made to hospitals under the Rural Hospital Preservation Act is not less than the base year Medicaid funding

c. An approved and final system is in place and fully funded to compensate hospitals as defined in §4001 for at least 75 percent of their uncompensated care as reported on the latest uncompensated care filing prior to May 31 of the previous fiscal year. Any hospital which has not filed previously or is not required by regulation to make an uncompensated care filing, or which is without a full year cost report, may file an estimate of its uncompensated costs within 45 days of the end of the quarter in which such care provided. Any such hospital otherwise eligible for uncompensated care cost compensation shall be included in the payment to be made in the quarter in which the estimate is filed, subject to final adjustment as otherwise provided. Except as hereinafter provided, the uncompensated care payment shall be paid in equal quarterly installments due on the fifteenth day of the third month in each calendar quarter.

d. The Medicaid psychiatric care per diem rates for care rendered by all hospitals as defined in §4001 in the current fiscal year are at least \$60 greater than the base Medicaid hospital rate for inpatient psychiatric care services, and the Medicaid hospital rate for care rendered by all hospitals as defined in §4001, other than psychiatric care, in the current fiscal year are at least \$160 greater than the base year Medicaid rate for such services.

e. For hospitals, as defined in §4001, Medicaid hospital outpatient rates in the current fiscal year are at least 13 percent greater than the base year Medicaid hospital rate. If the hospital outpatient payment is based on costs reported on the Medicaid cost report, the cost settlement in the current fiscal year is at least 13 percent greater than the base year Medicaid hospital cost settlement rate.

f. It is the intention of the legislature that the total additional amount cost to the state, including federal financial participation, of implementing the provisions of §4001.F.7.c.-e. will be \$170 million. To that end, the amount of the fourth quarter payments in any fiscal year shall be reduced or increased proportionately as necessary to achieve the total annual cost. The amounts due to individual hospitals shall be adjusted as necessary to reflect any differences between payments during the preceding 12 months to hospitals for estimates of uncompensated care and the amount actually due during that period based on uncompensated care filings by those hospitals.

g. During the implementation period, the rate increase required by §4001.F.7.c.-e. may be contingent on the final implementation of the fee imposed by this Chapter, as long as the rate increase applies, whether prospectively or retrospectively, to all services rendered and payments due in the implementation period.

h. If the criteria in §4001.F.7.c.-e. have not been met, no fees or other assets of the fund shall be disbursed to the department. Any amount not disbursed within 120 days of the end of the quarter in which it was received shall be refunded to the hospital paid it. Thereafter, no fee may be imposed and no fee shall be due until the criteria §4001.F.7.c.-e. has been met.

AUTHORITY NOTE: Promulgated in accordance with Chapter 45 of Title 46 as enacted in 1992, 46:2601-2605, *Louisiana Register* Vol. 31, No. 07 July 20, 2005

redesignated as Chapter 47 of Title 46, containing R.S. 46:2621 to 46:2625 and PL 102-234.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Management and Finance, LR 19:347 (March 1993), amended LR 20:51 (January 1994), amended LR 26:1478 (July 2000), LR 31:

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

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

Frederick P. Cerise, M.D., M.P.H.  
Secretary

0507#065

## DECLARATION OF EMERGENCY

### Department of Health and Hospitals Office of the Secretary Bureau of Health Services Financing

#### Home and Community Based Services Waivers New Opportunities Waiver—Emergency Opportunities (LAC 50:XXI.13707-13709)

The Department of Health and Hospitals, Office of the Secretary, Bureau of Community Supports and Services proposes to adopt LAC 50.XXI.13707-13709 as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This Emergency Rule is being promulgated in accordance with the Administrative Procedure Act, R.S. 49:953(B)(1) et seq., and shall be in effect for the maximum period allowed under the Act or until adoption of the final rule, whichever occurs first.

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing adopted a rule on June 20, 1997 to establish the provisions governing the programmatic allocation of waiver slots for the Mental Retardation/Developmental Disabilities (MR/DD) Waiver (*Louisiana Register*, Volume 23, Number 6). The June 20, 1997 rule was subsequently amended on May 20, 2002 to update the methodology for slot allocation in order to better meet the needs of citizens with disabilities in the state of Louisiana (*Louisiana Register*, Volume 28, Number 5). The Department of Health and Hospitals, Office of the Secretary, Bureau of Community Supports and Services promulgated a rule implementing a new home and community based services waiver designed to enhance the support services available to individuals with developmental disabilities titled the New Opportunities Waiver (NOW) (*Louisiana Register*, Volume 30, Number 6). The New Opportunities Waiver replaced the MR/DD Waiver upon completion of the transition of all MR/DD participants to NOW.

The Appropriations Bill of the 2004 Regular Session of the Legislature allocated funds for the establishment of 66 emergency slots for NOW and mandated the development and enforcement of rules established under the

Administrative Procedure Act to create an equitable and precise methodology for defining an emergency and the issuance of such slots. The bureau promulgated an Emergency Rule April 19, 2005 that established the provisions governing emergency waiver opportunities. In addition, the bureau repealed the rules governing programmatic allocation of MR/DD Waiver slots and adopted provisions to govern the programmatic allocation of waiver opportunities for NOW (*Louisiana Register*, Volume 31, Number 4). The bureau now proposes to amend the April 19, 2005 Rule to clarify the provisions governing allocation of waiver opportunities for persons transitioning from publicly operated to private ICF-MR facilities. This action is being taken to promote the health and welfare of those individuals with developmental disabilities by facilitating access to waiver services.

Effective July 20, 2005, the Department of Health and Hospitals, Office of the Secretary, Bureau of Community Supports and Services amends the April 2005 Emergency Rule and adopts the following provisions governing the programmatic allocation of waiver opportunities in the New Opportunities Waiver. As used in this Emergency Rule, the term "he" shall include the feminine.

#### **Title 50**

### **PUBLIC HEALTH—MEDICAL ASSISTANCE**

#### **Part XXI. Home and Community Based Services Waivers**

##### **Subpart 11. New Opportunities Waiver**

##### **Chapter 137. General Provisions**

##### **§13707. Programmatic Allocation of Waiver Opportunities**

A. The Bureau of Community Supports and Services (BCSS) Request for Services Registry, hereafter referred to as "the registry," shall be used to evaluate individuals for waiver eligibility and shall be used to fill all waiver opportunities administered by the BCSS for persons with mental retardation or developmental disabilities. BCSS shall notify, in writing, the next individual on the registry that a waiver opportunity is available and that he is next in line to be evaluated for a possible waiver assignment. The individual shall then choose a case management agency that will assist in the gathering of the documents needed for both the financial eligibility and medical certification process for level of care determination. If the individual is determined to be ineligible, either financially or medically, that individual shall be notified in writing. The next person on the registry shall be notified as stated above and the process continues until an eligible person is assigned the waiver opportunity. A waiver opportunity shall be assigned to an individual when eligibility is established and the individual is certified. By accepting a waiver opportunity, the person's name shall be removed from the registry.

B. Right of Refusal. A person may be designated inactive on the registry upon written request to BCSS. When the individual determines that he is ready to begin the waiver evaluation process, he shall request, in writing, to BCSS that his name be removed from inactive status and his original protected request date will be reinstated. In addition, persons who left a publicly operated facility after July 1, 1996 and who would have received a waiver opportunity, but chose

another option at the time of discharge may request access to a waiver opportunity through the Office for Citizens with Developmental Disabilities (OCDD) regional administrative units. OCDD will verify that the individual meets the criteria for this option and will refer the person to BCSS for access to the next available waiver opportunity based on their date of discharge from the publicly operated facility and that will become their protected date.

C. Utilizing these procedures, waiver opportunities shall be allocated to the targeted groups cited as follows.

1. A minimum of 90 waiver opportunities shall be available for allocation to foster children in the custody of the Office of Community Services (OCS), who successfully complete the financial and medical certification eligibility process and are certified for the waiver. OCS is the guardian for children who have been placed in their custody by court order. OCS shall be responsible for assisting the individual in gathering the documents needed in the eligibility determination process, preparing the comprehensive plan of care, and submitting the plan of care document to BCSS.

2. A minimum of 160 waiver opportunities shall be available for people living at Pinecrest and Hammond Developmental Centers, or their alternates at private ICFs-MR, who have chosen to receive community-based waiver services, have successfully completed the financial eligibility and medical certification processes, and are certified for the waiver. For the purposes of assigning these waiver opportunities, an alternate is defined as a person who lives in a private ICF-MR, chooses to apply for waiver participation, is eligible for the waiver, and vacates a bed in the private ICF-MR for an individual being discharged from a publicly operated facility. A person living at either Pinecrest or Hammond Developmental Center shall have the option to select a private ICF-MR placement in the area of his choice in order to designate the individual being discharged from the private ICF-MR as his alternate. The bed being vacated in the private ICF-MR must be reserved for 14 days for the placement of a person being discharged from a publicly operated facility. The person's discharge from a publicly operated facility and his subsequent placement in a private ICF-MR is to occur as close as possible to the actual discharge of the alternate from the private ICF-MR and is not to exceed 14 days from the date of the alternate's discharge and certification for the waiver. The bed may be held vacant beyond the 14 days with the concurrence of the private ICF-MR provider.

3. Except for those waiver opportunities addressed in Paragraphs C.1, C.2, C.6 and C.7, waiver opportunities vacated during the waiver year shall be made available to persons leaving any publicly operated ICF-MR or their alternates.

4. A waiver opportunity will be reserved for persons who choose to transition from a publicly operated facility to community-based waiver services. The reservation of a waiver opportunity shall not exceed 120 days. However, justification to exceed this 120-day reservation period may be granted as needed.

5. Waiver opportunities not utilized by persons living in public ICFs/MR or their alternates shall be divided between:

- a. the next individual on the registry who is living in either a nursing facility or private ICF-MR; and
- b. the next individual on the registry who is residing in the community.

6. Ten waiver opportunities shall be used for qualifying persons with developmental disabilities who receive services from the Developmental Neuropsychiatric Program (DNP) administered by Southeast Louisiana State Hospital. This is a pilot project between the BCSS, the OCDD, and the Office of Mental Health (OMH) in the development of coordinated wrap around services for individuals who choose to participate in the waiver and meet the financial and medical eligibility requirements for the waiver.

7. Sixty-six waiver opportunities shall be used for qualifying individuals with developmental disabilities who require emergency waiver services. In the event that a waiver opportunity is vacated, the opportunity will be returned to the emergency pool for support planning based on the process for prioritization. Once the 66 waiver opportunities are filled, then supports and services based on the priority determination system will be identified by OCDD and addressed through other resources currently available for individuals with developmental disabilities.

8. Funded waiver opportunities not addressed above shall be available for allocation to the next individual on the registry who successfully completes the financial eligibility and medical certification process and is certified for the waiver.

D. The Bureau of Community Supports and Services has the responsibility to monitor the utilization of waiver opportunities. At the discretion of the BCSS, specifically allocated waiver opportunities may be reallocated to better meet the needs of citizens with disabilities in the state of Louisiana.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Community Supports and Services, LR 31:

**§13709. Emergency Opportunities**

A. Requests for emergency waiver services shall be made through the regional administrative units (RAU), which are local and regional governmental entities responsible for implementing OCDD policies. When a request for emergency services is received, the RAU (which may be OCDD regional offices, human services districts, or human services authorities) shall complete a priority assessment that incorporates standardized operational procedures with standardized assessment tools to determine the priority of the individual's need in a fair and consistent manner.

B. To be considered for emergency waiver supports, the individual must need long term supports, not temporary or short term supports. All of the following criteria shall be used in the determination of priority for an emergency waiver opportunity.

1. Urgency of Need. The individual will require further assessment for emergency services if one of the following situations exists:

- a. the caregiver is unable or unwilling to continue providing care;
- b. death of the caregiver and there are no other available supports;
- c. the caregiver is incapacitated and there are no other available supports due to physical or psychological reasons;
- d. intolerable temporary placement, immediate need for new placement; or
- e. other family crisis exists with no caregiver support available.

2. Level of Risk. The individual will be assessed to determine the risk to health and safety in areas of daily living, health care and behavioral supports if an emergency waiver opportunity is not made available. Level of risk will be categorized as follows.

a. High Risk—the person's health or safety is at imminent risk without the requested developmental disability supports.

b. Moderate Risk—the person has a potential risk of losing their current level of health or safety without the requested developmental disability supports.

c. Low Risk—the person is at little or no risk of losing their current level of health or safety without the requested developmental disability supports.

3. Level of Unmet Needs. The person's needs shall be identified and assessed to determine the level to which the needs are being met.

4. Adaptive Service Level Determination. The person's service needs will be determined utilizing a standardized rating based on adaptive behavior levels.

5. Financial Resources Determination. Individual or family income shall be considered to determine whether it is adequate to meet unmet needs.

C. For individuals who appear to meet the criteria for an emergency waiver opportunity, the RAU will forward the Priority Ranked Score and all supporting documentation to the DHH emergency review team coordinator at OCDD in Baton Rouge to complete the programmatic determination process.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Community Supports and Services, LR 31:

Implementation of this Emergency Rule is subject to approval by the United States Department of Health and Human Services, Centers for Medicare and Medicaid Services.

Interested persons may submit written comments to Sue Merrill, Bureau of Community Supports and Services, P.O. Box 91030, Baton Rouge, LA 70821-9030. She 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.

Frederick P. Cerise, M.D., M.P.H.  
Secretary

0507#066

## DECLARATION OF EMERGENCY

### Department of Health and Hospitals Office of the Secretary Bureau of Health Services Financing

#### Medicaid Eligibility—Treatment of Loans, Mortgages, Promissory Notes, and Other Property Agreements

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing promulgates the following Emergency Rule in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This Emergency Rule is promulgated in accordance with the Administrative Procedure Act, R.S. 49:953(B)(1) et seq., and shall be in effect for the maximum period allowed under the Act or until adoption of the Rule, whichever occurs first.

Section 13611 of the Omnibus Budget Reconciliation Act of 1993 amended Section 1917(c) of the Social Security Act and added Section 1917(d) to set forth the rules under which transfers of assets and trusts must be considered in determining eligibility for Medicaid. The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing adopted a Rule promulgating the Medicaid Eligibility Manual in its entirety by reference in May of 1996 (*Louisiana Register*, Volume 22, Number 5). Section I-1600 of the Medicaid Eligibility Manual addresses the treatment of resources in the eligibility determination process. The bureau amended the May 20, 1996 Rule to revise Medicaid policy in regard to treatment of certain loans, mortgages, promissory notes, and property agreements in the Medicaid eligibility determination process. (*Louisiana Register*, Volume 31, Number 4). This Emergency Rule is being promulgated to continue the provisions contained in the April 20, 2005 Rule. These changes are needed to curb abuse of the transfer of assets section of the Omnibus Budget Reconciliation Act of 1993.

This action is being taken in order to avoid a budget deficit.

#### Emergency Rule

Effective August 19, 2005, the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing amends the provisions of the May 20, 1996 Rule governing treatment of transfer of assets in the determination of Medicaid eligibility. This policy change applies to applications, renewals of eligibility or changes in situation for all individuals except for those persons receiving Supplemental Security Income (SSI) or deemed to be receiving SSI.

A. Definitions. Unless otherwise specifically provided herein, the words and terms used in this rule shall be defined as follows.

*Family Member/Relative* includes, but is not limited to, the following categories of relatives of the applicant for medical assistance:

1. adopted child;
2. stepchild;
3. stepparent;
4. stepsister or stepbrother;
5. mother- or father-in-law;
6. daughter- or son-in-law;
7. sister- or brother-in-law; or

8. any descendants, ascendants, or collaterals by blood or consanguinity.

*Entities* include, but are not limited to, partnerships, corporations, limited liability corporations, sole proprietorships, and any other entity or group.

B. Loans, Mortgages, Promissory Notes, and Property Agreements or Assignments. A loan, mortgage, promissory note, property agreement or property assignment is a countable resource and a potential transfer of assets. If a loan, mortgage, promissory note, property agreement or property assignment is made by or between family members or relatives, the full face value of the instrument will be a countable resource in Medicaid eligibility determination regardless of any non-negotiability, non-transferability or non-assignability provisions contained therein. This policy shall also apply to any such instruments by or between any entities owned, either partially or wholly, by family members or relatives of the applicant for medical assistance. Entities include, but are not limited to, partnerships, corporations, limited liability corporations, sole proprietorships, and any other entity or group.

Existing loans, mortgages, promissory notes, property agreements or property assignments which are labeled non-negotiable, non-assignable or non-transferable, will be evaluated in regard to whether the buyer has been making good faith efforts (i.e., making scheduled payments) since the agreement was executed to fulfill the contractual obligation. Failure to make good-faith efforts to fulfill the contractual obligation shall result in the full face value of the instrument being considered a countable resource in Medicaid eligibility determination.

C. Instruments containing Certain Provisions. Regardless of any non-assignability, non-negotiability or non-transferability provisions contained therein, any loans, mortgages, promissory, property agreements or property assignments executed with any individual or entity which contains any of the following provisions will be considered a resource without any further evaluation:

1. payments are not in equal monthly installments (contain balloon payments or interest only payments) even if the principle is due within life expectancy;
2. terms for repayment that exceed the holder's life expectancy;
3. self-canceling clauses;
4. interest rates at execution are less than the national prime rate; or
5. clauses that forgive a portion of the principal.

Existing loans, mortgages, promissory notes, property agreements or property assignments which are labeled non-negotiable, non-assignable or non-transferable established before the effective date of this Rule will be evaluated under transfer of resource policy.

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

Frederick P. Cerise, M.D., M.P.H.  
Secretary

0507#068

## DECLARATION OF EMERGENCY

Department of Health and Hospitals  
Office of the Secretary  
Bureau of Health Services Financing

Pharmacy Benefits Management Program  
Erectile Dysfunction Drugs Coverage Termination

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing promulgates the following Rule in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This Emergency Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49: 953(B)(1) et seq., and shall be in effect for the maximum period allowed under the act or until adoption of the final Rule, whichever occurs first.

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing currently provides coverage for prescription drugs for treatment of erectile dysfunction under the Pharmacy Benefits Management Program. The bureau promulgated a Rule that limited the number of units of these drugs that are reimbursable under the Medicaid Program to six units per month (*Louisiana Register*, Volume 25, Number 5). The bureau amended the May 20, 1999 Rule and reduced the number of units of erectile dysfunction drugs that are reimbursable to one per month (*Louisiana Register*, Volume 31, Number 3). The bureau now proposes to repeal the May 20, 1999 and March 20, 2005 Rules and terminate coverage of erectile dysfunction drugs under the Medicaid Program.

This action is being taken in order to avoid federal sanctions. It is estimated that implementation of this Emergency Rule will decrease expenditures in the Medical Assistance Program by approximately \$1,639,387 for the state fiscal year 2005-2006.

### Emergency Rule

Effective July 1, 2005, the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing discontinues coverage and reimbursement of prescription drugs for the treatment of erectile dysfunction under the Medicaid Program.

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

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

Frederick P. Cerise, M.D., M.P.H.  
Secretary

0507#001

## DECLARATION OF EMERGENCY

Department of Health and Hospitals  
Office of the Secretary  
Bureau of Health Services Financing

Private Hospitals—Inpatient Psychiatric Services  
Reimbursement Methodology

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing promulgates the following Emergency Rule in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act and Act 182 of the 2005 Regular Session of the Louisiana Legislature. This Emergency Rule is promulgated in accordance with the Administrative Procedure Act, R.S. 49:953(B)(1) et seq., and shall be in effect for the maximum period allowed under the Act or until adoption of the final Rule, whichever occurs first.

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing adopted a Rule which established the prospective reimbursement methodology for inpatient psychiatric hospital services provided in either a free-standing psychiatric hospital or distinct part psychiatric unit of an acute care general hospital (*Louisiana Register*, Volume 19, Number 6). The June 20, 1993 Rule was later amended to discontinue the practice of automatically applying an inflation adjustment to the reimbursement rates for inpatient psychiatric services in those years when the rates are not rebased (*Louisiana Register*, Volume 25, Number 5). The May 1999 Rule was subsequently amended to increase the reimbursement rates for inpatient psychiatric hospital services provided in private and public non-state owned and operated free-standing psychiatric hospitals and distinct part psychiatric units based on the weighted average costs reported on the cost report ending in SFY 2002 (*Louisiana Register*, Volume 30, Number 11).

Act 182 of the 2005 Regular Session of the Louisiana Legislature, enacted as the Healthcare Affordability Act, established the Louisiana Healthcare Affordability Trust Fund as a special fund in the state treasury for the purposes of preserving and enhancing the availability of inpatient and outpatient hospital care for all patients, enhancing the stability of Medicaid funding by capturing a reliable source of funding for a portion of the state's obligation, and easing "cost-shifting" to employers and private insurers by providing reimbursement for a portion of hospitals' uncompensated care and Medicaid underpayment. The monies in the fund shall be generated by a provider fee levied on all hospitals licensed by the state under R.S. 40:2100 et seq., except for those hospitals specifically exempted by the provisions contained in Act 182. In order to comply with the directives of the Act, the bureau proposes to amend the methodology for reimbursements paid for inpatient psychiatric services provided in distinct part psychiatric units.

This action is being taken to enhance federal revenues. It is expected that the implementation of this Emergency Rule will increase expenditures for inpatient psychiatric services by approximately \$2,464,980 for state fiscal year 2005-2006.

#### **Emergency Rule**

Effective for dates of service on or after July 1, 2005, the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing amends the reimbursement methodology to increase the per diem rate paid to distinct part psychiatric units in the current fiscal year to at least \$60 greater than the base year Medicaid hospital rate for inpatient psychiatric services provided in private acute care hospitals. The amount of the increase to the per diem rate will be adjusted if the total reimbursement rate increases exceed the \$170,000,000 total additional annual costs to the state set forth in Act 182 of the 2005 Regular Session of the Louisiana Legislature.

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

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

Frederick P. Cerise, M.D., M.P.H.  
Secretary

0507#063

#### **DECLARATION OF EMERGENCY**

**Department of Health and Hospitals  
Office of the Secretary  
Bureau of Health Services Financing**

**Private Hospitals—Inpatient Services  
Reimbursement Methodology**

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing promulgates the following Emergency Rule in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act and Act 182 of the 2005 Regular Session of the Louisiana Legislature. This Emergency Rule is promulgated in accordance with the Administrative Procedure Act, R.S. 49:953(B)(1) et seq., and shall be in effect for the maximum period allowed under the Act or until adoption of the final Rule, whichever occurs first.

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing adopted a Rule in June of 1994 which established the prospective reimbursement methodology for inpatient services provided in private (non-state) acute care general hospitals (*Louisiana Register*, Volume 20, Number 6). The reimbursement

methodology was subsequently amended to establish a weighted average per diem for each hospital peer group and discontinue the practice of automatically applying an inflation adjustment to the reimbursement rates in those years when the rates are not rebased (*Louisiana Register*, Volumes 22 and 25, Numbers 1 and 5). The May 20, 1999 Rule was later amended to reduce the reimbursement paid to private (non-state) acute hospitals for inpatient services (*Louisiana Register*, Volume 30, Number 6).

Act 182 of the 2005 Regular Session of the Louisiana Legislature, enacted as the Healthcare Affordability Act, established the Louisiana Healthcare Affordability Trust Fund as a special fund in the state treasury for the purposes of preserving and enhancing the availability of inpatient and outpatient hospital care for all patients, enhancing the stability of Medicaid funding by capturing a reliable source of funding for a portion of the state's obligation, and easing "cost-shifting" to employers and private insurers by providing reimbursement for a portion of hospitals' uncompensated care and Medicaid underpayment. The monies in the fund shall be generated by a provider fee levied on all hospitals licensed by the state under R.S. 40:2100 et seq., except for those hospitals specifically exempted by the provisions contained in Act 182. In order to comply with the directives of the Act, the Bureau proposes to amend the methodology for reimbursements paid for inpatient services rendered in private (nonstate) acute hospitals.

This action is being taken to enhance federal revenues. It is expected that the implementation of this Emergency Rule will increase expenditures for inpatient services by approximately \$68,868,320 for state fiscal year 2005-2006.

#### **Emergency Rule**

Effective for dates of service on or after July 1, 2005, the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing amends the reimbursement methodology for inpatient hospital services rendered in private (nonstate) acute hospitals to increase the per diem rate paid in the current fiscal year to at least \$160 greater than the base year Medicaid hospital rate for inpatient services. The amount of the increase to the per diem rate will be adjusted if the total reimbursement rate increases exceed the \$170,000,000 total additional annual costs to the state set forth in Act 182 of the 2005 Regular Session of the Louisiana Legislature.

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

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

Frederick P. Cerise, M.D., M.P.H.  
Secretary

0507#061



## DECLARATION OF EMERGENCY

### Department of Health and Hospitals Office of the Secretary Bureau of Health Services Financing

#### Private Hospitals—Outpatient Services Reimbursement Methodology

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing promulgates the following Emergency Rule in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act and Act 182 of the 2005 Regular Session of the Louisiana Legislature. This Emergency Rule is promulgated in accordance with the Administrative Procedure Act, R.S. 49:953(B)(1) et seq., and shall be in effect for the maximum period allowed under the Act or until adoption of the final Rule, whichever occurs first.

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing adopted a Rule in January of 1996 which established the reimbursement methodology for outpatient hospital services at an interim rate of 60 percent of billed charges and cost settlement adjusted to 83 percent of allowable costs documented in the cost report, except for laboratory services subject to the Medicare fee schedule, outpatient rehabilitation and outpatient surgeries (*Louisiana Register*, Volume 22, Number 1). The January 20, 1996 Rule was subsequently amended to reduce the reimbursement paid for outpatient services (*Louisiana Register*, Volume 26, Number 12). Rules were later promulgated to increase the reimbursement paid for outpatient hospital rehabilitation services rendered to Medicaid recipients who are age 3 and older, outpatient clinic services, and outpatient laboratory services (*Louisiana Register*, Volume 29, Number 7).

Act 182 of the 2005 Regular Session of the Louisiana Legislature, enacted as the Healthcare Affordability Act, established the Louisiana Healthcare Affordability Trust Fund as a special fund in the state treasury for the purposes of preserving and enhancing the availability of inpatient and outpatient hospital care for all patients, enhancing the stability of Medicaid funding by capturing a reliable source of funding for a portion of the state's obligation, and easing "cost-shifting" to employers and private insurers by providing reimbursement for a portion of hospitals' uncompensated care and Medicaid underpayment. The monies in the fund shall be generated by a provider fee levied on all hospitals licensed by the state under R.S. 40:2100 et seq., except for those hospitals specifically exempted by the provisions contained in Act 182. In order to comply with the directives of the Act, the bureau proposes to amend the methodology for reimbursements paid for outpatient services rendered in private (nonstate) acute hospitals.

This action is being taken to enhance federal revenues. It is expected that the implementation of this Emergency Rule will increase expenditures for outpatient services by approximately \$20,885,350 for state fiscal year 2005-2006.

#### Emergency Rule

Effective for dates of service on or after July 1, 2005, the Department of Health and Hospitals, Office of the Secretary,

Bureau of Health Services Financing amends the reimbursement methodology for outpatient hospital services rendered in private (nonstate) acute hospitals to increase the reimbursement paid in the current fiscal year by at least 13 percent greater than the base year Medicaid hospital rate. If the hospital outpatient payment is based on costs reported on the Medicaid cost report, the cost settlement in the current fiscal year is at least 13 percent greater than the base year Medicaid hospital cost settlement rate. The amount of the increase to the per diem rate will be adjusted if the total reimbursement rate increases exceed the \$170,000,000 total additional annual costs to the state set forth in Act 182 of the 2005 Regular Session of the Louisiana Legislature.

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

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

Frederick P. Cerise, M.D., M.P.H.  
Secretary

0507#62

## DECLARATION OF EMERGENCY

### Department of Health and Hospitals Office of the Secretary Bureau of Health Services Financing

#### Professional Services Program—Physician Services Supplemental Payment

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing promulgates the following Emergency Rule in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This Emergency Rule is promulgated in accordance with the Administrative Procedure Act, R.S. 49:953(B)(1) et seq. and shall be in effect for the maximum period allowed under the Act or until adoption of the Rule, whichever occurs first.

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing reimburses professional services in accordance with an established fee schedule for Physicians' Current Procedural Terminology (CPT) codes, locally assigned codes and Healthcare Common Procedure Code System. Reimbursement for these services is a flat fee established by the bureau less the amount which any third party coverage would pay. The bureau promulgated an Emergency Rule to provide a supplemental payment for services provided by physicians or other eligible professional service practitioners in qualifying essential state-owned or operated physician practice plans organized by or under the control of a state academic health system or other state entity (*Louisiana Register*, Volume 31, Number 4). The supplemental payment will bring the Medicaid rate for services provided by these physicians/practitioners up to the rate paid by commercial

insurers for the same service. To qualify for this supplemental payment, the practice plans must have entered into an agreement to provide the community rate data necessary for satisfactorily calculating the supplemental payments to Medicaid on an annual basis. This Emergency Rule is being promulgated to continue provisions contained in the April 1, 2005 Rule. This action is being taken to enhance federal revenue.

#### Emergency Rule

Effective for dates of service on or after July 31, 2005, the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing will provide supplemental Medicaid payments for qualifying essential state-owned or operated physician practice plans organized by or under the control of a state academic health system or other state entity.

A. In order to qualify to receive supplemental payments, physicians and other eligible professional service practitioners must be:

1. licensed by the state of Louisiana;
2. enrolled as a Louisiana Medicaid provider; and
3. employed by a state-owned or operated entity, such as state-operated hospital or other state entity, including a state academic health system, which:
  - a. has been designated by the bureau as an essential provider; and
  - b. has furnished satisfactory data to DHH regarding the commercial insurance payments made to its employed physicians and other professional service practitioners.

B. The supplemental payment to each qualifying physician or other eligible professional services practitioner in the practice plan will equal the difference between the Medicaid payments otherwise made to these qualifying providers for professional services and the average amount that would have been paid at the equivalent community rate. The community rate is defined as the average amount that would have been paid by commercial insurers for the same services.

C. The supplemental payments shall be calculated by applying a conversion factor to actual charges for claims paid during a quarter for Medicaid services provided by the state-owned or operated practice plan providers. The commercial payments and respective charges shall be obtained for the state fiscal year preceding the reimbursement year. If this data is not provided satisfactorily to DHH, the default conversion factor shall equal "1". This conversion factor shall be established annually for qualifying physicians/practitioners by:

1. determining the amount that private commercial insurance companies paid for commercial claims submitted by the state-owned or operated practice plan or entity; and
2. dividing that amount by the respective charges for these payers.

D. The actual charges for paid Medicaid services shall be multiplied by the conversion factor to determine the maximum allowable Medicaid reimbursement. For eligible non physician practitioners, the maximum allowable Medicaid reimbursement shall be limited to 80 percent of this amount.

E. The actual base Medicaid payments to the qualifying physicians/practitioners employed by a state-owned or operated entity shall then be subtracted from the maximum

Medicaid reimbursable amount to determine the supplemental payment amount.

F. The supplemental payment for services provided by the qualifying state-owned or operated physician practice plan will be implemented through a quarterly supplemental payment to providers, based on specific Medicaid paid claim data.

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

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

Frederick P. Cerise, M.D., M.P.H.  
Secretary

0507#069

#### DECLARATION OF EMERGENCY

##### Department of Health and Hospitals Office of the Secretary Bureau of Health Services Financing

##### State Hospitals—Inpatient Services Reimbursement Methodology

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing promulgates the following Emergency Rule in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This Emergency Rule is promulgated in accordance with the Administrative Procedure Act, R.S. 49:953(B)(1) et seq., and shall be in effect for the maximum period allowed under the Act or until adoption of the final Rule, whichever occurs first.

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing adopted a Rule in June of 1983 which established a reimbursement methodology for inpatient services provided in acute care hospitals (*Louisiana Register*, Volume 9, Number 6). Inpatient hospital services were reimbursed in accordance with the Medicare reimbursement principles with a target rate set based on the cost per discharge for each hospital, except that the base year to be used in determining the target rate was the fiscal year ending on September 30, 1981 through September 29, 1982. In a Rule promulgated in October of 1984, separate per diem limitations were established for neonatal and pediatric intensive care and burn units using the same base period as the target rate per discharge calculation (*Louisiana Register*, Volume 10, Number 10). A Rule was later promulgated in October 1992, which provided that inpatient hospital services to children under one year of age shall be reimbursed as pass-through costs and shall not be subject to per discharge or per diem limits applied to other inpatient hospital services. The reimbursement methodology was subsequently amended in a Rule promulgated in June of 1994 which established a prospective payment methodology for nonstate hospitals

(Louisiana Register, Volume 20, Number 6). These per discharge and per diem limitations in state acute hospitals were rebased by a Rule promulgated in December of 2003 (Louisiana Register, Volume 29, Number 12). The bureau now proposes to amend the reimbursement methodology for inpatient services provided in state acute hospitals.

This action is being taken to enhance federal revenues in the Medicaid Program. It is estimated that this Emergency Rule will have no fiscal impact in state fiscal year 2005-2006 because the Medicaid inpatient cost in excess of the target rate per discharge amount was previously included in the supplemental payment amount determined per the upper payment limit calculation.

#### **Emergency Rule**

Effective July 1, 2005, the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing amends the reimbursement methodology for inpatient hospital services rendered in state acute hospitals to discontinue the requirement that state hospitals utilize target rate per discharge amounts and per diem limitations to determine the reimbursable Medicaid inpatient costs on the cost report. Inpatient hospital services provided by state acute hospitals shall be reimbursed at allowable costs and shall not be subject to per discharge or per diem limits.

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

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

Frederick P. Cerise, M.D., M.P.H.  
Secretary

0507#067

### **DECLARATION OF EMERGENCY**

#### **Department of Insurance Office of the Commissioner**

#### **Regulation 33—Medicare Supplement Insurance Minimum Standards (LAC 37:XIII.Chapter 5)**

In accordance with R.S. 49:953(B) of the Administrative Procedure Act, the Department of Insurance has by emergency procedures adopted and incorporated the revisions required by the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (MMA) into Regulation 33—Medicare Supplement Insurance Minimum Standards (LAC 37:XIII.Chapter 5)(*Federal Register*/Vol. 70, No. 57/Friday, March 25, 2005, page 15394). With passage of the MMA, there is an immediate need for states to amend their Medigap regulations in order to maintain certification of their regulatory programs. MMA authorizes the Secretary of the U.S. Department of Health and Human Services (DHHS) to impose its own regulatory scheme for Medigap plans in the event that states do not comply with the provisions of MMA by September 8, 2005. Therefore, this Emergency Rule herein is hereby adopted to the extent

necessary to avoid sanctions or penalties from the Centers for Medicare and Medicaid Services (CMS) in the form of having Louisiana's certification of its regulatory programs preempted by CMS. Additionally, failure to comply with this deadline would result in the inability of companies to market such policies in Louisiana without federal approval. This Emergency regulation is effective July 20, 2005 and will remain in effect for 120 days.

#### **Title 37 INSURANCE**

#### **Part XIII. Regulations**

#### **Chapter 5. Regulation 33—Medicare Supplement Insurance Minimum Standards**

#### **§501. Purpose**

A. The purpose of this regulation is:

1. to provide for the reasonable standardization of coverage and simplification of terms and benefits of Medicare supplement policies;
2. to facilitate public understanding and comparison of such policies;
3. to eliminate provisions contained in such policies which may be misleading or confusing in connection with the purchase of such policies or with the settlement of claims; and
4. to provide for full disclosures in the sale of accident and sickness insurance coverages to persons eligible for Medicare.

AUTHORITY NOTE: Promulgated in accordance with R.S.22:224 and 42 U.S.C. 1395 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 25:1101 (June 1999), repromulgated LR 25:1481 (August 1999), repromulgated LR 29:2434 (November 2003), amended LR 31:

#### **§502. Applicability and Scope**

A. Except as otherwise specifically provided in §§510, 540, 545, 560 and 585, this regulation shall apply to:

1. all Medicare supplement policies delivered or issued for delivery in this state on or after the effective date of this regulation; and
2. all certificates issued under group Medicare supplement policies which certificates have been delivered or issued for delivery in this state.

B. This regulation shall not apply to a policy or contract of one or more employers or labor organizations, or of the trustees of a fund established by one or more employers or labor organizations, or combination thereof, for employees or former employees, or a combination thereof, or for members or former members, or a combination thereof, of the labor organizations.

AUTHORITY NOTE: Promulgated in accordance with R.S.22:224 and 42 U.S.C. 1395 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 25:1101 (June 1999), repromulgated LR 25:1481 (August 1999), LR 29:2434 (November 2003), amended LR 31:

#### **§503. Definitions**

A. For purpose of this regulation:

*Applicant—*

- a. in the case of an individual Medicare supplement policy, the person who seeks to contract for insurance benefits; and
- b. in the case of a group Medicare supplement policy, the proposed certificateholder.

*Bankruptcy*—when a Medicare Advantage organization that is not an issuer has filed, or has had filed against it, a petition for declaration of bankruptcy and has ceased doing business in the state.

*Certificate*—any certificate delivered or issued for delivery in this state under a group Medicare supplement policy.

*Certificate Form*—the form on which the certificate is delivered or issued for delivery by the issuer.

*Continuous Period of Creditable Coverage*—the period during which an individual was covered by creditable coverage, if during the period of the coverage the individual had no breaks in coverage greater than 63 days.

*Creditable Coverage*—with respect to an individual, coverage of the individual provided under any of the following:

- i. a group health plan;
  - ii. health insurance coverage;
  - iii. Part A or Part B of Title XVIII of the Social Security Act (Medicare);
  - iv. Title XIX of the Social Security Act (Medicaid), other than coverage consisting solely of benefits under section 1928;
  - v. Chapter 55 of Title 10 United States Code (CHAMPUS);
  - vi. a medical care program of the Indian Health Service or of tribal organization;
  - vii. a State health benefits risk pool;
  - viii. a health plan offered under chapter 89 of Title 5 United States Code (Federal Employees Health Benefits Program);
  - ix. a public health plan as defined in federal regulation; and
  - x. a health benefit plan under Section 5(e) of the Peace Corps Act [22 United States Code 2504(e)].
- b. creditable coverage shall not include one or more, or any combination of, the following:
- i. coverage only for accident or disability income insurance, or any combination thereof;
  - ii. coverage issued as a supplement to liability insurance;
  - iii. liability insurance, including general liability insurance and automobile liability insurance;
  - iv. workers compensation or similar insurance;
  - v. automobile medical payment insurance;
  - vi. credit-only insurance;
  - vii. coverage for on-site medical clinics; and
  - viii. other similar insurance coverage, specified in federal regulations, under which benefits for medical care are secondary or incidental to other insurance benefits.
- c. creditable coverage shall not include the following benefits if they are provided under a separate policy, certificate or contract of insurance or are otherwise not an integral part of the plan:
- i. limited scope dental or vision benefits;
  - ii. benefits for long-term care, nursing home care, home health care, community-based care, or any combination thereof; and
  - iii. such other similar, limited benefits as are specified in federal regulations;

d. creditable coverage shall not include the following benefits if offered as independent, noncoordinated benefits:

- i. coverage only for a specified disease or illness; and
  - ii. hospital indemnity or other fixed indemnity insurance;
- e. creditable coverage shall not include the following if it is offered as a separate policy, certificate or contract of insurance:
- i. Medicare supplemental health insurance as defined under section 1882(g)(1) of the Social Security Act;
  - ii. coverage supplemental to the coverage provided under chapter 55 of title 10, United States Code; and
  - iii. similar supplemental coverage provided to coverage under a group health plan.

*Employee Welfare Benefit Plan*—a plan, fund or program of employee benefits as defined in 29 U.S.C. Section 1002 (Employee Retirement Income Security Act).

*Insolvency*—inability to pay its obligations when they are due, or a condition when its admitted assets do not exceed its liabilities plus the greater of:

- a. any capital and surplus required by law for its organization; and
- b. the total par or stated value of its authorized and issued capital stock;
- c. for purposes of this Subsection, liabilities shall include but not be limited to reserves required by statute, by general regulations of the Department of Insurance or by specific requirements imposed by the commissioner upon a subject company at the time of admission or subsequent thereto.

*Issuer*—insurance companies, fraternal benefit societies, health care service plans, health maintenance organizations, and any other entity authorized to deliver or issue for delivery in this state Medicare supplement policies or certificates.

*Medicare*—the "Health Insurance for the Aged Act," Title XVIII of the Social Security Amendments of 1965, as then constituted or later amended.

*Medicare Advantage Plan*—a plan of coverage for health benefits under Medicare Part C as defined in Section 1859 found in Title 42 U.S.C. 1395w-28(b)(1), and includes:

- a. coordinated care plans which provide health care services, including but not limited to health maintenance organization plans (with or without a point-of-service option), plans offered by provider-sponsored organizations, and preferred provider organization plans;
- b. medical savings account plans coupled with a contribution into a Medicare Advantage plan medical savings account; and
- c. Medicare Advantage private fee-for-service plans.

*Medicare Supplement Policy*—a group or individual policy of health insurance or a subscriber contract of hospital and medical service associations or health maintenance organizations, other than a policy issued pursuant to a contract under Section 1876 of the federal Social Security Act (42 U.S.C. Section 1395 et. seq.) or an issued policy under a demonstration project specified in 42 U.S.C. §1395ss(g)(1), which is advertised, marketed or designed

primarily as a supplement to reimbursements under Medicare for the hospital, medical or surgical expenses of persons eligible for Medicare. "Medicare supplement policy" does not include Medicare Advantage plans established under Medicare Part C, Outpatient Prescription Drug plans established under Medicare Part D, or any Health Care Prepayment Plan (HCPP) that provides benefits pursuant to an agreement under §1833(a)(1)(A) of the Social Security Act.

*Policy Form*—the form on which the policy is delivered or issued for delivery by the issuer.

*Qualified Actuary*—an actuary who is a member of either the Society of Actuaries or the American Academy of Actuaries.

*Secretary*—the Secretary of the United States Department of Health and Human Services.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:224 and 43 U.S.C. 1395 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 25:1102 (June 1999), repromulgated LR 25:1481 (August 1999), LR 29:2435 (November 2003), amended LR 31:

#### **§504. Policy Definitions and Terms**

A. No policy or certificate may be advertised, solicited or issued for delivery in this state as a Medicare supplement policy or certificate unless the policy or certificate contains definitions or terms, which conform to the requirements of this Section.

*Accident, Accidental Injury, or Accidental Means*—defined to employ "result" language and shall not include words, which establish an accidental means test or use words such as "external, violent, visible wounds" or similar words or description or characterization.

a. The definition shall not be more restrictive than the following. "Injury or injuries for which benefits are provided means accidental bodily injury sustained by the insured person which is the direct result of an accident, independent of disease or bodily infirmity or any other cause, and occurs while insurance coverage is in force."

b. The definition may provide that injuries shall not include injuries for which benefits are provided or available under any workers' compensation, employer's liability or similar law, or motor vehicle no-fault plan, unless prohibited by law.

*Benefit Period or Medicare Benefit Period*—shall not be defined more restrictively than as defined in the Medicare program.

*Convalescent Nursing Home, Extended Care Facility, or Skilled Nursing Facility*—shall not be defined more restrictively than as defined in the Medicare program.

*Health Care Expenses*—for the purposes of (Section 545), expenses of health maintenance organizations associated with the delivery of health care services, which expenses are analogous to incurred losses of insurers.

*Hospital*—may be defined in relation to its status, facilities and available services or to reflect its accreditation by the Joint Commission on Accreditation of Healthcare Organizations, but not more restrictively than as defined in the Medicare program.

*Medicare*—shall be defined in the policy and certificate. Medicare may be substantially defined as "The Health Insurance for the Aged Act, Title XVIII of the Social

Security Amendments of 1965 as Then Constituted or Later Amended," or "Title I, Part I of Public Law 89-97, as Enacted by the Eighty-Ninth Congress of the United States of America and popularly known as the Health Insurance for the Aged Act, as then constituted and any later amendments or substitutes thereof," or words of similar import.

*Medicare Eligible Expenses*—expenses of the kinds covered by Medicare Parts A and B, to the extent recognized as reasonable and medically necessary by Medicare.

*Physician*—shall not be defined more restrictively than as defined in the Medicare program.

*Sickness*—shall not be defined to be more restrictive than the following.

a. Sickness means illness or disease of an insured person which first manifests itself after the effective date of insurance and while the insurance is in force.

b. The definition may be further modified to exclude sicknesses or diseases for which benefits are provided under any workers' compensation, occupational disease, employer's liability or similar law.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:224 and 42 U.S.C. 1395 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 25:1102 (June 1999), repromulgated LR 25:1482 (August 1999), LR 29:2436 (November 2003), amended LR 31:

#### **§505. Policy Provisions**

A. Except for permitted preexisting condition clauses as described in §510.A.1. and §515.A.1 of this regulation, no policy or certificate may be advertised, solicited or issued for delivery in this state as a Medicare supplement policy if the policy or certificate contains limitations or exclusions on coverage that are more restrictive than those of Medicare.

B. No Medicare supplement policy or certificate may use waivers to exclude, limit or reduce coverage or benefits for specifically named or described preexisting diseases or physical conditions.

C. No Medicare supplement policy or certificate in force in the state shall contain benefits, which duplicate benefits provided by Medicare.

D.1. Subject to sections 510.A.1(d),(e), and (g), and 515.A.1(d) and (e), a Medicare supplement policy with benefits for outpatient prescription drugs in existence prior to January 1, 2006 shall be renewed for current policyholders who do not enroll in Part D at the option of the policyholder.

2. A Medicare supplement policy with benefits for outpatient prescription drugs shall not be issued after December 31, 2005.

3. After December 31, 2005, a Medicare supplement policy with benefits for outpatient prescription drugs may not be renewed after the policyholder enrolls in Medicare Part D unless:

a. The policy is modified to eliminate outpatient prescription coverage for expenses of outpatient prescription drugs incurred after the effective date of the individual's coverage under a Part D plan and ;

b. Premiums are adjusted to reflect the elimination of outpatient prescription drug coverage at the time of Medicare Part D enrollment, accounting for any claims paid, if applicable.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:224 and 42 U.S.C. 1395 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 25:1102 (June 1999), repromulgated LR 25:1483 (August 1999), LR 29:2436 (November 2003), amended LR 31:

**§506. Premium Increase Requirements**

A. Every insurer issuing or renewing a Medicare Supplement policy shall notify the policyholder and each member of an association in writing at least 45 days before any premium increase.

B. Medicare supplement policies and certificates shall have a notice prominently printed on the first page of the policy or certificate stating in substance that policyholder or certificateholder will be notified at least 45 days before any premium increase.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:224 and 42 U.S.C. 1395 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 29:2436 (November 2003), amended LR 31:

**§507. Rate Increases Requirements**

A. Every insurer issuing a Medicare supplement policy shall not increase their premium rates during the initial 12 months of coverage and not more than once in any six month period following the initial 12-month period for any policy, certificate, rider, or amendment issued in or for residents of the state, no matter the date of commencement or renewal of coverage. This Subsection does not affect increases in the premium amount due to the addition of a newly covered person or change in age or geographic location of an individual insured or policyholder or an increase in the policy benefit level.

B. Medicare supplement policies and certificates shall have a notice prominently printed on the first page of the policy or certificate stating in substance that the premium rates will not increase during the initial 12-months of coverage and not more than once in any six-month period following the initial 12-month period. The notice may include that this requirement does not affect increases in the premium amount due to the addition of a newly covered person or change in age or geographic location of an individual insured or policyholder or an increase in the policy benefit level.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:224 and 42 U.S.C. 1395 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 29:2436 (November 2003), repromulgated LR

**§508. Reserved.**

**§509. Reserved.**

**§510. Minimum Benefit Standards for Policies or Certificates Issued for Delivery Prior to July 20, 1992**

A. No policy or certificate may be advertised, solicited or issued for delivery in this state as a Medicare supplement policy or certificate unless it meets or exceeds the following minimum standards. These are minimum standards and do not preclude the inclusion of other provisions or benefits which are not inconsistent with these standards.

1. General Standards. The following standards apply to Medicare supplement policies and certificates and are in addition to all other requirements of this regulation.

a. A Medicare supplement policy or certificate shall not exclude or limit benefits for losses incurred more than

six months from the effective date of coverage because it involved a preexisting condition. The policy or certificate shall not define a preexisting condition more restrictively than a condition for which medical advice was given or treatment was recommended by or received from a physician within six months before the effective date of coverage.

b. A Medicare supplement policy or certificate shall not indemnify against losses resulting from sickness on a different basis than losses resulting from accidents.

c. A Medicare supplement policy or certificate shall provide that benefits designed to cover cost sharing amounts under Medicare will be changed automatically to coincide with any changes in the applicable Medicare deductible amount and copayment percentage factors. Premiums may be modified to correspond with such changes.

d. A noncancellable, guaranteed renewable, or noncancellable and guaranteed renewable Medicare supplement policy shall not:

i. provide for termination of coverage of a spouse solely because of the occurrence of an event specified for termination of coverage of the insured, other than the nonpayment of premium; or

ii. be cancelled or nonrenewed by the issuer solely on the grounds of deterioration of health.

e.i. Except as authorized by the commissioner of this state, an issuer shall neither cancel nor nonrenew a Medicare supplement policy or certificate for any reason other than nonpayment of premium or material misrepresentation.

ii. If a group Medicare supplement insurance policy is terminated by the group policyholder and not replaced as provided in §510.A.1.e.iv, the issuer shall offer certificateholders an individual Medicare supplement policy. The issuer shall offer the certificateholder at least the following choices:

(a) an individual Medicare supplement policy currently offered by the issuer having comparable benefits to those contained in the terminated group Medicare supplement policy; and

(b) an individual Medicare supplement policy which provides only such benefits as are required to meet the minimum standards as defined in §515.A.2 of this regulation;

(c) Group contracts in force prior to the effective date of the Omnibus Budget Reconciliation Act (OBRA) of 1990 may have existing contractual obligations to continue benefits contained in the group contract. This Section is not intended to impair those obligations.

iii. If membership in a group is terminated, the issuer shall:

(a) offer the certificate holder the conversion opportunities described in §510.A.1.e.ii; or

(b) at the option of the group policyholder, offer the certificateholder continuation of coverage under the group policy.

iv. If a group Medicare supplement policy is replaced by another group Medicare supplement policy purchased by the same policyholder, the issuer of the replacement policy shall offer coverage to all persons covered under the old group policy on its date of termination. Coverage under the new group policy shall not

result in any exclusion for preexisting conditions that would have been covered under the group policy being replaced.

f. Termination of a Medicare supplement policy or certificate shall be without prejudice to any continuous loss which commenced while the policy was in force, but the extension of benefits beyond the period during which the policy was in force may be predicated upon the continuous total disability of the insured, limited to the duration of the policy benefit period, if any, or to payment of the maximum benefits. Receipt of Medicare Part D benefits will not be considered in determining a continuous loss.

g. If a Medicare supplement policy eliminates an outpatient prescription drug benefit as a result of requirements imposed by the Medicare Prescription Drug, Improvement, and Modernization Act of 2003, the modified policy shall be deemed to satisfy the guaranteed renewal requirements of this subsection.

2. Minimum Benefit Standards—

a. coverage of Part A Medicare eligible expenses for hospitalization to the extent not covered by Medicare from the 61st day through the 90th day in any Medicare benefit period;

b. coverage for either all or none of the Medicare Part A inpatient hospital deductible amount;

c. coverage of Part A Medicare eligible expenses incurred as daily hospital charges during use of Medicare's lifetime hospital inpatient reserve days;

d. upon exhaustion of all Medicare hospital inpatient coverage including the lifetime reserve days, coverage of 90 percent of all Medicare Part A eligible expenses for hospitalization not covered by Medicare subject to a lifetime maximum benefit of an additional 365 days;

e. coverage under Medicare Part A for the reasonable cost of the first three pints of blood (or equivalent quantities of packed red blood cells, as defined under federal regulations) unless replaced in accordance with federal regulations or already paid for under Part B;

f. coverage for the coinsurance amount, or in the case of hospital outpatient department services paid under a prospective payment system, the copayment amount, of Medicare eligible expenses under Part B regardless of hospital confinement, subject to a maximum calendar year out-of-pocket amount equal to the Medicare Part B deductibles (\$110);

g. effective January 1, 1990, coverage under Medicare Part B for the reasonable cost of the first three pints of blood (or equivalent quantities of packed red blood cells, as defined under federal regulations), unless replaced in accordance with federal regulations or already paid for under Part A, subject to the Medicare deductible amount.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:224 and 42 U.S.C. 1395 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 25:1103 (June 1999), repromulgated LR 25:1483 (August 1999), amended LR 29:2437 (November 2003), amended LR 31:

§511. Reserved.

§512. Reserved.

§513. Reserved.

§514. Reserved.

§515. Benefit Standards for Policies or Certificates Issued or Delivered on or After July 20, 1992

A. The following standards are applicable to all Medicare supplement policies or certificates delivered or issued for delivery in this state on or after July 20, 1992. No policy or certificate may be advertised, solicited, delivered or issued for delivery in this state as a Medicare supplement policy or certificate unless it complies with these benefit standards.

1. General Standards. The following standards apply to Medicare supplement policies and certificates and are in addition to all other requirements of this regulation.

a. A Medicare supplement policy or certificate shall not exclude or limit benefits for losses incurred more than six months from the effective date of coverage because it involved a preexisting condition. The policy or certificate may not define a preexisting condition more restrictively than a condition for which medical advice was given or treatment was recommended by or received from a physician within six months before the effective date of coverage.

b. A Medicare supplement policy or certificate shall not indemnify against losses resulting from sickness on a different basis than losses resulting from accidents.

c. A Medicare supplement policy or certificate shall provide that benefits designed to cover cost sharing amounts under Medicare will be changed automatically to coincide with any changes in the applicable Medicare deductible amount and copayment percentage factors. Premiums may be modified to correspond with such changes.

d. No Medicare supplement policy or certificate shall provide for termination of coverage of a spouse solely because of the occurrence of an event specified for termination of coverage of the insured, other than the nonpayment of premium.

e. Each Medicare supplement policy shall be guaranteed renewable.

i. The issuer shall not cancel or nonrenew the policy solely on the ground of health status of the individual.

ii. The issuer shall not cancel or nonrenew the policy for any reason other than nonpayment of premium or material misrepresentation.

iii. If the Medicare supplement policy is terminated by the group policyholder and is not replaced as provided under §515.A.1.e.v, the issuer shall offer certificateholders an individual Medicare supplement policy which (at the option of the certificateholder):

(a) provides for continuation of the benefits contained in the group policy; or

(b) provides for benefits that otherwise meet the requirements of this Subsection.

iv. If an individual is a certificateholder in a group Medicare supplement policy and the individual terminates membership in the group, the issuer shall:

(a) offer the certificate holder the conversion opportunity described in §515.A.1.e.iii; or

(b) at the option of the group policyholder, offer the certificateholder continuation of coverage under the group policy.

v. If a group Medicare supplement policy is replaced by another group Medicare supplement policy

purchased by the same policyholder, the issuer of the replacement policy shall offer coverage to all persons covered under the old group policy on its date of termination. Coverage under the new policy shall not result in any exclusion for preexisting conditions that would have been covered under the group policy being replaced.

vi. If a Medicare supplement policy eliminates an outpatient prescription drug benefit as a result of requirements imposed by the Medicare Prescription Drug, Improvement and Modernization Act of 2003, the modified policy shall be deemed to satisfy the guaranteed renewal requirements of this paragraph.

f. Termination of a Medicare supplement policy or certificate shall be without prejudice to any continuous loss which commenced while the policy was in force, but the extension of benefits beyond the period during which the policy was in force may be conditioned upon the continuous total disability of the insured, limited to the duration of the policy benefit period, if any, or payment of the maximum benefits. Receipt of Medicare Part D benefits will not be considered in determining a continuous loss.

g.i. A Medicare supplement policy or certificate shall provide that benefits and premiums under the policy or certificate shall be suspended at the request of the policyholder or certificateholder for the period (not to exceed 24 months), or upon discovery by the insurer that the policyholder or certificateholder has applied for and is determined to be entitled to medical assistance under Title XIX of the Social Security Act, but only if the policyholder or certificateholder notifies the issuer of the policy or certificate within 90 days after the date the individual becomes entitled to assistance.

ii. If suspension occurs and if the policyholder or certificateholder loses entitlement to medical assistance, the policy or certificate shall be automatically reinstated (effective as of the date of termination of such entitlement) as of the termination of entitlement if the policyholder or certificateholder provides notice of loss of entitlement within 90 days after the date of loss and pays the premium attributable to the period, effective as of the date of termination of entitlement.

iii. Each Medicare supplement policy shall provide that benefits and premiums under the policy shall be suspended (for any period that may be provided by federal regulation) at the request of the policyholder if the policyholder is entitled to benefits under Section 226 (b) of the Social Security Act and is covered under a group health plan [as defined in Section 1862 (b)(1)(A)(v) of the Social Security Act]. If suspension occurs and if the policyholder or certificateholder loses coverage under the group health plan, the policy shall be automatically reinstated (effective as of the date of loss of coverage) if the policyholder provides notice of loss of coverage within ninety (90) days after the date of the loss and pays the premium attributable to the period, effective as of the date of termination of enrollment in the group health plan.

iv. Reinstatement of coverage as described in Clauses g.ii and iii:

(a). shall not provide for any waiting period with respect to treatment of preexisting conditions;

(b). shall provide for resumption of coverage that is substantially equivalent to coverage in effect before the

date of suspension. If the suspended Medicare supplement policy provided coverage for outpatient prescription drugs, reinstatement of the policy for Medicare Part D enrollees shall be without coverage for outpatient prescription drugs and shall otherwise provide substantially equivalent coverage to the coverage in effect before the date of suspension; and

(c). shall provide for classification of premiums on terms at least as favorable to the policyholder or certificateholder as the premium classification terms that would have applied to the policyholder or certificateholder had the coverage not been suspended.

2. Standards for Basic (Core) Benefits Common to Benefit Plans A-J. Every issuer shall make available a policy or certificate including only the following basic core package of benefits to each prospective insured. An issuer may make available to prospective insureds any of the other Medicare Supplement Insurance Benefit Plans in addition to the basic core package, but not in lieu of it:

a. coverage of Part A Medicare eligible expenses for hospitalization to the extent not covered by Medicare from the 61st day through the 90th day in any Medicare benefit period;

b. coverage of Part A Medicare eligible expenses incurred for hospitalization to the extent not covered by Medicare for each Medicare lifetime inpatient reserve day used;

c. upon exhaustion of the Medicare hospital inpatient coverage including the lifetime reserve days, coverage of 100 percent of the Medicare Part A eligible expenses for hospitalization paid at the applicable prospective payment system (PPS) rate, or other appropriate Medicare standard of payment, subject to a lifetime maximum benefit of an additional 365 days;

d. coverage under Medicare Parts A and B for the reasonable cost of the first three pints of blood (or equivalent quantities of packed red blood cells, as defined under federal regulations) unless replaced in accordance with federal regulations;

e. coverage for the coinsurance amount (or, in the case of hospital outpatient department services paid under a prospective payment system, the copayment amount) of Medicare eligible expenses under Part B regardless of hospital confinement, subject to the Medicare Part B deductible.

3. Standards for Additional Benefits. The following additional benefits shall be included in Medicare Supplement Benefit Plans "B" through "J" only as provided by §520 of this regulation.

a. Medicare Part A Deductible—coverage for all of the Medicare Part A inpatient hospital deductible amount per benefit period.

b. Skilled Nursing Facility Care—coverage for the actual billed charges up to the coinsurance amount from the 21st day through the 100th day in a Medicare benefit period for post hospital skilled nursing facility care eligible under Medicare Part A.

c. Medicare Part B Deductible—coverage for all of the Medicare Part B deductible amount per calendar year regardless of hospital confinement.

d. Eighty percent of the Medicare Part B Excess Charges—coverage for eighty percent of the difference between the actual Medicare Part B charge as billed, not to



exceed any charge limitation established by the Medicare program or state law, and the Medicare-approved Part B charge.

e. One hundred percent of the Medicare Part B Excess Charges—coverage for all of the difference between the actual Medicare Part B charge as billed, not to exceed any charge limitation established by the Medicare program or state law, and the Medicare-approved Part B charge.

f. Basic Outpatient Prescription Drug Benefit—coverage for 50 percent of outpatient prescription drug charges, after a \$250 calendar year deductible, to a maximum of \$1,250 in benefits received by the insured per calendar year, to the extent not covered by Medicare. The outpatient prescription drug benefit may be included for sale or issuance in a Medicare supplement policy until January 1, 2006.

g. Extended Outpatient Prescription Drug Benefit—coverage for 50 percent of outpatient prescription drug charges, after a \$250 calendar year deductible to a maximum of \$3,000 in benefits received by the insured per calendar year, to the extent not covered by Medicare. The outpatient prescription drug benefit may be included for sale or issuance in a Medicare supplement policy until January 1, 2006.

h. Medically Necessary Emergency Care in a Foreign Country- coverage to the extent not covered by Medicare for 80 percent of the billed charges for Medicare-eligible expenses for medically necessary emergency hospital, physician, and medical care received in a foreign country, which care would have been covered by Medicare if provided in the United States and which care began during the first 60 consecutive days of each trip outside the United States, subject to a calendar year deductible of \$250, and a lifetime maximum benefit of \$50,000. For purposes of this benefit, emergency care shall mean care needed immediately because of an injury or an illness of sudden and unexpected onset.

i. Preventive Medical Care Benefit- coverage for the following preventive health services not covered by Medicare:

i. an annual clinical preventive medical history and physical examination that may include tests and services from Subparagraph ii. and patient education to address preventive health care measures;

ii. Preventive screening tests or preventive services, the selection and frequency of which is determined to be medically appropriate by the attending physician.

Reimbursement shall be for the actual charges up to 100 percent of the Medicare-approved amount for each service, as if Medicare were to cover the service as identified in American Medical Association Current Procedural Terminology (AMA CPT) codes, to a maximum of \$120 annually under this benefit. This benefit shall not include payment for any procedure covered by Medicare.

j. At-Home Recovery Benefit—coverage for services to provide short term, at-home assistance with activities of daily living for those recovering from an illness, injury, or surgery.

i. For purposes of this benefit, the following definitions shall apply:

*Activities of Daily Living*—include, but are not limited to bathing, dressing, personal hygiene, transferring, eating, ambulating, assistance with drugs that are normally self-administered and changing bandages or other dressings.

*Care Provider*—a duly qualified or licensed home health aide or homemaker, personal care aide or nurse provided through a licensed home health care agency or referred by a licensed referral agency or licensed nurses registry.

*Home*—any place used by the insured as a place of residence, provided that such place would qualify as a residence for home health care services covered by Medicare. A hospital or skilled nursing facility shall not be considered the insured's place of residence.

*At-Home Recovery Visit*—the period of a visit required to provide at home recovery care, without limit on the duration of the visit, except each consecutive four hours in a twenty-four-hour period of services provided by a care provider is one visit.

ii. Coverage Requirements and Limitations

(a). At-home recovery services provided must be primarily services, which assist in activities of daily living.

(b). The insured's attending physician must certify that the specific type and frequency of at-home recovery services are necessary because of a condition for which a home care plan of treatment was approved by Medicare.

(c). Coverage is limited to:

(i). no more than the number and type of at-home recovery visits certified as necessary by the insured's attending physician. The total number of at-home recovery visits shall not exceed the number of Medicare approved home health care visits under a Medicare approved home care plan of treatment;

(ii). the actual charges for each visit up to a maximum reimbursement of \$40 per visit;

(iii). one thousand six hundred dollars (\$1600) per calendar year;

(iv). seven visits in any one week;

(v). are furnished on a visiting basis in the insured's home;

(vi). services provided by a care provider as defined in this Section;

(vii). at-home recovery visits while the insured is covered under the policy or certificate and not otherwise excluded;

(viii). at-home recovery visits received during the period the insured is receiving Medicare approved home care services or no more than eight (8) weeks after the service date of the last Medicare approved home health care visit.

iii. Coverage is excluded for:

(a). home care visits paid for by Medicare or other government programs; and

(b). care provided by family members, unpaid volunteers, or providers who are not care providers.

4. Standards for Plans K and L

a. Standardized Medicare supplement benefit plan "K" shall consist of the following:

i. coverage of 100 percent of the Part A hospital coinsurance amount for each day used from the 61st through the 90th day in any Medicare benefit period;

ii. coverage of 100 percent of the Part A hospital coinsurance amount for each Medicare lifetime inpatient reserve day used from the 91st through the 150th day in any Medicare benefit period;

iii. upon exhaustion of the Medicare hospital inpatient coverage, including the lifetime reserve days, coverage of 100 percent of the Medicare Part A eligible expenses for hospitalization paid at the applicable prospective payment system (PPS) rate, or other appropriate Medicare standard of payment, subject to a lifetime maximum benefit of an additional 365 days. The provider shall accept the issuer's payment as payment in full and may not bill the insured for any balance;

iv. Medicare Part A Deductible. Coverage for 50 percent of the Medicare Part A inpatient hospital deductible amount per benefit period until the out-of-pocket limitation is met as described in Clause x;

v. Skilled Nursing Facility Care: Coverage for 50 percent of the coinsurance amount for each day used from the 21st day through the 100th day in a Medicare benefit period for post-hospital skilled nursing facility care eligible under Medicare Part A until the out-of-pocket limitation is met as described in Clause x

vi. Hospice Care. Coverage for 50 percent of cost sharing for all Part A Medicare eligible expenses and respite care until the out-of-pocket limitation is met as described in Clause x

vii. Coverage for 50 percent, under Medicare Part A or B, of the reasonable cost of the first three pints of blood (or equivalent quantities of packed red blood cells, as defined under federal regulations) unless replaced in accordance with federal regulations until the out-of-pocket limitation is met as described in Clause x;

viii. Except for coverage provided in Clause xi below, coverage for 50 percent of the cost sharing otherwise applicable under Medicare Part B after the policyholder pays the Part B deductible until the out-of-pocket limitation is met as described in Clause x below;

ix. Coverage of 100 percent of the cost sharing for Medicare Part B preventive services after the policyholder pays the Part B deductible; and

x. Coverage of 100 percent of all cost sharing under Medicare Parts A and B for the balance of the calendar year after the individual has reached the out-of-pocket limitation on annual expenditures under Medicare Parts A and B of \$4000 in 2006, indexed each year by the appropriate inflation adjustment specified by the Secretary of the U.S. Department of Health and Human Services.

2. Standardized Medicare supplement benefit plan "L" shall consist of the following:

a. The benefits described in Clauses a.1-iii;

b. The benefit described in Clauses a.iv-viii, but substituting 75 percent for 50 percent; and

c. The benefit described in Clause a.x but substituting \$2000 for \$4000.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:224 and 42 U.S.C. 1395 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 25:1104 (June 1999), repromulgated LR 25:1484 (August 1999), amended LR 29:2438 (November 2003), amended LR 31:

**§516. Reserved.**

**§517. Reserved.**

**§518. Reserved.**

**§519. Reserved.**

## **§520. Standard Medicare Supplement Benefit Plans**

A. An issuer shall make available to each prospective policyholder and certificateholder a policy form or certificate form containing only the basic core benefits, as defined in §515.A.2 of this regulation.

B. No groups, packages or combinations of Medicare supplement benefits other than those listed in this Section shall be offered for sale in this state, except as may be permitted in §520.G and in §525 of this regulation.

C. Benefit plans shall be uniform in structure, language, designation and format to the standard benefit plans "A" through "L" listed in this Subsection and conform to the definitions in §503 of this regulation. Each benefit shall be structured in accordance with the format provided in §§515.A.2 and 515.A.3 or 515.A.4 and list the benefits in the order shown in this Subsection. For purposes of this Section, "structure, language, and format" means style, arrangement and overall content of a benefit.

D. An issuer may use, in addition to the benefit plan designations required in Subsection C, other designations to the extent permitted by law.

### **E. Make-up of Benefit Plans**

1. Standardized Medicare supplement benefit plan "A" shall be limited to the basic (core) benefits common to all benefit plans, as defined in §515.A.2 of this regulation.

2. Standardized Medicare supplement benefit plan "B" shall include only the following. The core benefit as defined in §515.A.2 of this regulation, plus the Medicare Part A deductible as defined in §515.A.3.a.

3. Standardized Medicare supplement benefit plan "C" shall include only the following: The core benefit as defined in §515.A.2 of this regulation, plus the Medicare Part A deductible, skilled nursing facility care, Medicare Part B deductible and medically necessary emergency care in a foreign country, as defined in §515.A.3.a, b, c and h, respectively.

4. Standardized Medicare supplement benefit plan "D" shall include only the following: The core benefit as defined in §515.A.2 of this regulation, plus the Medicare Part A deductible, skilled nursing facility care, medically necessary emergency care in a foreign country, and the at-home recovery benefit as defined in §515.A.3.a, b, h and j, respectively.

5. Standardized Medicare supplement benefit plan "E" shall include only the following: The core benefit as defined in §515.A.2 of this regulation, plus the Medicare Part A deductible, skilled nursing facility care, medically necessary emergency care in a foreign country, and preventive medical care as defined in §515.A.3.a, b, h and i, respectively.

6. Standardized Medical supplement benefit plan "F" shall include only the following: The core benefit as defined in §515.A.2 of this regulation, plus the Medicare Part A deductible, the skilled nursing facility care, the Part B deductible, 100 percent of the Medicare Part B excess charges, and medically necessary emergency care in a foreign country, as defined in §515.A.3.a, b, c, e and h, respectively.

7. Standardized Medicare supplement benefit high deductible plan "F" shall include only the following: 100 percent of covered expenses following the payment of the annual high deductible plan "F" deductible. The covered

expenses include the core benefit as defined in §515.A.2 of this regulation, plus the Medicare Part A deductible, skilled nursing facility care, the Medicare Part B deductible, 100 percent of the Medicare Part B excess charges, and medically necessary emergency care in a foreign country as defined in §515.A.3.a, b, c, e and h, respectively. The annual high deductible plan "F" deductible shall consist of out-of-pocket expenses, other than premiums, for services covered by the Medicare supplement plan "F" policy, and shall be in addition to any other specific benefit deductibles. The annual high deductible Plan "F" deductible shall be \$1500 for 1998 and 1999, and shall be based on the calendar year. It shall be adjusted annually thereafter by the secretary to reflect the change in the Consumer Price Index for all urban consumers for the 12-month period ending with August of the preceding year, and rounded to the nearest multiple of \$10.

8. Standardized Medicare supplement benefit plan "G" shall include only the following: The core benefit as defined in §515.A.2 of this regulation, plus the Medicare Part A deductible, skilled nursing facility care, 80 percent of the Medicare Part B excess charges, medically necessary emergency care in a foreign country, and the at-home recovery benefit as defined in §515.A.3.a, b, d, h and j, respectively.

9. Standardized Medicare supplement benefit plan "H" shall consist of only the following: The core benefit as defined in §515.A.2 of this regulation, plus the Medicare Part A deductible, skilled nursing facility care, basic outpatient prescription drug benefit, and medically necessary emergency care in a foreign country, as defined in §515.A.3.a, b, f and h, respectively. The outpatient prescription drug benefit shall not be included in a Medicare supplement policy sold after December 31, 2005.

10. Standardized Medicare supplement benefit plan "I" shall consist of only the following: The core benefit as defined in §515.A.2 of this regulation, plus the Medicare Part A deductible, skilled nursing facility care, 100 percent of the Medicare Part B excess charges, basic outpatient prescription drug benefit, medically necessary emergency care in a foreign country and at-home recovery benefit as defined in §515.A.3.a, b, e, f, h and j, respectively. The outpatient prescription drug benefit shall not be included in a Medicare supplement policy sold after December 31, 2005.

11. Standardized Medicare supplement benefit plan "J" shall consist of only the following: The core benefit as defined in §515.A.2 of this regulation, plus the Medicare Part A deductible, skilled nursing facility care, Medicare Part B deductible, 100 percent of the Medicare Part B excess charges, extended prescription drug benefit, medically necessary emergency care in a foreign country, preventive medical care and at-home recovery benefit as defined in §515.A.3.a, b, c, e, g, h, i and j, respectively. The outpatient prescription drug benefit shall not be included in a Medicare supplement policy sold after December 31, 2005.

12. Standardized Medicare supplement benefit high deductible plan "J" shall consist of only the following: 100 percent of covered expenses following the payment of the annual high deductible plan "J" deductible. The covered expenses include the core benefit as defined in §515.A.2 of this regulation, plus the Medicare Part A deductible, skilled nursing facility care, Medicare Part B deductible, 100 percent of the Medicare Part B excess charges, extended

outpatient prescription drug benefit, medically necessary emergency care in a foreign country, preventive medical care benefit and at-home recovery benefit as defined in §515.A.3.a, b, c, e, g, h, i and j, respectively. The annual high deductible plan "J" deductible shall consist of out-of-pocket expenses, other than premiums, for services covered by the Medicare supplement plan "J" policy, and shall be in addition to any other specific benefit deductibles. The annual deductible shall be \$1500 for 1998 and 1999, and shall be based on a calendar year. It shall be adjusted annually thereafter by the secretary to reflect the change in the Consumer Price Index for all urban consumers for the 12-month period ending with August of the preceding year, and rounded to the nearest multiple of \$10. The outpatient prescription drug benefit shall not be included in a Medicare supplement policy sold after December 31, 2005.

F. Make-up of two Medicare supplement plans mandated by The Medicare Prescription Drug, Improvement and Modernization Act of 2003 (MMA);

1. Standardized Medicare supplement benefit plan "K" shall consist of only those benefits described in §515.A.4(1).

2. Standardized Medicare supplement benefit plan "L" shall consist of only those benefits described in §515.A.4(2).

G. New or Innovative Benefits. An issuer may, with the prior approval of the commissioner, offer policies or certificates with new or innovative benefits in addition to the benefits provided in a policy or certificate that otherwise complies with the applicable standards. The new or innovative benefits may include benefits that are appropriate to Medicare supplement insurance, new or innovative, not otherwise available, cost-effective, and offered in a manner which is consistent with the goal of simplification of Medicare supplement policies. After December 31, 2005, the innovative benefit shall not include an outpatient prescription drug benefit.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:224 and 42 U.S.C. 1395 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 25:1106 (June 1999), repromulgated LR 25:1487 (August 1999), LR 29:2440 (November 2003), amended LR 31:

§521. Reserved.

§522. Reserved.

§523. Reserved.

§524. Reserved.

§525. Medicare Select Policies and Certificates

A.1. This Section shall apply to Medicare select policies and certificates, as defined in this Section.

2. No policy or certificate may be advertised as a Medicare select policy or certificate unless it meets the requirements of this Section.

B. For the purposes of this Section:

*Complaint*—any dissatisfaction expressed by an individual concerning a Medicare select issuer or its network providers.

*Grievance*—dissatisfaction expressed in writing by an individual insured under a Medicare select policy or certificate with the administration, claims practices, or provision of services concerning a Medicare select issuer or its network providers.

*Medicare Select Issuer*—an issuer offering, or seeking to offer, a Medicare select policy or certificate.

*Medicare Select Policy* or *Medicare Select Certificate*—respectively a Medicare supplement policy or certificate that contains restricted network provisions.

*Network Provider*—a provider of health care, or a group of providers of health care, which has entered into a written agreement with the issuer to provide benefits insured under a Medicare select policy.

*Restricted Network Provision*—any provision, which conditions the payment of benefits, in whole or in part, on the use of network providers.

*Service Area*—the geographic area approved by the commissioner within which an issuer is authorized to offer a Medicare select policy.

C. The commissioner may authorize an issuer to offer a Medicare select policy or certificate, pursuant to this Section and Section 4358 of the Omnibus Budget Reconciliation Act (OBRA) of 1990 if the commissioner finds that the issuer has satisfied all of the requirements of this regulation.

D. A Medicare select issuer shall not issue a Medicare select policy or certificate in this state until its plan of operation has been approved by the commissioner.

E. A Medicare select issuer shall file a proposed plan of operation with the commissioner in a format prescribed by the commissioner. The plan of operation shall contain at least the following information:

1. evidence that all covered services that are subject to restricted network provisions are available and accessible through network providers, including a demonstration that:

a. services can be provided by network providers with reasonable promptness with respect to geographic location, hours of operation and after-hour care. The hours of operation and availability of after-hour care shall reflect usual practice in the local area. Geographic availability shall reflect the usual travel times within the community;

b. the number of network providers in the service area is sufficient, with respect to current and expected policyholders, either:

i. to deliver adequately all services that are subject to a restricted network provision; or

ii. to make appropriate referrals;

c. there are written agreements with network providers describing specific responsibilities;

d. emergency care is available 24 hours per day and seven days per week;

e. in the case of covered services that are subject to a restricted network provision and are provided on a prepaid basis, there are written agreements with network providers prohibiting the providers from billing or otherwise seeking reimbursement from or recourse against any individual insured under a Medicare select policy or certificate. This Paragraph shall not apply to supplemental charges or coinsurance amounts as stated in the Medicare select policy or certificate;

2. a statement or map providing a clear description of the service area;

3. a description of the grievance procedure to be utilized;

4. a description of the quality assurance program, including:

a. the formal organizational structure;

b. the written criteria for selection, retention and removal of network providers; and

c. the procedures for evaluating quality of care provided by network providers, and the process to initiate corrective action when warranted;

5. a list and description, by specialty, of the network providers;

6. copies of the written information proposed to be used by the issuer to comply with §525.I;

7. any other information requested by the commissioner.

F.1. A Medicare select issuer shall file any proposed changes to the plan of operation, except for changes to the list of network providers, with the commissioner prior to implementing the changes. Changes shall be considered approved by the commissioner after 30 days unless specifically disapproved.

2. An updated list of network providers shall be filed with the commissioner at least quarterly.

G. A Medicare select policy or certificate shall not restrict payment for covered services provided by non-network providers if:

1. the services are for symptoms requiring emergency care or are immediately required for an unforeseen illness, injury or a condition; and

2. it is not reasonable to obtain such services through a network provider.

H. A Medicare select policy or certificate shall provide payment for full coverage under the policy for covered services that are not available through network providers.

I. A Medicare select issuer shall make full and fair disclosure, in writing, of the provisions, restrictions, and limitations of the Medicare select policy or certificate to each applicant. This disclosure shall include at least the following:

1. an outline of coverage sufficient to permit the applicant to compare the coverage and premiums of the Medicare select policy or certificate with:

a. other Medicare supplement policies or certificates offered by the issuer; and

b. other Medicare select policies or certificates;

2. a description (including address, phone number and hours of operation) of the network providers, including primary care physicians, specialty physicians, hospitals and other providers;

3. a description of the restricted network provisions, including payments for coinsurance and deductibles when providers other than network providers are utilized. Except to the extent specified in the policy or certificate, expenses incurred when using out-of-network providers do not count toward the out-of-pocket annual limit contained in plans K and L;

4. a description of coverage for emergency and urgently needed care and other out-of-service area coverage;

5. a description of limitations on referrals to restricted network providers and to other providers;

6. a description of the policyholder's rights to purchase any other Medicare supplement policy or certificate otherwise offered by the issuer;

7. a description of the Medicare Select issuer's quality assurance program and grievance procedure.

J. Prior to the sale of a Medicare Select policy or certificate, a Medicare select issuer shall obtain from the applicant a signed and dated form stating that the applicant

has received the information provided pursuant to Subsection I of this Section and that the applicant understands the restrictions of the Medicare select policy or certificate.

K. A Medicare Select issuer shall have and use procedures for hearing complaints and resolving written grievances from the subscribers. The procedures shall be aimed at mutual agreement for settlement and may include non-binding arbitration procedures.

1. The grievance procedure shall be described in the policy and certificates and in the outline of coverage.

2. At the time the policy or certificate is issued, the issuer shall provide detailed information to the policyholder describing how a grievance may be registered with the issuer.

3. Grievances shall be considered in a timely manner and shall be transmitted to appropriate decision-makers who have authority to fully investigate the issue and take corrective action.

4. If a grievance is found to be valid, corrective action shall be taken promptly.

5. All concerned parties shall be notified about the results of a grievance.

6. The issuer shall report no later than each March 31st to the commissioner regarding its grievance procedure. The report shall be in a format prescribed by the commissioner and shall contain the number of grievances filed in the past year and a summary of the subject, nature and resolution of such grievances.

L. At the time of initial purchase, a Medicare Select issuer shall make available to each applicant for a Medicare Select policy or certificate the opportunity to purchase any Medicare supplement policy or certificate otherwise offered by the issuer.

M.1. At the request of an individual insured under a Medicare Select policy or certificate, a Medicare select issuer shall make available to the individual insured the opportunity to purchase a Medicare supplement policy or certificate offered by the issuer which has comparable or lesser benefits and which does not contain a restricted network provision. The issuer shall make such policies or certificates available without requiring evidence of insurability after the Medicare select policy or certificate has been in force for six months.

2. For the purposes of this Subsection, a Medicare supplement policy or certificate will be considered to have comparable or lesser benefits unless it contains one or more significant benefits not included in the Medicare select policy or certificate being replaced. For the purposes of this Paragraph, a significant benefit means coverage for the Medicare Part A deductible, coverage for at-home recovery services or coverage for Part B excess charges.

N. Medicare select policies and certificates shall provide for continuation of coverage in the event the secretary of Health and Human Services determines that Medicare Select policies and certificates issued pursuant to this Section should be discontinued due to either the failure of the Medicare Select Program to be reauthorized under law or its substantial amendment.

1. Each Medicare Select issuer shall make available to each individual insured under a Medicare select policy or certificate the opportunity to purchase any Medicare

supplement policy or certificate offered by the issuer which has comparable or lesser benefits and which does not contain a restricted network provision. The issuer shall make the policies and certificates available without requiring evidence of insurability.

2. For the purposes of this Subsection, a Medicare supplement policy or certificate will be considered to have comparable or lesser benefits unless it contains one or more significant benefits not included in the Medicare Select policy or certificate being replaced. For the purposes of this Paragraph, a significant benefit means coverage for the Medicare Part A deductible, coverage for at-home recovery services or coverage for Part B excess charges.

O. A Medicare select issuer shall comply with reasonable requests for data made by state or federal agencies, including the United States Department of Health and Human Services, for the purpose of evaluating the Medicare Select Program.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:224 and 42 U.S.C. 1395 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 25:1108 (June 1999), repromulgated LR 25:1488 (August 1999), amended LR 29:2441 (November 2003), amended LR 31:

**§526. Reserved.**

**§527. Reserved.**

**§528. Reserved.**

**§529. Reserved.**

**§530. Open Enrollment**

A. An issuer shall not deny or condition the issuance or effectiveness of any Medicare supplement policy or certificate available for sale in this state, nor discriminate in the pricing of a policy or certificate because of the health status, claims experience, receipt of health care, or medical condition of an applicant in the case of an application for a policy or certificate that is submitted prior to or during the six month period beginning with the first day of the first month in which an individual is enrolled for benefits under Medicare Part B. Each Medicare supplement policy and certificate currently available from an insurer shall be made available to all applicants who qualify under this Subsection without regard to age.

B. 1. If an applicant qualifies under Subsection A and submits an application during the time period referenced in Subsection A and, as of the date of application, has had a continuous period of creditable coverage of at least six months, the issuer shall not exclude benefits based on a preexisting condition.

2. If the applicant qualifies under Subsection A and submits an application during the time period referenced in Subsection A and, as of the date of application, has had a continuous period of creditable coverage that is less than six months, the issuer shall reduce the period of any preexisting condition exclusion by the aggregate of the period of creditable coverage applicable to the applicant as of the enrollment date. The secretary shall specify the manner of the reduction under this Subsection.

C. Except as provided in Subsection B and §§535 and 590, Subsection A shall not be construed as preventing the exclusion of benefits under a policy, during the first six months, based on a preexisting condition for which the policyholder or certificateholder received treatment or was

otherwise diagnosed during the six months before the coverage became effective.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:224 and 42 U.S.C. 1395 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 25:1110 (June 1999), repromulgated LR 25:1490 (August 1999), LR 29:2444 (November 2003), amended LR 31:

**§531. Reserved.**

**§532. Reserved.**

**§533. Reserved.**

**§534. Reserved.**

**§535. Guaranteed Issue for Eligible Persons**

A. Guaranteed Issue

1. Eligible persons are those individuals described in Subsection B who seek to enroll under the policy during the period specified in Subsection C, and who submit evidence of the date of termination disenrollment, or Medicare Part D enrollment with the application for a Medicare supplement policy.

2. With respect to eligible persons, an issuer shall not deny or condition the issuance or effectiveness of a Medicare supplement policy described in Subsection E that is offered and is available for issuance to new enrollees by the issuer, shall not discriminate in the pricing of such a Medicare supplement policy because of health status, claims experience, receipt of health care, or medical condition, and shall not impose an exclusion of benefits based on a preexisting condition under such a Medicare supplement policy.

B. Eligible Persons. An eligible person is an individual described in any of the following Paragraphs.

1. The individual is enrolled under an employee welfare benefit plan that provides health benefits that supplement the benefits under Medicare; and the plan terminates, or the plan ceases to provide some or all such supplemental health benefits to the individual; or the individual is enrolled under an employee welfare benefit plan that is primary to Medicare and the plan terminates or the plan ceases to provide some or all health benefits to the individual or the individual leaves the plan.

2. The individual is enrolled with a Medicare Advantage organization under a Medicare Advantage plan under Part C of Medicare, and any of the following circumstances apply, or the individual is 65 years of age or older and is enrolled with a Program of All-Inclusive Care for the Elderly (PACE) provider under Section 1894 of the Social Security Act, and there are circumstances similar to those described below that would permit discontinuance of the individual's enrollment with such provider if such individual were enrolled in a Medicare Advantage plan.

a. The certification of the organization or plan has been terminated, or the organization has terminated or otherwise discontinued providing the plan in the area in which the individual resides.

b. The individual is no longer eligible to elect the plan because of a change in the individual's place of residence or other change in circumstances specified by the secretary, but not including termination of the individual's enrollment on the basis described in Section 1851(g)(3)(B) of the federal Social Security Act (where the individual has not paid premiums on a timely basis or has engaged in

disruptive behavior as specified in standards under section 1856), or the plan is terminated for all individuals within a residence area.

c. The individual demonstrates, in accordance with guidelines established by the secretary, that:

i. the organization offering the plan substantially violated a material provision of the organization's contract under this Part in relation to the individual, including the failure to provide an enrollee on a timely basis medically necessary care for which benefits are available under the plan or the failure to provide such covered care in accordance with applicable quality standards; or

ii. the organization, or agent or other entity acting on the organization's behalf, materially misrepresented the plan's provisions in marketing the plan to the individual; or

d. the individual meets such other exceptional conditions as the secretary may provide.

3.a. The individual is enrolled with:

i. an eligible organization under a contract under Section 1876 of the Social Security Act (Medicare cost);

ii. a similar organization operating under demonstration project authority, effective for periods before April 1, 1999;

iii. an organization under an agreement under Section 1833(a)(1)(A) of the Social Security Act (health care prepayment plan); or

iv. an organization under a Medicare Select policy; and

b. the enrollment ceases under the same circumstances that would permit discontinuance of an individual's election of coverage under §535.B.2.

4. The individual is enrolled under a Medicare supplement policy and the enrollment ceases because:

a.i. of the insolvency of the issuer or bankruptcy of the nonissuer organization; or

ii. of other involuntary termination of coverage or enrollment under the policy;

b. the issuer of the policy substantially violated a material provision of the policy; or

c. the issuer, or an agent or other entity acting on the issuer's behalf, materially misrepresented the policy's provisions in marketing the policy to the individual;

5.a. The individual was enrolled under a Medicare supplement policy and terminates enrollment and subsequently enrolls, for the first time, with any Medicare Advantage organization under a Medicare Advantage plan under Part C of Medicare, any eligible organization under a contract under Section 1876 of the Social Security Act (Medicare cost), any similar organization operating under demonstration project authority, any PACE provider under Section 1894 of the Social Security Act, or a Medicare select policy; and

b. The subsequent enrollment under Subparagraph a is terminated by the enrollee during any period within the first 12 months of such subsequent enrollment [during which the enrollee is permitted to terminate such subsequent enrollment under Section 1851(e) of the federal Social Security Act]; or

6. The individual, upon first becoming enrolled for benefits under Medicare Part B, enrolls in a Medicare Advantage plan under Part C of Medicare, or with a PACE provider under Section 1894 of the Social Security Act, and

disenrolls from the plan by not later 12 months after the effective date of enrollment.

7. The individual enrolls in a Medicare Part D plan during the initial enrollment period and, at the time of enrollment in Part D, was enrolled under a Medicare supplement policy that covers outpatient prescription drugs and the individual terminates enrollment in the Medicare supplement policy and submits evidence of enrollment in Medicare Part D along with the application for a policy described in Paragraph E.4.

#### C. Guaranteed Issue Time Periods

1. In the case of an individual described in Paragraph B.1, the guaranteed issue period begins on the later of:

a. the date the individual receives a notice of termination or cessation of all supplemental health benefits (or, if a notice is not received, notice that a claim has been denied because of a termination or cessation); or

b. the date that the applicable coverage terminates or ceases; and ends 63 days there after;

2. In the case of an individual described in Paragraphs B.2, 3, 5 or 6 whose enrollment is terminated involuntarily, the guaranteed issue period begins on the date that the individual receives a notice of termination and ends 63 days after the date the applicable coverage is terminated;

3. In the case of an individual described in Subparagraph B.4.a, the guaranteed issue period begins on the earlier of: a. the date that the individual receives a notice of termination, a notice of the issuer's bankruptcy or insolvency, or other such similar notice if any; and b. the date that the applicable coverage is terminated, and ends on the date that is 63 days after the date the coverage is terminated;

4. In the case of an individual described in Paragraphs B.2, 4.b, 4.c, 5 or 6 who disenrolls voluntarily, the guaranteed issue period begins on the date that is 60 days before the effective date of the disenrollment and ends on the date that is 63 days after the effective date;

5. In the case of an individual described in Subsection B.7, the guaranteed issue period begins on the date the individual receives notice pursuant to Section 1882 (v)(2)(B) of the Social Security Act from the Medicare supplement issuer during the 60 period immediately preceding the initial Part D enrollment period and ends on the date that is 63 days after the effective date of the individual's coverage under Medicare Part D; and

6. In the case of an individual described in Subsection B but not described in the preceding provisions of this Subsection, the guaranteed issue period begins on the effective date of disenrollment and ends on the date that is 63 days after the effective date.

#### D. Extended Medigap Access for Interrupted Trial Periods

1. In the case of an individual described in Paragraph B.5 (or deemed to be so described, pursuant to this Paragraph) whose enrollment with an organization or provider described in Subparagraph B.5.a is involuntarily terminated within the first 12 months of enrollment, and who, without an intervening enrollment, enrolls with another such organization or provider, the subsequent enrollment shall be deemed to be an initial enrollment described in §535.B.5;

2. In the case of an individual described in Paragraph B.6 (or deemed to be so described, pursuant to this Paragraph) who enrolls with a plan or in a program described in Paragraph B.6 is involuntarily terminated within the first 12 months of enrollment, and who, without an intervening enrollment, enrolls in another such plan or program, the subsequent enrollment shall be deemed to be an initial enrollment described in Section 535.B.6; and

3. For purposes of Paragraphs B.5 and B.6, no enrollment of an individual with an organization or provider described in Subparagraph B.5.a, or with a plan or in a program described in Paragraph B.6, may be deemed to be an initial enrollment under this Paragraph after the two-year period beginning on the date on which the individual first enrolled with such an organization, provider, plan or program.

E. Products to Which Eligible Persons are Entitled. The Medicare supplement policy to which eligible persons are entitled under:

1. Section 535.B.1.2.3 and 4 is a Medicare supplement policy which has a benefit package classified as Plan A, B, C, F (including F with a high deductible), K or L offered by any issuer;

2.a. Subject to Subparagraph b, §535.B.5 is the same Medicare supplement policy in which the individual was most recently previously enrolled, if available from the same issuer, or, if not so available, a policy described in §535.E.1;

b. After December 31, 2005, if the individual was most recently enrolled in a Medicare supplement policy with an outpatient prescription drug benefit, a Medicare supplement policy described in this Subparagraph is:

i. the policy available from the same issuer but modified to remove outpatient prescription drug coverage; or

ii. at the election of the policyholder, an A, B, C, F (including F with a high deductible), K or L policy that is offered by any issuer;

3. Section 535.B.6 shall include any Medicare supplement policy available by any issuer;

4. Section 535.B.7 is a Medicare supplement policy that has a benefit package classified as Plan A, B, C, F (including F with a high deductible), K or L, and that is offered and is available for issuance to new enrollees by the same issuer that issued the individual's Medicare supplement policy with outpatient prescription drug coverage.

#### F. Notification Provisions

1. At the time of an event described in Subsection B of this Section because of which an individual loses coverage or benefits due to the termination of a contract or agreement, policy, or plan, the organization that terminates the contract or agreement, the issuer terminating the policy, or the administrator of the plan being terminated, respectively, shall notify the individual of his or her rights under this Section, and of the obligations of issuers of Medicare supplement policies under Subsection A. Such notice shall be communicated contemporaneously with the notification of termination.

2. At the time of an event described in Subsection B of this Section because of which an individual ceases enrollment under a contract or agreement, policy, or plan, the organization that offers the contract or agreement,



regardless of the basis for the cessation of enrollment, the issuer offering the policy, or the administrator of the plan, respectively, shall notify the individual of his or her rights under this Section, and of the obligations of issuers of Medicare supplement policies under §535.A. Such notice shall be communicated within 10 working days of the issuer receiving notification of disenrollment.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 22:224 and 42 U.S.C. 1395 et seq.

**HISTORICAL NOTE:** Promulgated by the Department of Insurance, Office of the Commissioner, LR 25:1110 (June 1999), repromulgated LR 25:1490 (August 1999), amended LR 29:2444 (November 2003), amended LR 31:

**§536. Reserved.**

**§537. Reserved.**

**§538. Reserved.**

**§539. Reserved.**

**§540. Standards for Claims Payment**

A. An issuer shall comply with section 1882(c)(3) of the Social Security Act (as enacted by section 4081(b)(2)(C) of the Omnibus Budget Reconciliation Act of 1987 (OBRA) 1987, Pub. L. No. 100-203) by:

1. accepting a notice from a Medicare carrier on dually assigned claims submitted by participating physicians and suppliers as a claim for benefits in place of any other claim form otherwise required and making a payment determination on the basis of the information contained in that notice;

2. notifying the participating physician or supplier and the beneficiary of the payment determination;

3. paying the participating physician or supplier directly;

4. furnishing, at the time of enrollment, each enrollee with a card listing the policy name, number, and a central mailing address to which notices from a Medicare carrier may be sent;

5. paying user fees for claim notices that are transmitted electronically or otherwise; and

6. providing to the Secretary of Health and Human Services, at least annually, a central mailing address to which all claims may be sent by Medicare carriers.

B. Compliance with the requirements set forth in Subsection A above shall be certified on the Medicare supplement insurance experience reporting form.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 22:224 and 42 U.S.C. 1395 et seq.

**HISTORICAL NOTE:** Promulgated by the Department of Insurance, Office of the Commissioner, LR 25:1111 (June 1999), repromulgated LR 25:1491 (August 1999), LR 29:2446 (November 2003), amended LR 31:

**§541. Reserved.**

**§542. Reserved.**

**§543. Reserved.**

**§544. Reserved.**

**§545. Loss Ratio Standards and Refund or Credit of Premium**

A. Loss Ratio Standards

1.a. A Medicare supplement policy form or certificate form shall not be delivered or issued for delivery unless the policy form or certificate form can be expected, as estimated for the entire period for which rates are computed to provide coverage, to return to policyholders and certificateholders in the form of aggregate benefits (not including anticipated

refunds or credits) provided under the policy form or certificate form:

i. at least 75 percent of the aggregate amount of premiums earned in the case of group policies; or

ii. at least 65 percent of the aggregate amount of premiums earned in the case of individual policies.

b. The percentages for Divisions A.1.a.i and ii shall be calculated on the basis of incurred claims experience or incurred health care expenses where coverage is provided by a health maintenance organization on a service rather than reimbursement basis and earned premiums for the period and in accordance with accepted actuarial principles and practices. Incurred health care expenses where coverage is provided by a health maintenance organization shall not include:

i. home office and overhead costs;

ii. advertising costs;

iii. commissions and other acquisition costs;

iv. taxes;

v. capital costs;

vi. administrative costs; and

vii. claims processing costs.

2. All filings of rates and rating schedules shall demonstrate that expected claims in relation to premiums comply with the requirements of this Section when combined with actual experience to date. Filings of rate revisions shall also demonstrate that the anticipated loss ratio over the entire future period for which the revised rates are computed to provide coverage can be expected to meet the appropriate loss ratio standards.

3. For purposes of applying Paragraph A.1 of this Section and §550.D.3 only, policies issued as a result of solicitations of individuals through the mails or by mass media advertising (including both print and broadcast advertising) shall be deemed to be individual policies.

4. For policies issued prior to January 20, 1991, expected claims in relation to premiums shall meet:

a. the originally filed anticipated loss ratio when combined with the actual experience since inception;

b. the appropriate loss ratio requirement from §545.A.1.a.i. and ii. when combined with actual experience beginning with January 1, 1998 to date; and

c. the appropriate loss ratio requirement from §545.A.1.a.i. and ii. over the entire future period for which the rates are computed to provide coverage.

B. Refund or Credit Calculation

1. An issuer shall collect and file with the commissioner by May 31 of each year the data contained in the applicable reporting form contained in Appendix A for each type in a standard Medicare supplement benefit plan.

2. If, on the basis of the experience as reported, the benchmark ratio since inception (ratio 1) exceeds the adjusted experience ratio since inception (ratio 3), then a refund or credit calculation is required. The refund calculation shall be done on a statewide basis for each type in a standard Medicare supplement benefit plan. For purposes of the refund or credit calculation, experience on policies issued within the reporting year shall be excluded.

3. For the purposes of this Section, policies or certificates issued prior to January 20, 1991, the issuer shall make the refund or credit calculation separately for all individual policies (including all group policies subject to an



individual loss ratio standard when issued) combined and all other group policies combined for experience after January 1, 1998. The first report shall be due by May 31, 2000.

4. A refund or credit shall be made only when the benchmark loss ratio exceeds the adjusted experience loss ratio and the amount to be refunded or credited exceeds a *de minimis* level. The refund shall include interest from the end of the calendar year to the date of the refund or credit at a rate specified by the Secretary of Health and Human Services, but in no event shall it be less than the average rate of interest for 13-week treasury notes. A refund or credit against premiums due shall be made by September 30 following the experience year upon which the refund or credit is based.

C. Filing of Rates and Rating Schedules. All filings of rates and rating schedules shall demonstrate that expected claims in relation to premiums comply with the requirements of this Section when combined with actual experience to date. Filings of rate revisions shall also demonstrate that the anticipated loss ratio over the entire future period for which the revised rates are computed to provide coverage can be expected to meet the appropriate loss ratio standards.

1. Each Medicare supplement policy or certificate form shall be accompanied, upon submission for approval, by an original and one copy of an actuarial memorandum. The memorandum shall be prepared, signed and dated by a qualified actuary in accordance with generally accepted actuarial principles and practices. The filing shall contain at least the information listed in the following Subparagraphs:

- a. the form number that the actuarial memorandum addresses;
- b. a brief description of benefits provided;
- c. a schedule of rates to be used;
- d. a certification that the anticipated lifetime loss ratio is at least 65 percent (for individual coverage) or at least 75 percent (for group coverage);
- e. a table of anticipated loss ratio experience for each year from issue over a reasonable number of years;
- f. a certification that the premiums are reasonable in relation to the benefits provided; and
- g. the entire filing shall be provided in duplicate;
- h. any additional information requested by the commissioner.

2. Subsequent rate adjustments filings, except for those rates filed solely due to a change in the Part A calendar year deductible, shall also provide an original and one copy of an actuarial memorandum, prepared, signed and dated by a qualified actuary, in accordance with generally accepted actuarial principles and practices. The filing shall contain at least the following:

- a. the form number addressed by the actuarial memorandum;
- b. a brief description of benefits provided;
- c. a schedule of rates before and after the rate change;
- d. a statement of the reason and basis for the rate change;
- e. a demonstration and certification by the qualified actuary showing that the past plus future expected experience after the rate change will result in an aggregate loss ratio equal to, or greater than, the required minimum aggregate loss ratio:

i. this rate change and demonstration shall be based on the experience of the named form in Louisiana only, if that experience is credible;

ii. the rate change and demonstration shall be based on experience of the named form nationwide, if the named form is used nationwide and the Louisiana experience is not credible, but the nationwide experience is credible;

f. for policies or certificates in force less than three years, a demonstration shall be included to show that the third-year loss ratio is expected to be equal to, or greater than, the applicable percentage;

g. a certification by the qualified actuary that the resulting premiums are reasonable in relation to the benefits provided;

h. the entire filing shall be provided in duplicate;

i. any additional information requested by the commissioner.

3.a. An issuer of Medicare supplement policies and certificates issued before or after the effective date of Regulation 33 (Revised, 1992) in this state shall file annually no later than December 31 its rates for the upcoming calendar year. Also, supporting documentation including ratios of incurred losses to earned premiums by policy duration shall be submitted for approval by the commissioner. The supporting documentation shall also demonstrate in accordance with actuarial standards of practice using reasonable assumptions that the appropriate loss ratio standards can be expected to be met over the entire period for which rates are computed. The demonstration shall exclude active life reserves. An expected third-year loss ratio which is greater than or equal to the applicable percentage shall be demonstrated for policies or certificates in force less than three years.

b. The filing for purposes of this Subsection shall contain all Medicare supplement plans issued by the issuer and shall not include rate adjustments. An actuarial memorandum shall be prepared, signed and dated by a qualified actuary in accordance with generally accepted actuarial principles and practices. The filing shall contain at least the following:

- i. the form number for each plan;
- ii. plan type designation (for example: Plan A, Plan B, Pre -standardized);
- iii. the rates for each plan;
- iv. yearly loss ratios for each plan;
- v. lifetime expected loss ratios for each plan;
- vi. identify filing as "ANNUAL MEDICARE SUPPLEMENT FILING" on the face page of the memorandum;
- vii. the entire filing shall be provided in duplicate;
- viii. any additional information requested by the commissioner.

4. As soon as practicable, but prior to the effective date of enhancements in Medicare benefits, every issuer of Medicare supplement policies or certificates in this state shall file with the commissioner, in accordance with the applicable filing procedures of this state:

a. appropriate premium adjustments necessary to produce loss ratios as anticipated for the current premium for the applicable policies or certificates. The supporting

documents necessary to justify the adjustment shall accompany the filing;

b. an issuer shall make premium adjustments necessary to produce an expected loss ratio under the policy or certificate to conform to minimum loss ratio standards for Medicare supplement policies and which are expected to result in a loss ratio at least as great as that originally anticipated in the rates used to produce current premiums by the issuer for the Medicare supplement policies or certificates. No premium adjustment which would modify the loss ratio experience under the policy other than the adjustments described herein shall be made with respect to a policy at any time other than upon its renewal date or anniversary date;

c. if an issuer fails to make premium adjustments acceptable to the commissioner, the commissioner may order premium adjustments, refunds or premium credits deemed necessary to achieve the loss ratio required by this Section.

5. Any appropriate riders, endorsements or policy forms needed to accomplish the Medicare supplement policy or certificate modifications necessary to eliminate benefit duplications with Medicare. The riders, endorsements or policy forms shall provide a clear description of the Medicare supplement benefits provided by the policy or certificate.

D. Public Hearings. The commissioner may conduct a public hearing to gather information concerning a request by an issuer for an increase in a rate for a policy form or certificate form issued before or after the effective date of Regulation 33 as revised July 20, 1992 if the experience of the form for the previous reporting period is not in compliance with the applicable loss ratio standard. The determination of compliance is made without consideration of any refund or credit for the reporting period. Public notice of the hearing shall be furnished in a manner deemed appropriate by the commissioner.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:224 and 42 U.S.C. 1395 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 25:1112 (June 1999), repromulgated LR 25:1492 (August 1999), amended LR 29:2447 (November 2003), amended LR 31:

**§546. Reserved.**

**§547. Reserved.**

**§548. Reserved.**

**§549. Reserved.**

**§550. Filing and Approval of Policies and Certificates and Premium Rates**

A. An issuer shall not deliver or issue for delivery a policy or certificate to a resident of this state unless the policy form or certificate form has been filed with and approved by the commissioner in accordance with filing requirements and procedures prescribed by the commissioner.

B. An issuer shall file any riders or amendments to policy or certificate forms to delete outpatient prescription drug benefits as required by the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 only with the commissioner in the state in which the policy or certificate was issued.

C. An issuer shall not use or change premium rates for a Medicare supplement policy or certificate unless the rates, rating schedule and supporting documentation have been

filed with and approved by the commissioner in accordance with the filing requirements and procedures prescribed by the commissioner.

D.1. Except as provided in Paragraph D.2 of this Section, an issuer shall not file for approval more than one form of a policy or certificate of each type for each standard Medicare supplement benefit plan.

2. An issuer may offer, with the approval of the commissioner, up to four additional policy forms or certificate forms of the same type for the same standard Medicare supplement benefit plan, one for each of the following cases:

a. the inclusion of new or innovative benefits;

b. the addition of either direct response or agent marketing methods;

c. the addition of either guaranteed issue or underwritten coverage;

d. the offering of coverage to individuals eligible for Medicare by reason of disability.

3. For the purposes of this Section, a *type* means an individual policy, a group policy, an individual Medicare select policy, or a group Medicare select policy.

E.1. Except as provided in Subparagraph E.1.a, an issuer shall continue to make available for purchase any policy form or certificate form issued after the effective date of this regulation that has been approved by the commissioner. A policy form or certificate form shall not be considered to be available for purchase unless the issuer has actively offered it for sale in the previous 12 months.

a. An issuer may discontinue the availability of a policy form or certificate form if the issuer provides to the commissioner, in writing, its decision at least 30 days prior to discontinuing the availability of the form of the policy or certificate. After receipt of the notice by the commissioner, the issuer shall no longer offer for sale the policy form or certificate form in this state.

b. An issuer that discontinues the availability of a policy form or certificate form pursuant to Subparagraph a shall not file for approval a new policy form or certificate form of the same type for the same standard Medicare supplement benefit plan as the discontinued form for a period of five years after the issuer provides notice to the commissioner of the discontinuance. The period of discontinuance may be reduced if the commissioner determines that a shorter period is appropriate.

2. The sale or other transfer of Medicare supplement business to another issuer shall be considered a discontinuance for the purposes of this Subsection.

3. A change in the rating structure or methodology shall be considered a discontinuance under Paragraph E.1 unless the issuer complies with the following requirements.

a. The issuer provides an actuarial memorandum, in a form and manner prescribed by the commissioner, describing the manner in which the revised rating methodology and resultant rates differ from the existing rating methodology and existing rates.

b. The issuer does not subsequently put into effect a change of rates or rating factors that would cause the percentage differential between the discontinued and subsequent rates as described in the actuarial memorandum to change. The commissioner may approve a change to the differential, which is in the public interest.

F.1. Except as provided in Paragraph F.2, the experience of all policy forms or certificate forms of the same type in a standard Medicare supplement benefit plan shall be combined for purposes of the refund or credit calculation prescribed in §545 of this regulation.

2. Forms assumed under an assumption reinsurance agreement shall not be combined with the experience of other forms for purposes of the refund or credit calculation.

G.1. An issuer that fails to implement an approved rate increase within six months after the approval date shall be prohibited from implementing such increase on future dates. The issuer shall notify the commissioner when any approved rate increase has not been implemented.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:224 and 42 U.S.C. 1395 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 25:1113 (June 1999), repromulgated LR 25:1494 (August 1999), amended LR 29:2448 (November 2003), amended LR 31:

**§551. Reserved.**

**§552. Reserved.**

**§553. Reserved.**

**§554. Reserved.**

**§555. Permitted Compensation Arrangements**

A. An issuer or other entity may provide commission or other compensation to an agent or other representative for the sale of a Medicare supplement policy or certificate only if the first year commission or other first year compensation is no more than 200 percent of the commission or other compensation paid for selling or servicing the policy or certificate in the second year or period.

B. The commission or other compensation provided in subsequent (renewal) years must be the same as that provided in the second year or period and must be provided for no fewer than five renewal years.

C. No issuer or other entity shall provide compensation to its agents or other producers, and no agent or producer shall receive compensation greater than the renewal compensation payable by the replacing issuer on renewal policies or certificates if an existing policy or certificate is replaced.

D. For purposes of this Section, "compensation" includes pecuniary or non-pecuniary remuneration of any kind relating to the sale or renewal of the policy or certificate including, but not limited to, bonuses, gifts, prizes, awards and finders fees.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:224 and 42 U.S.C. 1395 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 25:1114 (June 1999), repromulgated LR 25:1494 (August 1999), LR 29:2449 (November 2003), amended LR 31:

**§556. Reserved.**

**§557. Reserved.**

**§558. Reserved.**

**§559. Reserved.**

**§560. Required Disclosure Provisions**

A. General Rules

1. Medicare supplement policies and certificates shall include a renewal or continuation provision. The language or specifications of the provision shall be consistent with the type of contract issued. The provision shall be appropriately captioned and shall appear on the first page of the policy,

and shall include any reservation by the issuer of the right to change premiums and any automatic renewal premium increases based on the policyholder's age.

2. Except for riders or endorsements by which the issuer effectuates a request made in writing by the insured, exercises a specifically reserved right under a Medicare supplement policy, or is required to reduce or eliminate benefits to avoid duplication of Medicare benefits, all riders or endorsements added to a Medicare supplement policy after date of issue or at reinstatement or renewal which reduce or eliminate benefits or coverage in the policy shall require a signed acceptance by the insured. After the date of policy or certificate issue, any rider or endorsement which increases benefits or coverage with a concomitant increase in premium during the policy term shall be agreed to, in writing, signed by the insured, unless the benefits are required by the minimum standards for Medicare supplement policies, or if the increased benefits or coverage is required by law. Where a separate additional premium is charged for benefits provided in connection with riders or endorsements, the premium charge shall be set forth in the policy.

3. Medicare supplement policies or certificates shall not provide for the payment of benefits based on standards described as "usual and customary," "reasonable and customary" or words of similar import.

4. If a Medicare supplement policy or certificate contains any limitations with respect to preexisting conditions, such limitations shall appear as a separate paragraph of the policy and be labeled as "Preexisting Condition Limitations."

5. Medicare supplement policies and certificates shall have a notice prominently printed on the first page of the policy or certificate stating in substance that the policyholder or certificateholder shall have the right to return the policy or certificate within 30 days of its delivery and to have the premium refunded if, after examination of the policy or certificate, the insured person is not satisfied for any reason.

6.a. Issuers of accident and sickness policies or certificates which provide hospital or medical expense coverage on an expense incurred or indemnity basis to persons eligible for Medicare shall provide to those applicants a *Guide to Health Insurance for People with Medicare* in the form developed jointly by the National Association of Insurance Commissioners and CMS and in a type size no smaller than 12 point type. Delivery of the Guide shall be made whether or not the policies or certificates are advertised, solicited, or issued as Medicare supplement policies or certificates, as defined in this regulation. Except in the case of direct response issuers, delivery of the *Guide* shall be made to the applicant at the time of application, and acknowledgement of receipt of the *Guide* shall be obtained by the issuer. Direct response issuers shall deliver the *Guide* to the applicant upon request but not later than at the time the policy is delivered.

b. For the purposes of this Section, *form* means the language, format, type size, type proportional spacing, bold character, and line spacing.

B. Notice Requirements.

1. As soon as practicable, but no later than 30 days prior to the annual effective date of any Medicare benefit changes, an issuer shall notify its policyholders and

certificateholders of modifications it has made to Medicare supplement insurance policies or certificates in a format acceptable to the commissioner. The notice shall:

a. include a description of revisions to the Medicare program and a description of each modification made to the coverage provided under the Medicare supplement policy or certificate; and

b. inform each policyholder or certificateholder as to when any premium adjustment is to be made due to changes in Medicare.

2. The notice of benefit modifications and any premium adjustments shall be in outline form and in clear and simple terms so as to facilitate comprehension.

3. The notices shall not contain or be accompanied by any solicitation.

C. MMA Notice Requirements. Issuers shall comply with any notice requirements of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003.

D. Outline of Coverage Requirements for Medicare Supplement Policies

1. Issuers shall provide an outline of coverage to all applicants at the time application is presented to the prospective applicant and, except for direct response policies, shall obtain an acknowledgement of receipt of the outline from the applicant; and

2. If an outline of coverage is provided at the time of application and the Medicare supplement policy or certificate is issued on a basis which would require revision

of the outline, a substitute outline of coverage properly describing the policy or certificate shall accompany the policy or certificate when it is delivered and contain the following statement, in no less than 12 point type, immediately above the company name: "NOTICE: Read this outline of coverage carefully. It is not identical to the outline of coverage provided upon application and the coverage originally applied for has not been issued."

3.a. The outline of coverage provided to applicants pursuant to this Section consists of four parts:

i. a cover page;

ii. premium information;

iii. disclosure pages; and

iv. charts displaying the features of all benefit plans available by the issuer.

b. The outline of coverage shall be in the language and format prescribed below in no less than 12 point type. All plans A-L shall be shown on the cover page, and each Medicare supplement policy and certificate currently available by an issuer shall be prominently identified. Premium information for plans that are available shall be shown on the cover page or immediately following the cover page and shall be prominently displayed. The premium and mode shall be stated for all plans that are available to the prospective applicant. All possible premiums for the prospective applicant shall be illustrated.

4. The following items shall be included in the outline of coverage in the order prescribed below.

Benefit Plan(s) [insert letter(s) of plan(s) available from the issuer]
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These Charts show the benefits included in each of the standard Medicare supplement plans. Every company must make available Plan A. Some plans may not be available in [Louisiana].

See Outlines of Coverage sections for details about ALL plans

**BASIC BENEFITS for plans A-J:**

Hospitalization: Part A coinsurance plus coverage for 365 additional days after Medicare benefits end.

Medical Expenses: Part B coinsurance (Generally, 20% of Medicare-approved expenses), or copayments for hospital outpatient services.

Blood: First three pints of blood each year.

A	B	C	D	E	F	F*	G	H	I	J	J*
Basic Benefits	Basic Benefits	Basic Benefits	Basic Benefits	Basic Benefits	Basic Benefits	Basic Benefits	Basic Benefits	Basic Benefits	Basic Benefits	Basic Benefits	Basic Benefits
		Skilled Nursing Facility Co-Insurance	Skilled Nursing Facility Co-Insurance	Skilled Nursing Facility Co-Insurance	Skilled Nursing Facility Co-Insurance	Skilled Nursing Facility Co-Insurance	Skilled Nursing Facility Co-Insurance	Skilled Nursing Facility Co-Insurance	Skilled Nursing Facility Co-Insurance	Skilled Nursing Facility Co-Insurance	Skilled Nursing Facility Co-Insurance
	Part A Deductible	Part A Deductible	Part A Deductible	Part A Deductible	Part A Deductible	Part A Deductible	Part A Deductible	Part A Deductible	Part A Deductible	Part A Deductible	Part A Deductible
		Part B Deductible			Part B Deductible					Part B Deductible	Part B Deductible
					Part B Excess (100%)		Part B Excess (80%)		Part B Excess (100%)	Part B Excess (100%)	Part B Excess (100%)
		Foreign Travel Emergency	Foreign Travel Emergency	Foreign Travel Emergency	Foreign Travel Emergency	Foreign Travel Emergency	Foreign Travel Emergency	Foreign Travel Emergency	Foreign Travel Emergency	Foreign Travel Emergency	Foreign Travel Emergency
			At-Home Recovery				At-Home Recovery		At-Home Recovery	At-Home Recovery	At-Home Recovery
				Preventive Care NOT covered by Medicare						Preventive Care NOT covered by Medicare	Preventive Care NOT covered by Medicare

\*Plans F and J also have an option called a high deductible Plan F and a high deductible Plan J. These high deductible plans pay the same benefits as Plan F and J after one has paid a calendar year [\$1690] deductible. Benefits from high deductible Plans F and J will not begin until out-of-pocket expenses are [\$1690]. Out-of-pocket expenses for this deductible are expenses that would ordinarily be paid by the policy. These expenses include the Medicare deductibles for Part A and Part B, but do not, include the plan's separate foreign travel emergency deductible.

Basic Benefits for Plans K and L include similar services as plans A-J, but cost-sharing for the basic benefits is at different levels.

J	K**	L**
Basic Benefits	100% of Part A Hospitalization Coinsurance plus coverage for 365 Days after Medicare Benefits End 50% Hospice cost-sharing 50% of Medicare-eligible expenses for the first three pints of blood 50% Part B Coinsurance, except 100% Coinsurance for Part B Preventive Services	100% of Part A Hospitalization Coinsurance plus coverage for 365 Days after Medicare Benefits End 75% Hospice cost-sharing 75% of Medicare-eligible expenses for the first three pints of blood 75% Part B Coinsurance, except 100% Coinsurance for Part B Preventive Services
Skilled Nursing Coinsurance	50% Skilled Nursing Facility Coinsurance	75% Skilled Nursing Facility Coinsurance
Part A Deductible	50% Part A Deductible	75% Part A Deductible
Part B Deductible		
Part B Excess (100%)		

J	K**	L**
Foreign Travel Emergency		
At-Home Recovery		
Preventive Care NOT covered by Medicare		
	[\$4000] Out of Pocket Annual Limit***	[\$2000] Out of Pocket Annual Limit***

\*\*Plans K and L provide for different cost-sharing for items and services than Plans A - J. Once you reach the annual limit, the plan pays 100% of the Medicare copayments, coinsurance, and deductibles for the rest of the calendar year. The out-of-pocket annual limit does NOT include charges from your provider that exceed Medicare-approved amounts, called "Excess Charges." You will be responsible for paying excess charges.

\*\*\*The out-of-pocket annual limit will increase each year for inflation.

See Outlines of Coverage for details and exceptions.

**PREMIUM INFORMATION [Boldface Type]**

We [insert issuer's name] can only raise your premium if we raise the premium for all policies like yours in this State. [If the premium is based on the increasing age of the insured, include information specifying when premiums will change.]

**DISCLOSURES [Boldface Type]**

Use this outline to compare benefits and premiums among policies.

**READ YOUR POLICY VERY CAREFULLY [Boldface Type]**

This is only an outline describing your policy's most important features. The policy is your insurance contract. You must read the policy itself to understand all of the rights and duties of both you and your insurance company.

**RIGHT TO RETURN POLICY [Boldface Type]**

If you find that you are not satisfied with your policy, you may return it to [insert issuer's address]. If you send the policy back to us within 30 days after you receive it, we will treat the policy as if it had never been issued and return all of your payments.

**POLICY REPLACEMENT [Boldface Type]**

If you are replacing another health insurance policy, do NOT cancel it until you have actually received your new policy and are sure you want to keep it.

**NOTICE [Boldface Type]**

This policy may not fully cover all of your medical costs.

[for agents:]

Neither [insert company's name] nor its agents are connected with Medicare.

[for direct response:]

[insert company's name] is not connected with Medicare.

This outline of coverage does not give all the details of Medicare coverage. Contact your local Social Security Office or consult The Medicare Handbook for more details.

**COMPLETE ANSWERS ARE VERY IMPORTANT [Boldface Type]**

When you fill out the application for the new policy, be sure to answer truthfully and completely all questions about your medical and health history. The company may cancel your policy and refuse to pay any claims if you leave out or falsify important medical information. [If the policy or certificate is guaranteed issue, this paragraph need not appear.]

Review the application carefully before you sign it. Be certain that all information has been properly recorded.

[Include for each plan prominently identified in the cover page, a chart showing the services, Medicare payments, plan payments and insured payments for each plan, using the same language, in the same order, using uniform layout and format as shown in the charts below. No more than four plans may be shown on one chart. For purposes of illustration, charts for each plan are included in this regulation. An issuer may use additional benefit plan designations on these charts pursuant to §520.D of this regulation.] [Include an explanation of any innovative benefits on the cover page and in the chart, in a manner approved by the commissioner.]

**Plan A  
Medicare (Part A)—Hospital Services—Per Benefit Period**

\*A benefit period begins on the first day you receive service as an inpatient in a hospital and ends after you have been out of the hospital and have not received skilled care in any other facility for 60 days in a row.

Services	Medicare Pays	Plan Pays	You Pay
<b>Hospitalization*</b> Semiprivate room and board, general nursing and miscellaneous services and supplies First 60 days 61st thru 90th day 91st day and after: --While using 60 lifetime reserve days --Once lifetime reserve days are used: --Additional 365 days --Beyond the additional 365 days	All but \$[912]  All but \$[228] a day All but \$[456] a day \$0 \$0	\$0 \$[228] a day \$[456] a day 100% of Medicare Eligible Expenses \$0 \$0	\$[912](Part A Deductible) \$0 \$0 \$0 All Costs
<b>Skilled Nursing Facility Care*</b> You must meet Medicare's requirements including having been in a hospital for at least 3 days and entered a Medicare-approved facility within 30 days after leaving the hospital First 20 days 21st thru 100th day 101st day and after	All approved amounts All but \$[114] a day \$0	\$0 \$0 \$0	\$0 Up to \$[114] a day All costs
<b>Blood</b> First 3 pints Additional amounts	\$0 100%	3 pints \$0	\$0 \$0
<b>Hospice Care</b> Available as long as your doctor certifies you are terminally ill and you elect to receive these services	All but very limited coinsurance for out-patient drugs and inpatient respite care	\$0	Balance

\*\*NOTICE: When your Medicare Part A hospital benefits are exhausted, the insurer stands in the place of Medicare and will pay whatever amount Medicare would have paid for up to an additional 365 days as provided in the policy's "Core Benefits." During this time the hospital is prohibited from billing you for the balance based on any difference between its billed charges and the amount Medicare would have paid.

**Plan A  
Medicare (Part B)—Medical Services—Per Calendar Year**

\*Once you have been billed \$[110] of Medicare-Approved amounts for covered services (which are noted with an asterisk), your Part B Deductible will have been met for the calendar year.

Services	Medicare Pays	Plan Pays	You Pay
<b>Medical Expenses—IN OR OUT OF THE HOSPITAL AND OUTPATIENT HOSPITAL TREATMENT,</b> such as physician's services, inpatient and outpatient medical and surgical services and supplies, physical and speech therapy, diagnostic tests, durable medical equipment, First \$[110] of Medicare Approved Amounts* Remainder of Medicare Approved Amounts	\$0 Generally, 80%	\$0 Generally, 20%	\$[110](Part B Deductible) \$0
<b>Part B Excess Charges</b> (Above Medicare Approved Amounts)	\$0	\$0	All Costs
<b>Blood</b> First 3 pints Next \$[110] of Medicare Approved Amounts* Remainder of Medicare Approved Amounts	\$0 \$0 80%	All Costs \$0 20%	\$0 \$[110](Part B Deductible) \$0
<b>Clinical Laboratory Services—Tests for Diagnostic Services</b>	100%	\$0	\$0

**Parts A and B**

<b>Home Health Care</b> MEDICARE APPROVED SERVICES --Medically necessary skilled care services and medical supplies --Durable medical equipment First \$[110] of Medicare Approved Amounts* Remainder of Medicare Approved Amounts	100%  \$0 80%	\$0  \$0 20%	\$0  \$[110](Part B Deductible) \$0
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**Plan B  
Medicare (Part A)—Hospital Services—Per Benefit Period**

\*A benefit period begins on the first day you receive service as an inpatient in a hospital and ends after you have been out of the hospital and have not received skilled care in any other facility for 60 days in a row.

Services	Medicare Pays	Plan Pays	You Pay
<b>Hospitalization*</b> Semiprivate room and board, general nursing and miscellaneous services and supplies First 60 days 61st thru 90th day 91st day and after: --While using 60 lifetime reserve days --Once lifetime reserve days are used: --Additional 365 days --Beyond the additional 365 days	All but \$[912] All but \$[228] a day  All but \$[456] a day  \$0 \$0	\$[912](Part A Deductible) \$[228] a day  \$[456] a day  100% of Medicare Eligible Expenses \$0	\$0 \$0  \$0  \$0 All Costs
<b>Skilled Nursing Facility Care*</b> You must meet Medicare's requirements, including having been in a hospital for at least 3 days and entered a Medicare-approved facility within 30 days after leaving the hospital First 20 days 21st thru 100th day 101st day and after	All approved amounts All but \$[114] a day \$0	\$0 \$0 \$0	\$0 Up to \$[114] a day All costs
<b>Blood</b> First 3 pints Additional amounts	\$0 100%	3 pints \$0	\$0 \$0
<b>Hospice Care</b> Available as long as your doctor certifies you are terminally ill and you elect to receive these services	All but very limited coinsurance for out-patient drugs and inpatient respite care	\$0	Balance

\*\*NOTICE: When your Medicare Part A hospital benefits are exhausted, the insurer stands in the place of Medicare and will pay whatever amount Medicare would have paid for up to an additional 365 days as provided in the policy's "Core Benefits." During this time the hospital is prohibited from billing you for the balance based on any difference between its billed charges and the amount Medicare would have paid.

**Plan B  
Medicare (Part B)—Medical Services—Per Calendar Year**

\*Once you have been billed \$[110] of Medicare-Approved amounts for covered services (which are noted with an asterisk), your Part B Deductible will have been met for the calendar year.

Services	Medicare Pays	Plan Pays	You Pay
<b>Medical Expenses—IN OR OUT OF THE HOSPITAL AND OUTPATIENT HOSPITAL TREATMENT</b> , such as physician's services, inpatient and outpatient medical and surgical services and supplies, physical and speech therapy, diagnostic tests, durable medical equipment, First \$[110] of Medicare-Approved Amounts* Remainder of Medicare- Approved Amounts	\$0 Generally, 80%	\$0 Generally, 20%	\$[110] (Part B Deductible) \$0
<b>Part B Excess Charges</b> (Above Medicare Approved Amounts)	\$0	\$0	All Costs
<b>Blood</b> First 3 pints Next \$[110] of Medicare-Approved Amounts* Remainder of Medicare-Approved Amounts	\$0 \$0 80%	All Costs \$0 20%	\$0 \$[110] (Part B Deductible) \$0
<b>Clinical Laboratory Services--</b> Tests for Diagnostic Services	100%	\$0	\$0

**Parts A and B**

<b>Home Health Care</b> MEDICARE APPROVED SERVICES --Medically necessary skilled care services and medical supplies --Durable medical equipment First \$[110] of Medicare-Approved Amounts* Remainder of Medicare-Approved Amounts	100%  \$0 80%	\$0  \$0 20%	\$0  \$[110] (Part B Deductible) \$0
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**Plan C  
Medicare (Part A)—Hospital Services—Per Benefit Period**

\*A benefit period begins on the first day you receive service as an inpatient in a hospital and ends after you have been out of the hospital and have not received skilled care in any other facility for 60 days in a row.

Services	Medicare Pays	Plan Pays	You Pay
<b>Hospitalization*</b> Semiprivate room and board, general nursing and miscellaneous services and supplies First 60 days 61st thru 90th day 91st day and after: --While using 60 lifetime reserve days --Once lifetime reserve days are used: Additional 365 days Beyond the additional 365 days	All but \$[912] All but \$[228] a day  All but \$[456] a day  \$0 \$0	\$[912](Part A Deductible) \$[228] a day  \$[456] a day  100% of Medicare Eligible Expenses \$0	\$0 \$0  \$0  \$0 All Costs
<b>Skilled Nursing Facility Care*</b> You must meet Medicare's requirements, including having been in a hospital for at least 3 days and entered a Medicare-approved facility within 30 days after leaving the hospital First 20 days 21st thru 100th day 101st day and after	All approved amounts All but \$[114] a day \$0	\$0 Up to \$[114] a day \$0	\$0 \$0 All costs
<b>Blood</b> First 3 pints Additional amounts	\$0 100%	3 pints \$0	\$0 \$0
<b>Hospice Care</b> Available as long as your doctor certifies you are terminally ill and you elect to receive these services	All but very limited coinsurance for out-patient drugs and inpatient respite care	\$0	Balance

\*\*NOTICE: When your Medicare Part A hospital benefits are exhausted, the insurer stands in the place of Medicare and will pay whatever amount Medicare would have paid for up to an additional 365 days as provided in the policy's "Core Benefits." During this time the hospital is prohibited from billing you for the balance based on any difference between its billed charges and the amount Medicare would have paid.

**Plan C  
Medicare (Part B)—Medical Services—Per Calendar Year**

\*Once you have been billed \$[110] of Medicare-Approved amounts for covered services (which are noted with an asterisk), your Part B Deductible will have been met for the calendar year.

Services	Medicare Pays	Plan Pays	You Pay
<b>Medical Expenses—IN OR OUT OF THE HOSPITAL AND OUTPATIENT HOSPITAL TREATMENT</b> , such as physician's services, inpatient and outpatient medical and surgical services and supplies, physical and speech therapy, diagnostic tests, durable medical equipment, First \$[110] of Medicare-Approved Amounts* Remainder of Medicare-Approved Amounts	\$0 Generally, 80%	\$[110] (Part B Deductible) Generally, 20%	\$0 \$0
<b>Part B Excess Charges</b> (Above Medicare Approved Amounts)	\$0	\$0	All Costs
<b>Blood</b> First 3 pints Next \$[110] of Medicare-Approved Amounts* Remainder of Medicare-Approved Amounts	\$0 \$0 80%	All Costs \$[110] (Part B Deductible) 20%	\$0 \$0 \$0
<b>Clinical Laboratory Services—</b> Tests for Diagnostic Services	100%	\$0	\$0

**Parts A and B**

<b>Home Health Care</b> MEDICARE APPROVED SERVICES --Medically necessary skilled care services and medical supplies --Durable medical equipment First \$[110] of Medicare-Approved Amounts* Remainder of Medicare-Approved Amounts	100%  \$0 80%	\$0  \$[110] (Part B Deductible) 20%	\$0  \$0 \$0
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**Other Benefits—Not Covered by Medicare**

<b>Foreign Travel—Not Covered By Medicare</b> Medically necessary emergency care services beginning during the first 60 days of each trip outside the USA First \$250 each calendar year Remainder of Charges	\$0 \$0	\$0 80% to a lifetime maximum benefit of \$50,000	\$250 20% and amounts over the \$50,000 lifetime maximum
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**Plan D  
Medicare (Part A)—Hospital Services—Per Benefit Period**

\*A benefit period begins on the first day you receive service as an inpatient in a hospital and ends after you have been out of the hospital and have not received skilled care in any other facility for 60 days in a row.

Services	Medicare Pays	Plan Pays	You Pay
<b>Hospitalization*</b> Semiprivate room and board, general nursing and miscellaneous services and supplies First 60 days 61st thru 90th day 91st day and after: --While using 60 lifetime reserve days --Once lifetime reserve days are used: --Additional 365 days --Beyond the additional 365 days	All but \$[912] All but \$[228] a day  All but \$[456] a day \$0 \$0	\$[912](Part A Deductible) \$[228] a day  \$[456] a day 100% of Medicare Eligible Expenses \$0	\$0 \$0  \$0 \$0 All Costs
<b>Skilled Nursing Facility Care*</b> You must meet Medicare's requirements, including having been in a hospital for at least 3 days and entered a Medicare-approved facility within 30 days after leaving the hospital First 20 days 21st thru 100th day 101st day and after	All approved amounts All but \$[114] a day \$0	\$0 Up to \$[114] a day \$0	\$0 \$0 All costs
<b>Blood</b> First 3 pints Additional amounts	\$0 100%	3 pints \$0	\$0 \$0
<b>Hospice Care</b> Available as long as your doctor certifies you are terminally ill and you elect to receive these services	All but very limited coinsurance for outpatient drugs and inpatient respite care	\$0	Balance

\*\*NOTICE: When your Medicare Part A hospital benefits are exhausted, the insurer stands in the place of Medicare and will pay whatever amount Medicare would have paid for up to an additional 365 days as provided in the policy's "Core Benefits." During this time the hospital is prohibited from billing you for the balance based on any difference between its billed charges and the amount Medicare would have paid.

**Plan D  
Medicare (Part B)—Medical Services—Per Calendar Year**

\*Once you have been billed \$[110] of Medicare-Approved amounts for covered services (which are noted with an asterisk), your Part B Deductible will have been met for the calendar year.

Services	Medicare Pays	Plan Pays	You Pay
<b>Medical Expenses—IN OR OUT OF THE HOSPITAL AND OUTPATIENT HOSPITAL TREATMENT</b> , such as physician's services, inpatient and outpatient medical and surgical services and supplies, physical and speech therapy, diagnostic tests, durable medical equipment, First \$[110] of Medicare-Approved Amounts* Remainder of Medicare-Approved Amounts	\$0 Generally, 80%	\$0 Generally, 20%	\$[110] (Part B Deductible) \$0
<b>Part B Excess Charges</b> (Above Medicare Approved Amounts)	\$0	\$0	All Costs
<b>Blood</b> First 3 pints Next \$[110] of Medicare-Approved Amounts* Remainder of Medicare-Approved Amounts	\$0 \$0 80%	All Costs \$0 20%	\$0 \$[110] (Part B Deductible) \$0
<b>Clinical Laboratory Services—</b> Tests For Diagnostic Services	100%	\$0	\$0

**Plan D (continued)  
Parts A and B**

Services	Medicare Pays	Plan Pays	You Pay
<b>Home Health Care</b> MEDICARE APPROVED SERVICES			
--Medically necessary skilled care services and medical supplies	100%	\$0	\$0
--Durable medical equipment			
First \$[110] of Medicare-Approved Amounts*	\$0	\$0	[\$110] (Part B Deductible)
Remainder of Medicare-Approved Amounts	80%	20%	\$0
<b>At-Home Recovery Services—Not Covered by Medicare</b> Home care certified by your doctor, for personal care during recovery from an injury or sickness for which Medicare-approved a Home Care Treatment Plan			
--Benefit for each visit	\$0	Actual Charges to \$40 a visit	Balance
--Number of visits covered (must be received within 8 weeks of last Medicare Approved visit)	\$0	Up to the number of Medicare Approved visits, not to exceed 7 each week	
--Calendar year maximum	\$0	\$1,600	

**Other Benefits—Not Covered by Medicare**

<b>Foreign Travel—Not Covered by Medicare</b> Medically necessary emergency care services beginning during the first 60 days of each trip outside the USA			
First \$250 each calendar year	\$0	\$0	\$250
Remainder of Charges	\$0	80% to a lifetime maximum benefit of \$50,000	20% and amounts over the \$50,000 lifetime maximum

**Plan E**

**Medicare (Part A)—Hospital Services—Per Benefit Period**

\*A benefit period begins on the first day you receive service as an inpatient in a hospital and ends after you have been out of the hospital and have not received skilled care in any other facility for 60 days in a row.

Services	Medicare Pays	Plan Pays	You Pay
<b>Hospitalization*</b> Semiprivate room and board, general nursing and miscellaneous services and supplies			
First 60 days	All but \$[912]	\$[912](Part A Deductible)	\$0
61st thru 90th day	All but \$[228] a day	\$[228] a day	\$0
91st day and after:			
--While using 60 lifetime reserve days	All but \$[456] a day	\$[456] a day	\$0
--Once lifetime reserve days are used:			
Additional 365 days	\$0	100% of Medicare Eligible Expenses	\$0
Beyond the additional 365 days	\$0	\$0	All Costs
<b>Skilled Nursing Facility Care*</b> You must meet Medicare's requirements, including having been in a hospital for at least 3 days and entered a Medicare-approved facility within 30 days after leaving the hospital			
First 20 days	All approved amounts	\$0	\$0
21st thru 100th day	All but \$[114] a day	Up to \$[114] a day	\$0
101st day and after	\$0	\$0	All costs
<b>Blood</b>			
First 3 pints	\$0	3 pints	\$0
Additional amounts	100%	\$0	\$0
<b>Hospice Care</b> Available as long as your doctor certifies you are terminally ill and you elect to receive these services	All but very limited coinsurance for out-patient drugs and inpatient respite care	\$0	Balance

\*\*NOTICE: When your Medicare Part A hospital benefits are exhausted, the insurer stands in the place of Medicare and will pay whatever amount Medicare would have paid for up to an additional 365 days as provided in the policy's "Core Benefits." During this time the hospital is prohibited from billing you for the balance based on any difference between its billed charges and the amount Medicare would have paid.

**Plan E**

**Medicare (Part B)—Medical Services—Per Calendar Year**

\*Once you have been billed \$[110] of Medicare-Approved amounts for covered services (which are noted with an asterisk), your Part B Deductible will have been met for the calendar year

Services	Medicare Pays	Plan Pays	You Pay
<b>Medical Expenses—IN OR OUT OF THE HOSPITAL AND OUTPATIENT HOSPITAL TREATMENT</b> , such as physician's services, inpatient and outpatient medical and surgical services and supplies, physical and speech therapy, diagnostic tests, durable medical equipment, First \$[110] of Medicare-Approved Amounts* Remainder of Medicare- Approved Amounts	\$0 Generally, 80%	\$0 Generally, 20%	\$[110] (Part B Deductible) \$0
<b>Part B Excess Charges</b> (Above Medicare Approved Amounts)	\$0	\$0	All Costs
<b>Blood</b> First 3 pints Next \$[110] of Medicare-Approved Amounts* Remainder of Medicare-Approved Amounts	\$0 \$0 80%	All Costs \$0 20%	\$0 \$[110] (Part B Deductible) \$0
<b>Clinical Laboratory Services—</b> Tests for Diagnostic Services	100%	\$0	\$0

**Parts A and B**

<b>Home Health Care</b> MEDICARE APPROVED SERVICES --Medically necessary skilled care services and medical supplies --Durable medical equipment First \$[110] of Medicare-Approved Amounts* Remainder of Medicare-Approved Amounts	100% \$0 80%	\$0 \$0 20%	\$0 \$[110] (Part B Deductible) \$0
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**Plan E (Continued)**

**Other Benefits—Not Covered by Medicare**

Services	Medicare Pays	Plan Pays	You Pay
<b>Foreign Travel—Not Covered by Medicare</b> Medically necessary emergency care services beginning during the first 60 days of each trip outside the USA First \$250 each calendar year Remainder of Charges	\$0 \$0	\$0 80% to a lifetime maximum benefit of \$50,000	\$250 20% and amounts over the \$50,000 lifetime maximum
<b>***Preventive Medical Care Benefit—Not Covered By Medicare</b> Some annual physical and preventive tests and services, administered or ordered by your doctor when not covered by Medicare First \$120 each calendar year Additional charges	\$0 \$0	\$120 \$0	\$0 All Costs

\*\*\*Medicare benefits are subject to change. Please consult the latest *Guide to Health Insurance for People with Medicare*.

**Plan F or High Deductible Plan F  
Medicare (Part A)—Hospital Services—Per Benefit Period**

\*A benefit period begins on the first day you receive service as an inpatient in a hospital and ends after you have been out of the hospital and have not received skilled care in any other facility for 60 days in a row.

[\*\*This high deductible plan pays the same or offers the same benefits as Plan F after one has paid a calendar year [\$1690] deductible. Benefits from the high deductible Plan F will not begin until out-of-pocket expenses are [\$1690]. Out-of-pocket expenses for this deductible are expenses that would ordinarily be paid by the policy. This includes the Medicare deductibles for Part A and Part B, but does not include the plan's separate foreign travel emergency deductible.]

Services	Medicare Pays	[After You Pay [\$1690] Deductible,** Plan Pays]	[In Addition to [\$1690] Deductible,** You Pay]
<b>Hospitalization*</b> Semiprivate room and board, general nursing and miscellaneous services and supplies First 60 days 61st thru 90th day 91st day and after: --While using 60 lifetime reserve days --Once lifetime reserve days are used: Additional 365 days Beyond the additional 365 days	All but \$[912] All but \$[228] a day  All but \$[456] a day  \$0 \$0	\$[912](Part A Deductible) \$[228] a day  \$[456] a day  100% of Medicare Eligible Expenses \$0	\$0 \$0  \$0 \$0  All Costs
<b>Skilled Nursing Facility Care*</b> You must meet Medicare's requirements, including having been in a hospital for at least 3 days and entered a Medicare-approved facility within 30 days after leaving the hospital First 20 days 21st thru 100th day 101st day and after	All approved amounts All but \$[114] a day \$0	\$0 Up to \$[114] a day \$0	\$0 \$0 All costs
<b>Blood</b> First 3 pints Additional amounts	\$0 100%	3 pints \$0	\$0 \$0
<b>Hospice Care</b> Available as long as your doctor certifies you are terminally ill and you elect to receive these services	All but very limited coinsurance for out-patient drugs and inpatient respite care	\$0	Balance

\*\*NOTICE: When your Medicare Part A hospital benefits are exhausted, the insurer stands in the place of Medicare and will pay whatever amount Medicare would have paid for up to an additional 365 days as provided in the policy's "Core Benefits." During this time the hospital is prohibited from billing you for the balance on any difference between its billed charges and the amount Medicare would have paid.

**Plan F or High Deductible Plan F (Continued)  
Medicare (Part B)—Medical Services—Per Calendar Year**

\*Once you have been billed \$[110] of Medicare-Approved amounts for covered services (which are noted with an asterisk), your Part B Deductible will have been met for the calendar year.

[\*\*This high deductible plan pays the same or offers the same benefits as Plan F after one has paid a calendar year [\$1690] deductible. Benefits from the high deductible Plan F will not begin until out-of-pocket expenses are [\$1690]. Out-of-pocket expenses for this deductible are expenses that would ordinarily be paid by the policy. This includes the Medicare deductibles for Part A and Part B, but does not include the plan's separate foreign travel emergency deductible.]

Services	Medicare Pays	[After You Pay \$1690 Deductible,** Plan Pays]	[In Addition to \$1690 Deductible,** You Pay]
<b>Medical Expenses—IN OR OUT OF THE HOSPITAL AND OUTPATIENT HOSPITAL TREATMENT</b> , such as physician's services, inpatient and outpatient medical and surgical services and supplies, physical and speech therapy, diagnostic tests, durable medical equipment, First \$[110] of Medicare-Approved Amounts* Remainder of Medicare-Approved Amounts	\$0 Generally, 80%	\$[110] (Part B Deductible) Generally, 20%	\$0 \$0
<b>Part B Excess Charges</b> (Above Medicare Approved Amounts)	\$0	100%	\$0
<b>Blood</b> First 3 pints Next \$[110] of Medicare-Approved Amounts* Remainder of Medicare-Approved Amounts	\$0 \$0 80%	All Costs \$[110] (Part B Deductible) 20%	\$0 \$0 \$0
<b>Clinical Laboratory Services—</b> Tests For Diagnostic Services	100%	\$0	\$0

**Parts A and B**

<b>Home Health Care</b> MEDICARE APPROVED SERVICES			
--Medically necessary skilled care services and medical supplies	100%	\$0	\$0
--Durable medical equipment			
First \$[110] of Medicare-Approved Amounts*	\$0	[\$110] (Part B Deductible)	\$0
Remainder of Medicare-Approved Amounts	80%	20%	\$0

**Plan F or High Deductible Plan F (Continued)  
Other Benefits—Not Covered by Medicare**

Services	Medicare Pays	After You Pay \$1690 Deductible,** Plan Pays	In Addition to \$1690 Deductible,** You Pay
<b>Foreign Travel—Not Covered by Medicare</b> Medically necessary emergency care services beginning during the first 60 days of each trip outside the USA			
First \$250 each calendar year	\$0	\$0	\$250
Remainder of Charges	\$0	80% to a lifetime maximum benefit of \$50,000	20% and amounts over the \$50,000 lifetime maximum

**Plan G  
Medicare (Part A)—Hospital Services—Per Benefit Period**

\*A benefit period begins on the first day you receive service as an inpatient in a hospital and ends after you have been out of the hospital and have not received skilled care in any other facility for 60 days in a row.

Services	Medicare Pays	Plan Pays	You Pay
<b>Hospitalization*</b> Semiprivate room and board, general nursing and miscellaneous services and supplies			
First 60 days	All but \$[912]	\$[912] (Part A Deductible)	\$0
61st thru 90th day	All but \$[228] a day	\$[228] a day	\$0
91st day and after:			
--While using 60 lifetime reserve days	All but \$[456] a day	\$[456] a day	\$0
--Once lifetime reserve days are used:			
Additional 365 days	\$0	100% of Medicare Eligible Expenses	\$0
Beyond the additional 365 days	\$0	\$0	All Costs
<b>Skilled Nursing Facility Care*</b> You must meet Medicare's requirements, including having been in a hospital for at least 3 days and entered a Medicare-approved facility within 30 days after leaving the hospital			
First 20 days	All approved amounts	\$0	\$0
21st thru 100th day	All but \$[114] a day	Up to \$[114] a day	\$0
101st day and after	\$0	\$0	All costs
<b>Blood</b>			
First 3 pints	\$0	3 pints	\$0
Additional amounts	100%	\$0	\$0
<b>Hospice Care</b> Available as long as your doctor certifies you are terminally ill and you elect to receive these services	All but very limited coinsurance for out-patient drugs and inpatient respite care	\$0	Balance

\*\*NOTICE: When your Medicare Part A hospital benefits are exhausted, the insurer stands in the place of Medicare and will pay whatever amount Medicare would have paid for up to an additional 365 days as provided in the policy's "Core Benefits." During this time the hospital is prohibited from billing you for the balance based on any difference between its billed charges and the amount Medicare would have paid.

**Plan G  
Medicare (Part B)—Medical Services—Per Calendar Year**

\*Once you have been billed \$[110] of Medicare-Approved amounts for covered services (which are noted with an asterisk), your Part B Deductible will have been met for the calendar year.

Services	Medicare Pays	Plan Pays	You Pay
<b>Medical Expenses--IN OR OUT OF THE HOSPITAL AND OUTPATIENT HOSPITAL TREATMENT</b> , such as physician's services, inpatient and outpatient medical and surgical services and supplies, physical and speech therapy, diagnostic tests, durable medical equipment, First \$[110] of Medicare-Approved Amounts* Remainder of Medicare-Approved Amounts Part B Excess Charges (Above Medicare Approved Amounts)	\$0 Generally, 80% \$0	\$0 Generally, 20% 80%	\$[110] (Part B Deductible) \$0 20%
<b>Blood</b> First 3 pints Next \$[110] of Medicare-Approved Amounts* Remainder of Medicare-Approved Amounts	\$0 \$0 80%	All Costs \$0 20%	\$0 \$[110] (Part B Deductible) \$0
<b>Clinical Laboratory Services--</b> Tests For Diagnostic Services	100%	\$0	\$0

**Plan G (Continued)  
Parts A and B**

Services	Medicare Pays	Plan Pays	You Pay
<b>Home Health Care</b> MEDICARE APPROVED SERVICES --Medically necessary skilled care services and medical supplies --Durable medical equipment First \$[110] of Medicare-Approved Amounts* Remainder of Medicare-Approved Amounts	100% \$0 80%	\$0 \$0 20%	\$0 \$[110] (Part B Deductible) \$0
<b>At-Home Recovery Services—Not Covered by Medicare</b> Home care certified by your doctor, for personal care during recovery from an injury or sickness for which Medicare approved a Home Care Treatment Plan --Benefit for each visit --Number of visits covered (must be received within 8 weeks of last Medicare Approved visit) --Calendar year maximum	\$0 \$0 \$0	Actual Charges to \$40 a visit Up to the number of Medicare Approved visits, not to exceed 7 each week \$1,600	Balance

**Other Benefits—Not Covered by Medicare**

<b>Foreign Travel--Not Covered by Medicare</b> Medically necessary emergency care services beginning during the first 60 days of each trip outside the USA First \$250 each calendar year Remainder of Charges	\$0 \$0	\$0 80% to a lifetime maximum benefit of \$50,000	\$250 20% and amounts over the \$50,000 lifetime maximum
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**Plan H  
Medicare (Part A)—Hospital Services—Per Benefit Period**

\*A benefit period begins on the first day you receive service as an inpatient in a hospital and ends after you have been out of the hospital and have not received skilled care in any other facility for 60 days in a row.

Services	Medicare Pays	Plan Pays	You Pay
<b>Hospitalization*</b> Semiprivate room and board, general nursing and miscellaneous services and supplies First 60 days 61st thru 90th day 91st day and after: --While using 60 lifetime reserve days --Once lifetime reserve days are used: Additional 365 days Beyond the additional 365 days	All but \$[912] All but \$[228] a day  All but \$[456] a day  \$0 \$0	\$[912](Part A Deductible) \$[228] a day  \$[456] a day  100% of Medicare Eligible Expenses \$0	\$0 \$0  \$0  \$0 All Costs
<b>Skilled Nursing Facility Care*</b> You must meet Medicare's requirements, including having been in a hospital for at least 3 days and entered a Medicare-approved facility within 30 days after leaving the hospital First 20 days 21st thru 100th day 101st day and after	All approved amounts All but \$[114] a day \$0	\$0 Up to \$[114] a day \$0	\$0 \$0 All costs
<b>Blood</b> First 3 pints Additional amounts	\$0 100%	3 pints \$0	\$0 \$0
<b>Hospice Care</b> Available as long as your doctor certifies you are terminally ill and you elect to receive these services	All but very limited coinsurance for out-patient drugs and inpatient respite care	\$0	Balance

\*\*NOTICE: When your Medicare Part A hospital benefits are exhausted, the insurer stands in the place of Medicare and will pay whatever amount Medicare would have paid for up to an additional 365 days as provided in the policy's "Core Benefits." During this time the hospital is prohibited from billing you for the balance based on any difference between its billed charges and the amount Medicare would have paid.

**Plan H  
Medicare (Part B)—Medical Services—Per Calendar Year**

\*Once you have been billed \$[110] of Medicare-Approved amounts for covered services (which are noted with an asterisk), your Part B Deductible will have been met for the calendar year.

Services	Medicare Pays	Plan Pays	You Pay
<b>Medical Expenses—IN OR OUT OF THE HOSPITAL AND OUTPATIENT HOSPITAL TREATMENT</b> , such as physician's services, inpatient and outpatient medical and surgical services and supplies, physical and speech therapy, diagnostic tests, durable medical equipment, First \$[110] of Medicare-Approved Amounts* Remainder of Medicare-Approved Amounts	\$0 Generally, 80%	\$0 Generally, 20%	\$[110] (Part B Deductible) \$0
<b>Part B Excess Charges</b> (Above Medicare Approved Amounts)	\$0	\$0	All Costs
<b>Blood</b> First 3 pints Next \$[110] of Medicare-Approved Amounts* Remainder of Medicare-Approved Amounts	\$0 \$0 80%	All Costs \$0 20%	\$0 \$[110] (Part B Deductible) \$0
<b>Clinical Laboratory Services—</b> Tests for Diagnostic Services	100%	\$0	\$0

**Parts A and B**

<b>Home Health Care</b> MEDICARE APPROVED SERVICES --Medically necessary skilled care services and medical supplies --Durable medical equipment First \$[110] of Medicare-Approved Amounts* Remainder of Medicare-Approved Amounts	100%  \$0 80%	\$0  \$0 20%	\$0  \$[110] (Part B Deductible) \$0
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**Plan H (Continued)**  
**Other Benefits—Not Covered by Medicare**

Services	Medicare Pays	Plan Pays	You Pay
<b>Foreign Travel—Not Covered by Medicare</b> Medically necessary emergency care services beginning during the first 60 days of each trip outside the USA First \$250 each calendar year Remainder of Charges	\$0 \$0	\$0 80% to a lifetime maximum benefit of \$50,000	\$250 20% and amounts over the \$50,000 lifetime maximum

**Plan I**  
**Medicare (Part A)—Hospital Services—Per Benefit Period**

\*A benefit period begins on the first day you receive service as an inpatient in a hospital and ends after you have been out of the hospital and have not received skilled care in any other facility for 60 days in a row.

Services	Medicare Pays	Plan Pays	You Pay
<b>Hospitalization*</b> Semiprivate room and board, general nursing and miscellaneous services and supplies First 60 days 61st thru 90th day 91st day and after: --While using 60 lifetime reserve days --Once lifetime reserve days are used: Additional 365 days Beyond the additional 365 days	All but \$[912] All but \$[228] a day  All but \$[456] a day  \$0 \$0	\$[912](Part A Deductible) \$[228] a day  \$[456] a day  100% of Medicare Eligible Expenses \$0	\$0 \$0  \$0  \$0 All Costs
<b>Skilled Nursing Facility Care*</b> You must meet Medicare's requirements, including having been in a hospital for at least 3 days and entered a Medicare-approved facility within 30 days after leaving the hospital First 20 days 21st thru 100th day 101st day and after	All approved amounts All but \$[114] a day \$0	\$0 Up to \$[114] a day \$0	\$0 \$0 All costs
<b>Blood</b> First 3 pints Additional amounts	\$0 100%	3 pints \$0	\$0 \$0
<b>Hospice Care</b> Available as long as your doctor certifies you are terminally ill and you elect to receive these services	All but very limited coinsurance for out-patient drugs and inpatient respite care	\$0	Balance

\*\*NOTICE: When your Medicare Part A hospital benefits are exhausted, the insurer stands in the place of Medicare and will pay whatever amount Medicare would have paid for up to an additional 365 days as provided in the policy's "Core Benefits." During this time the hospital is prohibited from billing you for the balance based on any difference between its billed charges and the amount Medicare would have paid.

**Plan I**  
**Medicare (Part B)—Medical Services—Per Calendar Year**

\*Once you have been billed \$[110] of Medicare-Approved amounts for covered services (which are noted with an asterisk), your Part B Deductible will have been met for the calendar year.

Services	Medicare Pays	Plan Pays	You Pay
<b>Medical Expenses—IN OR OUT OF THE HOSPITAL AND OUTPATIENT HOSPITAL TREATMENT</b> , such as physician's services, inpatient and outpatient medical and surgical services and supplies, physical and speech therapy, diagnostic tests, durable medical equipment, First \$[110] of Medicare-Approved Amounts* Remainder of Medicare-Approved Amounts	\$0 Generally, 80%	\$0 Generally, 20%	\$[110] (Part B Deductible) \$0
<b>Part B Excess Charges</b> (Above Medicare Approved Amounts)	\$0	100%	\$0
<b>Blood</b> First 3 pints Next \$[110] of Medicare-Approved Amounts* Remainder of Medicare-Approved Amounts	\$0 \$0 80%	All Costs \$0 20%	\$0 \$[110] (Part B Deductible) \$0
<b>Clinical Laboratory Services—</b> Tests for Diagnostic Services	100%	\$0	\$0

**Plan I (Continued)  
Parts A and B**

Services	Medicare Pays	Plan Pays	You Pay
<b>Home Health Care</b> MEDICARE APPROVED SERVICES			
--Medically necessary skilled care services and medical supplies	100%	\$0	\$0
--Durable medical equipment			
First \$[110] of Medicare-Approved Amounts*	\$0	\$0	[\$110] (Part B Deductible)
Remainder of Medicare-Approved Amounts	80%	20%	\$0
<b>At-Home Recovery Services</b> —NOT COVERED BY MEDICARE Home care certified by your doctor, for personal care during recovery from an injury or sickness for which Medicare approved a Home Care Treatment Plan			
--Benefit for each visit	\$0	Actual Charges to \$40 a visit	Balance
--Number of visits covered (must be received within 8 weeks of last Medicare Approved visit)	\$0	Up to the number of Medicare Approved visits, not to exceed 7 each week	
--Calendar year maximum	\$0	\$1,600	

**Other Benefits—Not Covered by Medicare**

<b>Foreign Travel—Not Covered by Medicare</b> Medically necessary emergency care services beginning during the first 60 days of each trip outside the USA			
First \$250 each calendar year	\$0	\$0	\$250
Remainder of Charges	\$0	80% to a lifetime maximum benefit of \$50,000	20% and amounts over the \$50,000 lifetime maximum

**Plan J or High Deductible Plan J  
Medicare (Part A)—Hospital Services—Per Benefit Period**

\*A benefit period begins on the first day you receive service as an inpatient in a hospital and ends after you have been out of the hospital and have not received skilled care in any other facility for 60 days in a row.

[\*\*This high deductible plan pays the same benefits as Plan J after one has paid a calendar year [\$1690] deductible. Benefits from high deductible Plan J will not begin until out-of-pocket expenses are [\$1690]. Out-of-pocket expenses for this deductible are expenses that would ordinarily be paid by the policy. This includes the Medicare deductibles for Part A and Part B, but does not include the plan's separate prescription drug deductible or the plan's separate foreign travel emergency deductible.]

Services	Medicare Pays	[After You Pay [\$1690] Deductible, ** Plan Pays]	[In Addition to [\$1690] Deductible, ** You Pay]
<b>Hospitalization*</b> Semiprivate room and board, general nursing and miscellaneous services and supplies			
First 60 days	All but \$[912]	\$[912](Part A Deductible)	\$0
61st thru 90th day	All but \$[228] a day	\$[228] a day	\$0
91st day and after:			
--While using 60 lifetime reserve days	All but \$[456] a day	\$[456] a day	\$0
--Once lifetime reserve days are used:			
Additional 365 days	\$0	100% of Medicare Eligible Expenses	\$0
Beyond the additional 365 days	\$0	\$0	All Costs
<b>Skilled Nursing Facility Care*</b> You must meet Medicare's requirements, including having been in a hospital for at least 3 days and entered a Medicare-approved facility within 30 days after leaving the hospital			
First 20 days	All approved amounts	\$0	\$0
21st thru 100th day	All but \$[114] a day	Up to \$[114] a day	\$0
101st day and after	\$0	\$0	All Costs
<b>Blood</b>			
First 3 pints	\$0	3 pints	\$0
Additional amounts	100%	\$0	\$0
<b>Hospice Care</b> Available as long as your doctor certifies you are terminally ill and you elect to receive these services	All but very limited coinsurance for out-patient drugs and inpatient respite care	\$0	Balance

\*\*\*NOTICE: When your Medicare Part A hospital benefits are exhausted, the insurer stands in the place of Medicare and will pay whatever amount Medicare would have paid for up to an additional 365 days as provided in the policy's "Core Benefits." During this time the hospital is prohibited from billing you for the balance based on any difference between its billed charges and the amount Medicare would have paid.

**Plan J or High Deductible Plan J (Continued)  
Medicare (Part B)—Medical Services—Per Calendar Year**

\*Once you have been billed \$[110] of Medicare-Approved amounts for covered services (which are noted with an asterisk), your Part B Deductible will have been met for the calendar year.

\*\*This high deductible plan pays the same benefits as Plan J after one has paid a calendar year \$[1690] deductible. Benefits from high deductible Plan J will not begin until out-of-pocket expenses are \$[1690]. Out-of-pocket expenses for this deductible are expenses that would ordinarily be paid by the policy. This includes the Medicare deductibles for Part A and Part B, but does not include the plan's separate outpatient prescription drug deductible or the plan's separate foreign travel emergency deductible.]

Services	Medicare Pays	[After You Pay \$[1650] Deductible, ** Plan Pays]	[In Addition to \$[1650] Deductible, ** You Pay]
<b>Medical Expenses</b> —IN OR OUT OF THE HOSPITAL AND OUTPATIENT HOSPITAL TREATMENT, such as physician's services, inpatient and outpatient medical and surgical services and supplies, physical and speech therapy, diagnostic tests, durable medical equipment, First \$[110] of Medicare-Approved Amounts* Remainder of Medicare-Approved Amounts	\$0 Generally, 80%	\$[110] (Part B Deductible) Generally, 20%	\$0 \$0
<b>Part B Excess Charges</b> (Above Medicare Approved Amounts)	\$0	100%	\$0
<b>Blood</b> First 3 pints Next \$[110] of Medicare-Approved Amounts* Remainder of Medicare-Approved Amounts	\$0 \$0 80%	All Costs \$[110] (Part B Deductible) 20%	\$0 \$0 \$0
<b>Clinical Laboratory Services</b> -- Tests For Diagnostic Services	100%	\$0	\$0

**Parts A and B**

<b>Home Health Care</b> MEDICARE APPROVED SERVICES --Medically necessary skilled care services and medical supplies --Durable medical equipment First \$[110] of Medicare-Approved Amounts* Remainder of Medicare-Approved Amounts	100% \$0 80%	\$0 \$[110] (Part B Deductible) 20%	\$0 \$0 \$0
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**Plan J or High Deductible Plan J (Continued)  
Medicare (Part B)—Medical Services—Per Calendar Year  
Parts A and B (Continued)**

Services	Medicare Pays	[After You Pay\$[1690] Deductible, ** Plan Pays]	[In Addition to \$[1690] Deductible, ** You Pay]
<b>Home Health Care(Cont'd)</b> <b>At-Home Recovery Services—Not Covered by Medicare</b> Home care certified by your doctor, for personal care beginning during recovery from an injury or sickness for which Medicare approved a Home Care Treatment Plan --Benefit for each visit --Number of visits covered (must be received within 8 weeks of last Medicare Approved visit) --Calendar year maximum	\$0 \$0 \$0	Actual Charges to \$40 a visit Up to the number of Medicare- Approved visits, not to exceed 7 each week \$1,600	Balance

**Plan J or High Deductible Plan J (Continued)**  
**Parts A and B (Continued)**  
**Other Benefits—Not Covered by Medicare**

Services	Medicare Pays	After You Pay \$1690 Deductible, ** Plan Pays	In Addition to \$1690 Deductible, ** You Pay
<b>Foreign Travel—Not Covered By Medicare</b> Medically necessary emergency care services beginning during the first 60 days of each trip outside the USA First \$250 each calendar year Remainder of Charges	\$0 \$0	\$0 80% to a lifetime maximum benefit of \$50,000	\$250 20% and amounts over the \$50,000 lifetime maximum
<b>***Preventive Medical Care Benefit—Not Covered By Medicare</b> Some annual physical and preventive tests and services administered or ordered by your doctor when not covered by Medicare First \$120 each calendar year Additional charges	\$0 \$0	\$120 \$0	\$0 All Costs

\*\*\*Medicare benefits are subject to change. Please consult the latest *Guide to Health Insurance for People with Medicare*.

**Plan K**

\* You will pay half the cost-sharing of some covered services until you reach the annual out-of-pocket limit of \$[4000] each calendar year. The amounts that count toward your annual limit are noted with diamonds (♦) in the chart below. Once you reach the annual limit, the plan pays 100% of your Medicare co-payment and coinsurance for the rest of the calendar year. However, this limit does NOT include charges from your provider that exceed Medicare-approved amounts (these are called "Excess Charges") and you will be responsible for paying this difference in the amount charged by your provider and the amount paid by Medicare for the item or service.

**Medicare (Part A)—Hospital Services—Per Benefit Period**

\*\* A benefit period begins on the first day you receive service as an inpatient in a hospital and ends after you have been out of the hospital and have not received skilled care in any other facility for 60 days in a row.

Services	Medicare Pays	Plan Pays	You Pay*
<b>Hospitalization**</b> Semiprivate room and board, general nursing and miscellaneous services and supplies First 60 days 61st thru 90th day 91st day and after: --While using 60 lifetime reserve days --Once lifetime reserve days are used: --Additional 365 days --Beyond the additional 365 days	All but \$[912] All but \$[228] a day All but \$[456] a day \$0 \$0	\$[456](50% of Part A deductible) \$[228] a day \$[456] a day 100% of Medicare eligible expenses \$0	\$[456](50% of Part A deductible)♦ \$0 \$0 \$0*** All costs
<b>Skilled Nursing Facility Care**</b> You must meet Medicare's requirements, including having been in a hospital for at least 3 days and entered a Medicare-approved facility within 30 days after leaving the hospital First 20 days 21st thru 100th day 101st day and after	All approved amounts All but \$[114] a day \$0	\$0 Up to \$[57] a day \$0	\$0 Up to \$[57] a day ♦ All costs
<b>Blood</b> First 3 pints Additional amounts	\$0 100%	50% \$0	50%♦ \$0
<b>Hospice Care</b> Available as long as your doctor certifies you are terminally ill and you elect to receive these services	Generally, most Medicare eligible expenses for out-patient drugs and inpatient respite care	50% of coinsurance or copayments	50% of coinsurance or copayments♦

\*\*\* NOTICE: When your Medicare Part A hospital benefits are exhausted, the insurer stands in the place of Medicare and will pay whatever amount Medicare would have paid for up to an additional 365 days as provided in the policy's "Core Benefits." During this time the hospital is prohibited from billing you for the balance based on any difference between its billed charges and the amount Medicare would have paid.

**Plan K  
Medicare (Part B)—Medical Services—Per Calendar Year**

\*\*\*\* Once you have been billed \$[110] of Medicare-approved amounts for covered services (which are noted with an asterisk), your Part B deductible will have been met for the calendar year.

Services	Medicare Pays	Plan Pays	You Pay*
<b>Medical Expenses</b> —IN OR OUT OF THE HOSPITAL AND OUTPATIENT HOSPITAL TREATMENT, such as Physician's services, inpatient and outpatient medical and surgical services and supplies, physical and speech therapy, diagnostic tests, durable medical equipment, First \$[110] of Medicare Approved Amounts****	\$0	\$0	\$[110] (Part B deductible)**** ♦
Preventive Benefits for Medicare covered services	Generally 75% or more of Medicare approved amounts	Remainder of Medicare approved amounts	All costs above Medicare approved amounts
Remainder of Medicare Approved Amounts	Generally 80%	Generally 10%	Generally 10% ♦
<b>Part B Excess Charges</b> (Above Medicare Approved Amounts)	\$0	\$0	All costs (and they do not count toward annual out-of-pocket limit of [\$4000])*
<b>Blood</b> First 3 pints	\$0	50%	50%♦
Next \$[110] of Medicare Approved Amounts****	\$0	\$0	\$[110] (Part B deductible)**** ♦
Remainder of Medicare Approved Amounts	Generally 80%	Generally 10%	Generally 10% ♦
<b>Clinical Laboratory Services</b> —Tests For Diagnostic Services	100%	\$0	\$0

\* This plan limits your annual out-of-pocket payments for Medicare-approved amounts to \$[4000] per year. However, this limit does NOT include charges from your provider that exceed Medicare-approved amounts (these are called "Excess Charges") and you will be responsible for paying this difference in the amount charged by your provider and the amount paid by Medicare for the item or service.

**Plan K  
Parts A and B**

Services	Medicare Pays	Plan Pays	You Pay*
<b>Home Health Care</b> MEDICARE APPROVED SERVICES --Medically necessary skilled care services and medical supplies	100%	\$0	\$0
--Durable medical equipment First \$[110] of Medicare Approved Amounts*****	\$0	\$0	\$[110] (Part B deductible) ♦
Remainder of Medicare Approved Amounts	80%	10%	10%♦

\*\*\*\*\*Medicare benefits are subject to change. Please consult the latest *Guide to Health Insurance for People with Medicare*.

**Plan L**

\* You will pay one-fourth of the cost-sharing of some covered services until you reach the annual out-of-pocket limit of \$[2000] each calendar year. The amounts that count toward your annual limit are noted with diamonds (◆) in the chart below. Once you reach the annual limit, the plan pays 100% of your Medicare co-payment and coinsurance for the rest of the calendar year. However, this limit does NOT include charges from your provider that exceed Medicare-approved amounts (these are called "Excess Charges") and you will be responsible for paying this difference in the amount charged by your provider and the amount paid by Medicare for the item or service.

**Medicare (Part A)—Hospital Services—Per Benefit Period**

\*\* A benefit period begins on the first day you receive service as an inpatient in a hospital and ends after you have been out of the hospital and have not received skilled care in any other facility for 60 days in a row.

Services	Medicare Pays	Plan Pays	You Pay*
<b>Hospitalization**</b> Semiprivate room and board, general nursing and miscellaneous services and supplies First 60 days 61st thru 90th day 91st day and after: --While using 60 lifetime reserve days --Once lifetime reserve days are used: --Additional 365 days --Beyond the additional 365 days	All but \$[912] All but \$[228] a day All but \$[456] a day \$0 \$0	\$[684] (75% of Part A deductible) \$[228] a day \$[456] a day 100% of Medicare eligible expenses \$0	\$[228] (25% of Part A deductible)◆ \$0 \$0 \$0*** All costs
<b>Skilled Nursing Facility Care**</b> You must meet Medicare's requirements, including having been in a hospital for at least 3 days and entered a Medicare-approved facility Within 30 days after leaving the hospital First 20 days 21st thru 100th day 101st day and after	All approved amounts All but \$[114] a day \$0	\$0 Up to \$[85.50] a day \$0	\$0 Up to \$[28.50] a day◆ All costs
<b>Blood</b> First 3 pints Additional amounts	\$0 100%	75% \$0	25%◆ \$0
<b>Hospice Care</b> Available as long as your doctor certifies you are terminally ill and you elect to receive these services	Generally, most Medicare eligible expenses for outpatient drugs and inpatient respite care	75% of coinsurance or copayments	25% of coinsurance or copayments ◆

\*\*\* NOTICE: When your Medicare Part A hospital benefits are exhausted, the insurer stands in the place of Medicare and will pay whatever amount Medicare would have paid for up to an additional 365 days as provided in the policy's "Core Benefits." During this time the hospital is prohibited from billing you for the balance based on any difference between its billed charges and the amount Medicare would have paid.

**Plan L**

**Medicare (Part B)—Medical Services—Per Calendar Year**

\*\*\*\* Once you have been billed \$[110] of Medicare-approved amounts for covered services (which are noted with an asterisk), your Part B deductible will have been met for the calendar year.

Services	Medicare Pays	Plan Pays	You Pay*
<b>Medical Expenses—IN OR OUT OF THE HOSPITAL AND OUTPATIENT HOSPITAL TREATMENT</b> , such as Physician's services, inpatient and outpatient medical and surgical services and supplies, physical and speech therapy, diagnostic tests, durable medical equipment, First \$[110] of Medicare Approved Amounts****	\$0	\$0	\$[110] (Part B deductible)**** ◆
Preventive Benefits for Medicare covered services	Generally 75% or more of Medicare approved amounts	Remainder of Medicare approved amounts	All costs above Medicare approved amounts
Remainder of Medicare Approved Amounts	Generally 80%	Generally 15%	Generally 5% ◆
<b>Part B Excess Charges</b> (Above Medicare Approved Amounts)	\$0	\$0	All costs (and they do not count toward annual out-of-pocket limit of \$[2000])*

Services	Medicare Pays	Plan Pays	You Pay*
<b>Blood</b>			
First 3 pints	\$0	75%	25%♦
Next \$[110] of Medicare Approved Amounts****	\$0	\$0	[\$110] (Part B deductible) ♦
Remainder of Medicare Approved Amounts	Generally 80%	Generally 15%	Generally 5%♦
<b>Clinical Laboratory Services—Tests For Diagnostic Services</b>	100%	\$0	\$0

\* This plan limits your annual out-of-pocket payments for Medicare-approved amounts to \$[2000] per year. However, this limit does NOT include charges from your provider that exceed Medicare-approved amounts (these are called "Excess Charges") and you will be responsible for paying this difference in the amount charged by your provider and the amount paid by Medicare for the item or service.

**Plan L  
Parts A and B**

Services	Medicare Pays	Plan Pays	You Pay*
<b>Home Health Care</b>			
MEDICARE APPROVED SERVICES			
--Medically necessary skilled care services and medical supplies	100%	\$0	\$0
--Durable medical equipment First \$[110] of Medicare Approved Amounts*****	\$0	\$0	[\$110] (Part B deductible) ♦
Remainder of Medicare Approved Amounts	80%	15%	5% ♦

\*\*\*\*\*Medicare benefits are subject to change. Please consult the latest *Guide to Health Insurance for People with Medicare*.

E. Notice Regarding Policies or Certificates which are not Medicare Supplement Policies

1. Any accident and sickness insurance policy or certificate, other than a Medicare supplement policy; a policy issued pursuant to a contract under Section 1876 of the Federal Social Security Act (42 U.S.C. §1395 et seq.), disability income policy; or other policy identified in §502.B of this regulation, issued for delivery in this state to persons eligible for Medicare shall notify insureds under the policy that the policy is not a Medicare supplement policy or certificate. The notice shall either be printed or attached to the first page of the outline of coverage delivered to insureds under the policy, or if no outline of coverage is delivered, to the first page of the policy, or certificate delivered to insureds. The notice shall be in no less than 12 point type and shall contain the following language: "This [policy or certificate] is not a Medicare supplement [policy or contract]. If you are eligible for Medicare, review the Guide to Health Insurance for People with Medicare available from the company."

2. Applications provided to persons eligible for Medicare for the health insurance policies or certificates described in Paragraph D.1 shall disclose, using the applicable statement in Appendix C, the extent to which the policy duplicates Medicare. The disclosure statement shall be provided as a part of, or together with, the application for the policy or certificate.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:224 and 42 U.S.C. 1395 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 25:1114 (June 1999), repromulgated LR 25:1495 (August 1999), amended LR 29:2449 (November 2003).

**§561. Reserved.**

**§562. Reserved.**

**§563. Reserved.**

**§564. Reserved.**

**§565. Requirements for Application Forms and Replacement Coverage**

A. Application forms shall include the following questions designed to elicit information as to whether, as of the date of the application, the applicant currently has Medicare supplement, Medicare Advantage, Medicaid coverage, or an other health insurance policy or certificate in force or whether a Medicare supplement policy or certificate is intended to replace any other accident and sickness policy or certificate presently in force. A supplementary application or other form to be signed by the applicant and agent containing such questions and statements may be used.

B. An application for a Medicare supplement policy shall not be combined with an application for any other type of insurance coverage. The application may not make reference to or include questions regarding other types of insurance coverage except for those questions specifically required under this Section.

1. [Statements]

a. You do not need more than one Medicare supplement policy.

b. If you purchase this policy, you may want to evaluate your existing health coverage and decide if you need multiple coverages.

c. You may be eligible for benefits under Medicaid and may not need a Medicare supplement policy.

d. If after purchasing this policy, you become eligible for Medicaid, the benefits and premiums under your Medicare supplement policy can be suspended, if requested,

during your entitlement to benefits under Medicaid for 24 months. You must request this suspension within 90 days of becoming eligible for Medicaid. If you are no longer entitled to Medicaid, your suspended Medicare supplement policy or, if that is no longer available, a substantially equivalent policy will be reinstated if requested within 90 days of losing Medicaid eligibility. If the Medicare supplement policy provided coverage for outpatient prescription drugs and you enrolled in Medicare Part D while your policy was suspended, the reinstated policy will not have outpatient prescription drug coverage, but will otherwise be substantially equivalent to your coverage before the date of the suspension.

e. If you are eligible for, and have enrolled in a Medicare supplement policy by reason of disability and you later become covered by an employer or union-based group health plan, the benefits and premiums under your Medicare supplement policy can be suspended, if requested, while you are covered under the employer or union-based group health plan. If you suspend your Medicare supplement policy under these circumstances, and later lose your employer or union-based group health plan, your suspended Medicare supplement policy (or, if that is no longer available, a substantially equivalent policy) will be reinstated if requested within 90 days of losing your employer or union-based group health plan. If the Medicare supplement policy provided coverage for outpatient prescription drugs and you enrolled in Medicare Part D while your policy was suspended, the reinstated policy will not have outpatient prescription drug coverage, but will otherwise be substantially equivalent to your coverage before the date of the suspension.

f. Counseling services may be available in your state to provide advice concerning your purchase of Medicare supplement insurance and concerning medical assistance through the state Medicaid program, including benefits as a Qualified Medicare Beneficiary (QMB) and a Specified Low-Income Medicare Beneficiary (SLMB).

## 2. [Questions]

a. If you lost or are losing other health insurance coverage and received a notice from your prior insurer saying you were eligible for guaranteed issue of a Medicare supplement insurance policy, or that you had certain rights to buy such a policy, you may be guaranteed acceptance in one or more of our Medicare supplement plans. Please include a copy of the notice from your prior insurer with your application. Please answer all questions. [Please mark Yes or No below with an "X"]

i. To the best of your knowledge,

- (a). Did you turn age 65 in the last 6 months?  
Yes \_\_\_ No \_\_\_
- (b). Did you enroll in Medicare Part B in the last 6 months? Yes \_\_\_ No \_\_\_
- (c). If yes, what is the effective date?  
\_\_\_\_\_

ii. Are you covered for medical assistance through the state Medicaid program? Yes \_\_\_ No \_\_\_  
If yes,

[NOTE TO APPLICANT: If you are participating in a "Spend-Down Program" and have not met your "Share of Cost," please answer NO to this question.]

(a). Will Medicaid pay your premiums for this Medicare supplement policy? Yes \_\_\_ No \_\_\_

(b). Do you receive any benefits from Medicaid OTHER THAN payments toward your Medicare Part B premium? Yes \_\_\_ No \_\_\_

iii.(a). If you had coverage from any Medicare plan other than original Medicare within the past 63 days (for example, a Medicare Advantage plan, or a Medicare HMO or PPO), fill in your start and end dates below. If you are still covered under this plan, leave "END" blank.  
START \_\_\_/\_\_\_/\_\_\_ END \_\_\_/\_\_\_/\_\_\_

(b). If you are still covered under the Medicare plan, do you intend to replace your current coverage with this new Medicare supplement policy? Yes \_\_\_ No \_\_\_

(c). Was this your first time in this type of Medicare plan? Yes \_\_\_ No \_\_\_

(d). Did you drop a Medicare supplement policy to enroll in the Medicare plan? Yes \_\_\_ No \_\_\_

iv.(a). Do you have another Medicare supplement policy in force? Yes \_\_\_ No \_\_\_

(b). If so, with what company, and what plan do you have [optional for Direct Mailers]?  
\_\_\_\_\_

(c). If so, do you intend to replace your current Medicare supplement policy with this policy? Yes \_\_\_ No \_\_\_

v. Have you had coverage under any other health insurance within the past 63 days? (For example, an employer, union, or individual plan) Yes \_\_\_ No \_\_\_

(a). If so, with what company and what kind of policy? \_\_\_\_\_  
\_\_\_\_\_

(b). What are your dates of coverage under the other policy? START \_\_\_/\_\_\_/\_\_\_ END \_\_\_/\_\_\_/\_\_\_

(If you are still covered under the other policy, leave "END" blank.)

C. Agents shall list any other health insurance policies they have sold to the applicant:

1. list policies sold which are still in force;
2. list policies sold in the past five years, which are no longer in force.

D. In the case of a direct response issuer, a copy of the application or supplemental form, signed by the applicant, and acknowledged by the insurer, shall be returned to the applicant by the insurer upon delivery of the policy.

E. Upon determining that a sale will involve replacement of Medicare supplement coverage, any issuer, other than a direct response issuer, or its agent, shall furnish the applicant, prior to issuance or delivery of the Medicare supplement policy or certificate, a notice regarding replacement of Medicare supplement coverage. One copy of the notice, signed by the applicant and the agent, except where the coverage is sold without an agent, shall be provided to the applicant and an additional signed copy shall be retained by the issuer. A direct response issuer shall deliver to the applicant, at the time of the issuance of the policy, the notice regarding replacement of Medicare supplement coverage.

F. The notice required by Subsection E above for an issuer shall be provided in substantially the following form in no less than 12 point type.



**NOTICE TO APPLICANT REGARDING REPLACEMENT OF MEDICARE SUPPLEMENT INSURANCE OR MEDICARE ADVANTAGE**

[Insurance company's name and address]

**SAVE THIS NOTICE! IT MAY BE IMPORTANT TO YOU IN THE FUTURE.**

According to [your application] [information you have furnished], you intend to terminate existing Medicare supplement or Medicare Advantage insurance and replace it with a policy to be issued by [Company Name] Insurance Company. Your new policy will provide 30 days within which you may decide without cost whether you desire to keep the policy.

You should review this new coverage carefully. Compare it with all accident and sickness coverage you now have. If, after due consideration, you find that purchase of this Medicare supplement coverage is a wise decision, you should terminate your present Medicare supplement or Medicare Advantage coverage. You should evaluate the need for other accident and sickness coverage you have that may duplicate this policy.

**STATEMENT TO APPLICANT BY ISSUER, AGENT [BROKER OR OTHER REPRESENTATIVE]:**

I have reviewed your current medical or health insurance coverage. To the best of my knowledge, this Medicare supplement policy will not duplicate your existing Medicare supplement or, if applicable, Medicare Advantage coverage because you intend to terminate your existing Medicare supplement coverage or leave your Medicare Advantage plan. The replacement policy is being purchased for the following reason (check one):

- Additional benefits.
- No change in benefit, but lower premiums.
- Fewer benefits and lower premiums.
- My plan has outpatient prescription drug coverage and I am enrolling in Part D.
- Disenrollment from a Medicare Advantage plan. Please explain reason for disenrollment. [optional only for Direct Mailers.]

\_\_\_\_\_  
\_\_\_\_\_  
Other. (please specify) \_\_\_\_\_

1. Note: If the issuer of the Medicare supplement policy being applied for does not, or is otherwise prohibited from imposing pre-existing condition limitations, please skip to statement 2 below. Health conditions which you may presently have (preexisting conditions) may not be immediately or fully covered under the new policy. This could result in denial or delay of a claim for benefits under the new policy, whereas a similar claim might have been payable under your present policy.

2. State law provides that your replacement policy or certificate may not contain new preexisting conditions, waiting periods, elimination periods or probationary periods. The insurer will waive any time periods applicable to preexisting conditions, waiting periods, elimination periods, or probationary periods in the new policy (or coverage) to the extent such time was spent (depleted) under the original policy.

3. If, you still wish to terminate your present policy and replace it with new coverage, be certain to truthfully and completely answer all questions on the application concerning your medical and health history. Failure to include all material medical information on an application may provide a basis for the company to deny any future claims and to refund your premium as though your policy had never been in force. After the application has been completed and before you sign it, review it carefully to be certain that all information has been properly recorded. [If the policy or certificate is guaranteed issue, this paragraph need not appear.]

Do not cancel your present policy until you have received your new policy and are sure that you want to keep it.

\_\_\_\_\_  
(Signature of Agent, Broker or Other Representative)\*  
[Typed Name and Address of Issuer, Agent or Broker]

\_\_\_\_\_  
(Applicant's Signature)

\_\_\_\_\_  
(Date)

\*Signature not required for direct response sales.

G. Paragraphs 1 and 2 of the replacement notice (applicable to preexisting conditions) may be deleted by an issuer if the replacement does not involve application of a new preexisting condition limitation.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 22:224 and 42 U.S.C. 1395 et seq.

**HISTORICAL NOTE:** Promulgated by the Department of Insurance, Office of the Commissioner, LR 25:1130 (June 1999), repromulgated LR 25:1510 (August 1999), LR 29:2474 (November 2003), amended LR 31:

**§566. Reserved.**

**§567. Reserved.**

**§568. Reserved.**

**§569. Reserved.**

**§570. Filing Requirements for Advertising**

A. An issuer shall provide a copy of any Medicare supplement advertisement intended for use in this state whether through written, radio or television medium to the commissioner of Insurance of this state for review and approval by the commissioner to the extent permitted under the Insurance Code, particularly under R.S. 22:1215.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 22:224 and 42 U.S.C. 1395 et seq.

**HISTORICAL NOTE:** Promulgated by the Department of Insurance, Office of the Commissioner, LR 25:1131 (June 1999), repromulgated LR 25:11512 (August 1999), LR 29:2476 (November 2003), amended LR 31:

**§571. Reserved.**

**§572. Reserved.**

**§573. Reserved.**

**§574. Reserved.**

**§575. Standards for Marketing**

A. An issuer, directly or through its producers, shall:

1. establish marketing procedures to assure that any comparison of policies

by its agents or other producers will be fair and accurate;

2. establish marketing procedures to assure excessive insurance is not sold or issued;

3. display prominently by type, stamp or other appropriate means, on the first page of the policy the following: "Notice to buyer: This policy may not cover all of your medical expenses;"

4. inquire and otherwise make every reasonable effort to identify whether a prospective applicant or enrollee for Medicare supplement insurance already has accident and sickness insurance and the types and amounts of any such insurance;

5. establish auditable procedures for verifying compliance with this Subsection A.

B. In addition to the practices prohibited in Louisiana Revised Statutes 22:1211 et seq. the following acts and practices are prohibited.

1. Twisting. Making any misleading representation or incomplete or fraudulent comparison of any insurance policies or insurers for the purpose of inducing, or tending to induce, any person to lapse, forfeit, surrender, terminate, retain, pledge, assign, borrow on, or convert any insurance policy or to take out a policy of insurance with another insurer.

2. High pressure tactics. Employing any method of marketing having the effect of or tending to induce the purchase of insurance through force, fright, threat, whether explicit or implied, or undue pressure to purchase or recommend the purchase of insurance.

3. Cold Lead Advertising. Making use directly or indirectly of any method of marketing which fails to disclose in a conspicuous manner that a purpose of the method of marketing is solicitation of insurance and that contact will be made by an insurance agent or insurance company.

C. The terms Medicare Supplement, Medigap, Medicare Wrap-Around and words of similar import shall not be used unless the policy is issued in compliance with this regulation.

D. No insurer providing Medicare supplement insurance in this state shall allow its agent to accept premiums except by check, money order, or bank draft made payable to the insurer. If payment in cash is made, the agent must leave the insurer's official receipt with the insured or the person paying the premium on behalf of the insured. This receipt shall bind the insurer for the monies received by the agent. Under this Section, the agent is prohibited from accepting checks, money orders and/or bank drafts payable to the agent or his agency. The agent is not to leave any receipt other than the insurer's for premium paid in cash.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:224 and 42 U.S.C. 1395 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 25:1131 (June 1999), repromulgated LR 25:1512 (August 1999), LR 29:2476 (November 2003), amended LR 31:

**§576. Reserved.**

**§577. Reserved.**

**§578. Reserved.**

**§579. Reserved.**

**§580. Appropriateness of Recommended Purchase and Excessive Insurance**

A. In recommending the purchase or replacement of any Medicare supplement policy or certificate an agent shall make reasonable efforts to determine the appropriateness of a recommended purchase or replacement.

B. Any sale of a Medicare supplement policy or certificate that will provide an individual more than one Medicare supplement policy or certificate is prohibited.

C. An issuer shall not issue a Medicare supplement policy or certificate to an individual enrolled in Medicare Part C (Medicare Advantage) unless the effective date of the coverage is after the termination date of the individual's Part C coverage.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:224 and 42 U.S.C. 1395 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 25:1132 (June 1999), repromulgated LR 25:1512 (August 1999), LR 29:2476 (November 2003), amended LR 31:

**§581. Reserved.**

**§582. Reserved.**

**§583. Reserved.**

**§584. Reserved.**

## **§585. Reporting of Multiple Policies**

A. On or before March 1 of each year, an issuer shall report the following information for every individual resident of this state for which the issuer has in force more than one Medicare supplement policy or certificate:

1. policy and certificate number; and
2. date of issuance.

B. The items set forth above must be grouped by individual policyholder.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:224 and 42 U.S.C. 1395 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 25:1132 (June 1999), repromulgated LR 25:1512 (August 1999), LR 29:2476 (November 2003), amended LR 31:

**§586. Reserved.**

**§587. Reserved.**

**§588. Reserved.**

**§589. Reserved.**

**§590. Prohibition Against Preexisting Conditions, Waiting Periods, Elimination Periods and Probationary Periods in Replacement Policies or Certificates**

A. If a Medicare supplement policy or certificate replaces another Medicare supplement policy or certificate, the replacing issuer shall waive any time periods applicable to preexisting conditions, waiting periods, elimination periods and probationary periods in the new Medicare supplement policy or certificate to the extent such time was spent under the original policy.

B. If a Medicare supplement policy or certificate replaces another Medicare supplement policy or certificate which has been in effect for at least six months, the replacing policy shall not provide any time period applicable to preexisting conditions, waiting periods, elimination periods and probationary periods.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:224 and 42 U.S.C. 1395 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 25:1132 (June 1999), repromulgated LR 25:1512 (August 1999), LR 29:2477 (November 2003), amended LR 31:

**§591. Reserved.**

**§592. Reserved.**

**§593. Reserved.**

**§594. Reserved.**

**§595. Separability**

A. If any provision of this regulation or the application thereof to any person or circumstance is for any reason held to be invalid, the remainder of the regulation and the application of such provision to other persons or circumstances shall not be affected thereby.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:224 and 42 U.S.C. 1395 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 25:1132 (June 1999), repromulgated LR 25:1513 (August 1999), LR 29:2477 (November 2003), amended LR 31:

§596. Appendix A—Calculation Forms

**MEDICARE SUPPLEMENT REFUND CALCULATION FORM  
FOR CALENDAR YEAR \_\_\_\_\_**

Type<sup>1</sup> \_\_\_\_\_ SMSBP<sup>2</sup> \_\_\_\_\_  
 For the State of \_\_\_\_\_ Company Name \_\_\_\_\_  
 NAIC Group Code \_\_\_\_\_ NAIC Company Code \_\_\_\_\_  
 Address \_\_\_\_\_ Person Completing Exhibit \_\_\_\_\_  
 Title \_\_\_\_\_ Telephone Number \_\_\_\_\_

LINE		(a) Earned Premium <sup>3</sup>	(b) Incurred Claims <sup>4</sup>
1.	Current Year's Experience		
	a. Total (all policy years)		
	b. Current year's issues <sup>5</sup>		
	c. Net (for reporting purposes = 1a-1b)		
2.	Past Year's Experience (all policy years)		
3.	Total Experience (Net Current Year + Past Year)		
4.	Refunds Last Year (Excluding Interest)		
5.	Previous Since Inception (Excluding Interest)		
6.	Refunds Since Inception (Excluding Interest)		
7.	Benchmark Ratio Since Inception (see worksheet for Ratio 1)		
8.	Experienced Ratio Since Inception (Ratio 2) Total Actual Incurred Claims (line 3, col.b) Total Earned Prem. (line 3, col. a)-Refunds Since Inception (line 6)		
9.	Life Years Exposed Since Inception If the Experienced Ratio is less than the Benchmark Ratio, and there are more than 500 life years exposure, then proceed to calculation of refund.		
10.	Tolerance Permitted (obtained from credibility table)		

**Medicare Supplement Credibility Table**

Life Years Exposed	
Since Inception	Tolerance
10,000+	0.0%
5,000 – 9,999	5.0%
2,500 – 4,999	7.5%
1,000 – 2,499	10.0%
500 - 999	15.0%
If less than 500, no credibility.	

- Individual, Group, Individual Medicare Select, or Group Medicare Select Only.
- "SMSBP" = Standardized Medicare Supplement Benefit Plan—Use "P" for pre-standardized plans.
- Includes Modal Loadings and Fees Charged
- Excludes Active Life Reserves
- This is to be used as "Issue Year Earned Premium" for Year 1 of next year's "Worksheet for Calculation of Benchmark Ratio"

**MEDICARE SUPPLEMENT REFUND CALCULATION FORM  
FOR CALENDAR YEAR \_\_\_\_\_**

Type<sup>1</sup> \_\_\_\_\_ SMSBP<sup>2</sup> \_\_\_\_\_  
 For the State of \_\_\_\_\_ Company Name \_\_\_\_\_  
 NAIC Group Code \_\_\_\_\_ NAIC Company Code \_\_\_\_\_  
 Address \_\_\_\_\_  
 Person Completing Exhibit \_\_\_\_\_  
 Title \_\_\_\_\_ Telephone Number \_\_\_\_\_

11.	Adjustment to Incurred Claims for Credibility Ratio 3 = Ratio 2 + Tolerance	
-----	--	--

If Ratio 3 is more than Benchmark Ratio (Ratio 1), a refund or credit to premium is not required.

If Ratio 3 is less than the Benchmark Ratio, then proceed.

12.	Adjusted Incurred Claims (Total Earned Premiums (Line 3, col. a) - Refund Since Inception (line 6)) x Ratio 3 (line 11)	
13.	Refund = Total Earned Premiums (line 3, col. a) - Refunds Inception (line 6) - [Adjusted Incurred Claims (line 12) / Benchmark Ratio (Ratio 1)]	

If the amount on line 13 is less than .005 times the annualized premium in force as of December 31 of the reporting year, then no refund is made. Otherwise, the amount on line 13 is to be refunded or credited, a description of the refund or credit against premiums to be used must be attached to this form.

I certify that the above information and calculations are true and accurate to the best of my knowledge and belief.

\_\_\_\_\_  
Signature  
 \_\_\_\_\_  
Name—Please Type  
 \_\_\_\_\_  
Title  
 \_\_\_\_\_  
Date

**REPORTING FORM FOR THE CALCULATION OF BENCHMARK  
RATIO SINCE INCEPTION FOR GROUP POLICIES  
FOR CALENDAR YEAR \_\_\_\_\_**

Type<sup>1</sup> \_\_\_\_\_  
 For the State of \_\_\_\_\_  
 NAIC Group Code \_\_\_\_\_  
 Address \_\_\_\_\_  
 Title \_\_\_\_\_

SMSBP<sup>2</sup> \_\_\_\_\_  
 Company Name \_\_\_\_\_  
 NAIC Company Code \_\_\_\_\_  
 Person Completing Exhibit \_\_\_\_\_  
 Telephone Number \_\_\_\_\_

(a) <sup>3</sup> Year	(b) <sup>4</sup> Earned Premium	(c) Factor	(d) (b)x(c)	(e) Cumulative Loss Ratio	(f) (d)x(e)	(g) Factor	(h) (b)x(g)	(i) Cumulative Loss Ratio	(j) (h)x(i)	(o) <sup>5</sup> Policy Year Loss Ratio
1		2.770		0.507		0.000		0.000		0.46
2		4.175		0.567		0.000		0.000		0.63
3		4.175		0.567		1.194		0.759		0.75
4		4.175		0.567		2.245		0.771		0.77
5		4.175		0.567		3.170		0.782		0.80
6		4.175		0.567		3.998		0.792		0.82
7		4.175		0.567		4.754		0.802		0.84
8		4.175		0.567		5.445		0.811		0.87
9		4.175		0.567		6.075		0.818		0.88
10		4.175		0.567		6.650		0.824		0.88
11		4.175		0.567		7.176		0.828		0.88
12		4.175		0.567		7.655		0.831		0.88
13		4.175		0.567		8.093		0.834		0.89
14		4.175		0.567		8.493		0.837		0.89
15 <sup>6</sup>		4.175		0.567		8.684		0.838		0.89
Total:			(k):		(l):		(m):		(n):	

Benchmark Ratio Since Inception:  $(l + n)/(k + m)$ : \_\_\_\_\_

<sup>1</sup>Individual, Group, Individual Medicare Select, or Group Medicare Select Only.

<sup>2</sup>"SMSBP" = Standardized Medicare Supplement Benefit Plan - Use "P" for pre-standardized plans

<sup>3</sup>Year 1 is the current calendar year - 1. Year 2 is the current calendar year - 2 (etc.) (Example: If the current year is 1991, then: Year 1 is 1990; Year 2 is 1989, etc.)

<sup>4</sup>For the calendar year on the appropriate line in column (a), the premium earned during that year for policies issued in that year.

<sup>5</sup>These loss ratios are not explicitly used in computing the benchmark loss ratios. They are the loss ratios, on a policy year basis, which result in the cumulative loss ratios displayed on this worksheet. They are shown here for informational purposes only.

<sup>6</sup>To include the earned premium for all years prior to as well as the 15th year prior to the current year.

**REPORTING FORM FOR THE CALCULATION OF BENCHMARK  
RATIO SINCE INCEPTION FOR INDIVIDUAL POLICIES  
FOR CALENDAR YEAR \_\_\_\_\_**

Type<sup>1</sup> \_\_\_\_\_ SMSBP<sup>2</sup> \_\_\_\_\_  
 For the State of \_\_\_\_\_ Company Name \_\_\_\_\_  
 NAIC Group Code \_\_\_\_\_ NAIC Company Code \_\_\_\_\_  
 Address \_\_\_\_\_ Person Completing Exhibit \_\_\_\_\_  
 Title \_\_\_\_\_ Telephone Number \_\_\_\_\_

(a) <sup>3</sup> Year	(b) <sup>4</sup> Earned Premium	(c) Factor	(d) (b)x(c)	(e) Cumulative Loss Ratio	(f) (d)x(e)	(g) Factor	(h) (b)x(g)	(i) Cumulative Loss Ratio	(j) (h)x(i)	(o) <sup>5</sup> Policy Year Loss Ratio
1		2.770		0.442		0.000		0.000		0.40
2		4.175		0.493		0.000		0.000		0.55
3		4.175		0.493		1.194		0.659		0.65
4		4.175		0.493		2.245		0.669		0.67
5		4.175		0.493		3.170		0.678		0.69
6		4.175		0.493		3.998		0.686		0.71
7		4.175		0.493		4.754		0.695		0.73
8		4.175		0.493		5.445		0.702		0.75
9		4.175		0.493		6.075		0.708		0.76
10		4.175		0.493		6.650		0.713		0.76
11		4.175		0.493		7.176		0.717		0.76
12		4.175		0.493		7.655		0.720		0.77
13		4.175		0.493		8.093		0.723		0.77
14		4.175		0.493		8.493		0.725		0.77
15 <sup>6</sup>		4.175		0.493		8.684		0.725		0.77
Total:			(k):		(l):		(m):		(n):	

Benchmark Ratio Since Inception:  $(l + n)/(k + m)$ : \_\_\_\_\_

<sup>1</sup>Individual, Group, Individual Medicare Select, or Group Medicare Select Only.

<sup>2</sup>"SMSBP" = Standardized Medicare Supplement Benefit Plan - Use "P" for pre-standardized plans

<sup>3</sup>Year 1 is the current calendar year - 1. Year 2 is the current calendar year - 2 (etc.) (Example: If the current year is 1991, then: Year 1 is 1990; Year 2 is 1989, etc.)

<sup>4</sup>For the calendar year on the appropriate line in column (a), the premium earned during that year for policies issued in that year.

<sup>5</sup>These loss ratios are not explicitly used in computing the benchmark loss ratios. They are the loss ratios, on a policy year basis, which result in the cumulative loss ratios displayed on this worksheet. They are shown here for informational purposes only.

<sup>6</sup>To include the earned premium for all years prior to as well as the 15th year prior to the current year.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:224 and 42 U.S.C. 1395 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 25:1132 (June 1999), repromulgated LR 25:1513 (August 1999), LR 29:2478 (November 2003), amended LR 31:

**§597. Appendix B—Medicare Supplement Policies Reporting Form**

**FORM FOR REPORTING  
MEDICARE SUPPLEMENT POLICIES**

Company Name: \_\_\_\_\_  
 Address: \_\_\_\_\_  
 Phone Number: \_\_\_\_\_

Due: March 1, annually

The purpose of this form is to report the following information on each resident of this state who has in force more than one Medicare supplement policy or certificate. The information is to be grouped by individual policyholder.

Policy and Certificate #	Date of Issuance

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Name and Title (please type)

\_\_\_\_\_  
Date

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:224 and 42 U.S.C. 1395 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 25:1136 (June 1999), repromulgated LR 25:1516 (August 1999), LR 29:2482 (November 2003), amended LR 31:

§598. Appendix C—Disclosure Statements

DISCLOSURE STATEMENTS

Instructions for Use of the Disclosure Statements for Health Insurance Policies Sold to Medicare Beneficiaries that Duplicate Medicare

- 1. Section 1882(d) of the federal Social Security Act [42 U.S.C. 1395ss] prohibits the sale of a health insurance policy...
2. All types of health insurance policies that duplicate Medicare shall include one of the attached disclosure statements...
3. State law and federal law prohibits insurers from selling a Medicare supplement policy to a person that already has a Medicare supplement policy...
4. Property/casualty and life insurance policies are not considered health insurance.
5. Disability income policies are not considered to provide benefits that duplicate Medicare.
6. Long-term care insurance policies that coordinate with Medicare and other health insurance are not considered to provide benefits that duplicate Medicare.
7. The federal law does not pre-empt state laws that are more stringent than the federal requirements.
8. The federal law does not pre-empt existing state form filing requirements.
9. Section 1882 of the federal Social Security Act was amended in Subsection (d)(3)(A) to allow for alternative disclosure statements.

[Original disclosure statement for policies that provide benefits for expenses incurred for an accidental injury only.]

IMPORTANT NOTICE TO PERSONS ON MEDICARE THIS INSURANCE DUPLICATES SOME MEDICARE BENEFITS

This is not a Medicare Supplement Insurance

This insurance provides limited benefits, if you meet the policy conditions, for hospital or medical expenses that result from accidental injury. It does not pay your Medicare deductibles or coinsurance and is not a substitute for Medicare Supplement insurance.

This insurance duplicates Medicare benefits when it pays:

- hospital or medical expenses up to the maximum stated in the policy

Medicare generally pays for most or all of these expenses.

Medicare pays extensive benefits for medically necessary services regardless of the reason you need them. These include:

- hospitalization
• physician services
• [outpatient prescription drugs if you are enrolled in Medicare Part D]
• other approved items and services

Before You Buy This Insurance

- ✓ Check the coverage in all health insurance policies you already have.
✓ For more information about Medicare and Medicare supplement insurance, review the Guide to Health Insurance for People with Medicare, available from the insurance company.

- ✓ For help in understanding your health insurance, contact your state insurance department or state [health] insurance [assistance] program [SHIP].

[Original disclosure statement for policies that provide benefits for specified limited services.]

IMPORTANT NOTICE TO PERSONS ON MEDICARE THIS INSURANCE DUPLICATES SOME MEDICARE BENEFITS

This is not Medicare Supplement Insurance

This insurance provides limited benefits, if you meet the policy conditions, for expenses relating to the specific services listed in the policy. It does not pay your Medicare deductibles or coinsurance and is not a substitute for Medicare supplement insurance.

This insurance duplicates Medicare benefits when:

- any of the services covered by the policy are also covered by Medicare

Medicare pays extensive benefits for medically necessary services regardless of the reason you need them. These include:

- hospitalization
• physician services
• [outpatient prescription drugs if you are enrolled in Medicare Part D]
• other approved items and services

Before You Buy This Insurance

- ✓ Check the coverage in all health insurance policies you already have.
✓ For more information about Medicare and Medicare supplement insurance, review the Guide to Health Insurance for People with Medicare, available from the insurance company.
✓ For help in understanding your health insurance, contact your state insurance department or state [health] insurance [assistance] program [SHIP].

[Original disclosure statement for policies that reimburse expenses incurred for specified diseases or other specified impairments. This includes expense-incurred cancer, specified disease and other types of health insurance policies that limit reimbursement to named medical conditions.]

IMPORTANT NOTICE TO PERSONS ON MEDICARE THIS INSURANCE DUPLICATES SOME MEDICARE BENEFITS

This is not Medicare Supplement Insurance

This insurance provides limited benefits, if you meet the policy conditions, for hospital or medical expenses only when you are treated for one of the specific diseases or health conditions listed in the policy. It does not pay your Medicare deductibles or coinsurance and is not a substitute for Medicare supplement insurance.

This insurance duplicates Medicare benefits when it pays:

- hospital or medical expenses up to the maximum stated in the policy

Medicare generally pays for most or all of these expenses.

Medicare pays extensive benefits for medically necessary services regardless of the reason you need them. These include:

- hospitalization
• physician services
• hospice
• [outpatient prescription drugs if you are enrolled in Medicare Part D]
• other approved items and services

Before You Buy This Insurance

- ✓ Check the coverage in all health insurance policies you already have.
✓ For more information about Medicare and Medicare supplement insurance, review the Guide to Health Insurance for People with Medicare, available from the insurance company.

- ✓ For help in understanding your health insurance, contact your state insurance department or state [health] insurance [assistance] program [SHIP].

[Original disclosure statement for policies that pay fixed dollar amounts for specified diseases or other specified impairments. This includes cancer, specified disease, and other health insurance policies that pay a scheduled benefit or specific payment based on diagnosis of the conditions named in the policy.]

**IMPORTANT NOTICE TO PERSONS ON MEDICARE  
THIS INSURANCE DUPLICATES SOME MEDICARE BENEFITS**

**This is not Medicare Supplement Insurance**

This insurance pays a fixed amount, regardless of your expenses, if you meet the policy conditions, for one of the specific diseases or health conditions named in the policy. It does not pay your Medicare deductibles or coinsurance and is not a substitute for Medicare supplement insurance.

**This insurance duplicates Medicare benefits because Medicare generally pays for most of the expenses for the diagnosis and treatment of the specific conditions or diagnoses named in the policy.**

**Medicare pays extensive benefits for medically necessary services regardless of the reason you need them. These include:**

- hospitalization
- physician services
- hospice
- [outpatient prescription drugs if you are enrolled in Medicare Part D]
- other approved items and services

**Before You Buy This Insurance**

- ✓ Check the coverage in **all** health insurance policies you already have.
- ✓ For more information about Medicare and Medicare supplement insurance, review the *Guide to Health Insurance for People with Medicare*, available from the insurance company.
- ✓ For help in understanding your health insurance, contact your state insurance department or state [health] insurance [assistance] program [SHIP].

[Original disclosure statement for indemnity policies and other policies that pay a fixed dollar amount per day, excluding long-term care policies.]

**IMPORTANT NOTICE TO PERSONS ON MEDICARE  
THIS INSURANCE DUPLICATES SOME MEDICARE BENEFITS**

**This is not Medicare Supplement Insurance**

This insurance pays a fixed dollar amount, regardless of your expenses, for each day you meet the policy conditions. It does not pay your Medicare deductibles or coinsurance and is not a substitute for Medicare Supplement insurance.

**This insurance duplicates Medicare benefits when:**

- any expenses or services covered by the policy are also covered by Medicare

**Medicare generally pays for most or all of these expenses.**

**Medicare pays extensive benefits for medically necessary services regardless of the reason you need them. These include:**

- hospitalization
- physician services
- [outpatient prescription drugs if you are enrolled in Medicare Part D]
- hospice
- other approved items and services

**Before You Buy This Insurance**

- ✓ Check the coverage in **all** health insurance policies you already have.

- ✓ For more information about Medicare and Medicare supplement insurance, review the *Guide to Health Insurance for People with Medicare*, available from the insurance company.

- ✓ For help in understanding your health insurance, contact your state insurance department or state [health] insurance [assistance] program [SHIP].

[Original disclosure statement for policies that provide benefits upon both an expense-incurred and fixed indemnity basis]

**IMPORTANT NOTICE TO PERSONS ON MEDICARE  
THIS INSURANCE DUPLICATES SOME MEDICARE BENEFITS**

**This is not Medicare Supplement Insurance**

This insurance pays limited reimbursement for expenses if you meet the conditions listed in the policy. It also pays a fixed amount, regardless of your expenses, if you meet other policy conditions. It does not pay your Medicare deductibles or coinsurance and is not a substitute for Medicare Supplement insurance.

**This insurance duplicates Medicare benefits when:**

- any expenses or services covered by the policy are also covered by Medicare; or
- it pays the fixed dollar amount stated in the policy and Medicare covers the same event

**Medicare generally pays for most or all of these expenses.**

**Medicare pays extensive benefits for medically necessary services regardless of the reason you need them. These include:**

- hospitalization
- physician services
- hospice
- [outpatient prescription drugs if you are enrolled in Medicare Part D]
- other approved items and services

**Before You Buy This Insurance**

- ✓ Check the coverage in **all** health insurance policies you already have.
- ✓ For more information about Medicare and Medicare supplement insurance, review the *Guide to Health Insurance for People with Medicare*, available from the insurance company.
- ✓ For help in understanding your health insurance, contact your state insurance department or state [health] insurance [assistance] program [SHIP].

[Original disclosure statement for other health insurance policies not specifically identified in the preceding statements.]

**IMPORTANT NOTICE TO PERSONS ON MEDICARE  
THIS INSURANCE DUPLICATES SOME MEDICARE BENEFITS**

**This is not Medicare Supplement Insurance**

This insurance provides limited benefits if you meet the conditions listed in the policy. It does not pay your Medicare deductibles or coinsurance and is not a substitute for Medicare Supplement insurance.

**This insurance duplicates Medicare benefits when it pays:**

- the benefits stated in the policy and coverage for the same event is provided by Medicare

**Medicare generally pays for most or all of these expenses.**

**Medicare pays extensive benefits for medically necessary services regardless of the reason you need them. These include:**

- hospitalization
- physician services
- hospice
- [outpatient prescription drugs if you are enrolled in Medicare Part D]

- other approved items and services

**Before You Buy This Insurance**

- ✓ Check the coverage in **all** health insurance policies you already have.
- ✓ For more information about Medicare and Medicare supplement insurance, review the *Guide to Health Insurance for People with Medicare*, available from the insurance company.
- ✓ For help in understanding your health insurance, contact your state insurance department or state [health] insurance [assistance] program [SHIP].

[Alternative disclosure statement for policies that provide benefits for expenses incurred for an accidental injury only.]

**IMPORTANT NOTICE TO PERSONS ON MEDICARE  
THIS IS NOT MEDICARE SUPPLEMENT INSURANCE**

**Some health care services paid for by Medicare may also trigger the payment of benefits from this policy.**

This insurance provides limited benefits, if you meet the policy conditions, for hospital or medical expenses that result from accidental injury. It does not pay your Medicare deductibles or coinsurance and is not a substitute for Medicare Supplement insurance.

**Medicare generally pays for most or all of these expenses.**

**Medicare pays extensive benefits for medically necessary services regardless of the reason you need them. These include:**

- hospitalization
- physician services
- [outpatient prescription drugs if you are enrolled in Medicare Part D]
- other approved items and services

**This policy must pay benefits without regard to other health benefit coverage to which you may be entitled under Medicare or other insurance.**

**Before You Buy This Insurance**

- ✓ Check the coverage in **all** health insurance policies you already have.
- ✓ For more information about Medicare and Medicare supplement insurance, review the *Guide to Health Insurance for People with Medicare*, available from the insurance company.
- ✓ For help in understanding your health insurance, contact your state insurance department or state [health] insurance [assistance] program [SHIP].

[Alternative disclosure statement for policies that provide benefits for specified limited services.]

**IMPORTANT NOTICE TO PERSONS ON MEDICARE  
THIS IS NOT MEDICARE SUPPLEMENT INSURANCE**

**Some health care services paid for by Medicare may also trigger the payment of benefits under this policy.**

This insurance provides limited benefits, if you meet the policy conditions, for expenses relating to the specific services listed in the policy. It does not pay your Medicare deductibles or coinsurance and is not a substitute for Medicare Supplement insurance.

**Medicare pays extensive benefits for medically necessary services regardless of the reason you need them. These include:**

- hospitalization
- physician services
- [outpatient prescription drugs if you are enrolled in Medicare Part D]
- other approved items and services

**This policy must pay benefits without regard to other health benefit coverage to which you may be entitled under Medicare or other insurance.**

**Before You Buy This Insurance**

- ✓ Check the coverage in **all** health insurance policies you already have.
- ✓ For more information about Medicare and Medicare supplement insurance, review the *Guide to Health Insurance for People with Medicare*, available from the insurance company.
- ✓ For help in understanding your health insurance, contact your state insurance department or state [health] insurance [assistance] program [SHIP].

[Alternative disclosure statement for policies that reimburse expenses incurred for specified diseases or other specified impairments. This includes expense-incurred cancer, specified disease and other types of health insurance policies that limit reimbursement to named medical conditions.]

**IMPORTANT NOTICE TO PERSONS ON MEDICARE  
THIS IS NOT MEDICARE SUPPLEMENT INSURANCE**

**Some health care services paid for by Medicare may also trigger the payment of benefits from this policy. Medicare generally pays for most or all of these expenses.**

This insurance provides limited benefits, if you meet the policy conditions, for hospital or medical expenses only when you are treated for one of the specific diseases or health conditions listed in the policy. It does not pay your Medicare deductibles or coinsurance and is not a substitute for Medicare Supplement insurance.

**Medicare generally pays for most or all of these expenses.**

**Medicare pays extensive benefits for medically necessary services regardless of the reason you need them. These include:**

- hospitalization
- physician services
- hospice
- [outpatient prescription drugs if you are enrolled in Medicare Part D]
- other approved items and services

**This policy must pay benefits without regard to other health benefit coverage to which you may be entitled under Medicare or other insurance.**

**Before You Buy This Insurance**

- ✓ Check the coverage in **all** health insurance policies you already have.
- ✓ For more information about Medicare and Medicare supplement insurance, review the *Guide to Health Insurance for People with Medicare*, available from the insurance company.
- ✓ For help in understanding your health insurance, contact your state insurance department or state [health] insurance [assistance] program [SHIP].

[Alternative disclosure statement for policies that pay fixed dollar amounts for specified diseases or other specified impairments. This includes cancer, specified disease, and other health insurance policies that pay a scheduled benefit or specific payment based on diagnosis of the conditions named in the policy.]

**IMPORTANT NOTICE TO PERSONS ON MEDICARE  
THIS IS NOT MEDICARE SUPPLEMENT INSURANCE**

**Some health care services paid for by Medicare may also trigger the payment of benefits under this policy.**

This insurance pays a fixed amount, regardless of your expenses, if you meet the policy conditions, for one of the specific diseases or health conditions named in the policy. It does not pay your Medicare deductibles or coinsurance and is not a substitute for Medicare Supplement insurance.

**Medicare pays extensive benefits for medically necessary services regardless of the reason you need them. These include:**



- hospitalization
- physician services
- hospice
- [outpatient prescription drugs if you are enrolled in Medicare Part D]
- other approved items and services

**This policy must pay benefits without regard to other health benefit coverage to which you may be entitled under Medicare or other insurance.**

**Before You Buy This Insurance**

- ✓ Check the coverage in **all** health insurance policies you already have.
- ✓ For more information about Medicare and Medicare supplement insurance, review the *Guide to Health Insurance for People with Medicare*, available from the insurance company.
- ✓ For help in understanding your health insurance, contact your state insurance department or state [health] insurance [assistance] program [SHIP].

[Alternative disclosure statement for indemnity policies and other policies that pay a fixed dollar amount per day, excluding long-term care policies.]

**IMPORTANT NOTICE TO PERSONS ON MEDICARE THIS IS NOT MEDICARE SUPPLEMENT INSURANCE**

**Some health care services paid for by Medicare may also trigger the payment of benefits from this policy.**

This insurance pays a fixed dollar amount, regardless of your expenses, for each day you meet the policy conditions. It does not pay your Medicare deductibles or coinsurance and is not a substitute for Medicare Supplement insurance.

**Medicare generally pays for most or all of these expenses.**

**Medicare pays extensive benefits for medically necessary services regardless of the reason you need them. These include:**

- hospitalization
- physician services
- hospice
- [outpatient prescription drugs if you are enrolled in Medicare Part D]
- other approved items and services

**This policy must pay benefits without regard to other health benefit coverage to which you may be entitled under Medicare or other insurance.**

**Before You Buy This Insurance**

- ✓ Check the coverage in **all** health insurance policies you already have.
- ✓ For more information about Medicare and Medicare supplement insurance, review the *Guide to Health Insurance for People with Medicare*, available from the insurance company.
- ✓ For help in understanding your health insurance, contact your state insurance department or state [health] insurance [assistance] program [SHIP].

[Alternative disclosure statement for policies that provide benefits upon both an expense-incurred and fixed indemnity basis]

**IMPORTANT NOTICE TO PERSONS ON MEDICARE THIS IS NOT MEDICARE SUPPLEMENT INSURANCE**

**Some health care services paid for by Medicare may also trigger the payment of benefits from this policy.**

This insurance pays limited reimbursement for expenses if you meet the conditions listed in the policy. It also pays a fixed amount, regardless of your expenses, if you meet other policy conditions. It does not pay your Medicare deductibles or coinsurance and is not a substitute for Medicare Supplement insurance.

**Medicare generally pays for most or all of these expenses.**

**Medicare pays extensive benefits for medically necessary services regardless of the reason you need them. These include:**

- hospitalization
- physician services
- hospice
- [outpatient prescription drugs if you are enrolled in Medicare Part D]
- other approved items and services

**This policy must pay benefits without regard to other health benefit coverage to which you may be entitled under Medicare or other insurance.**

**Before You Buy This Insurance**

- ✓ Check the coverage in **all** health insurance policies you already have.
- ✓ For more information about Medicare and Medicare supplement insurance, review the *Guide to Health Insurance for People with Medicare*, available from the insurance company.
- ✓ For help in understanding your health insurance, contact your state insurance department or state [health] insurance [assistance] program [SHIP].

[Alternative disclosure statement for other health insurance policies not specifically identified in the preceding statements.]

**IMPORTANT NOTICE TO PERSONS ON MEDICARE THIS IS NOT MEDICARE SUPPLEMENT INSURANCE**

**Some health care services paid for by Medicare may also trigger the payment of benefits from this policy.**

This insurance provides limited benefits if you meet the conditions listed in the policy. It does not pay your Medicare deductibles or coinsurance and is not a substitute for Medicare Supplement insurance.

**Medicare generally pays for most or all of these expenses.**

**Medicare pays extensive benefits for medically necessary services regardless of the reason you need them. These include:**

- hospitalization
- physician services
- hospice
- [outpatient prescription drugs if you are enrolled in Medicare Part D]
- other approved items and services

**This policy must pay benefits without regard to other health benefit coverage to which you may be entitled under Medicare or other insurance.**

**Before You Buy This Insurance**

- ✓ Check the coverage in **all** health insurance policies you already have.
- ✓ For more information about Medicare and Medicare supplement insurance, review the *Guide to Health Insurance for People with Medicare*, available from the insurance company.
- ✓ For help in understanding your health insurance, contact your state insurance department or state [health] insurance [assistance] program [SHIP].

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:224 and 42 U.S.C. 1395 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 25:1136 (June 1999), repromulgated LR 25:1516 (August 1999), LR 29:2483 (November 2003), amended LR 31:

**§599. Severability**

A. If any section or provision of this regulation, or the application to any person or circumstance, is held invalid, such invalidity or determination shall not affect other provisions or applications of this regulation which can be given effect without the invalid section or provision or application, and for these purposes the sections and provisions of this regulation, and the applications, are severable.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:224 and 42 U.S.C. 1395 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 25:1136 (June 1999), repromulgated LR 25:1516 (August 1999), LR 29:2483 (November 2003), amended LR 31:

**§600. Effective Date**

A. This emergency regulation shall become effective upon publication in the *Louisiana Register*.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:224 and 42 U.S.C. 1395 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 25:1142 (June 1999), repromulgated LR 25:1522 (August 1999), amended LR 29:2497 (November 2003), amended LR 31:

J. Robert Wooley  
Commissioner

0507#049

**DECLARATION OF EMERGENCY**

**Department of Social Services  
Office of Community Services**

**Billing Policies and Fee Review Procedures  
(LAC 67:V.Chapter 53)**

The Department of Social Services, Office of Community Services, has exercised the emergency provision of the Administrative Procedure Act, R.S. 49:953(B) to promulgate LAC 67:V, Subpart 7, Chapter 53, Billing Policies and Fee Review Procedures, effective July 1, 2005. This Emergency Rule shall remain in effect for a period of 120 days. Emergency action is necessary in this matter in order to promulgate new billing policies for the R.S. 46:460.21 attorney compensation system effective for the start of SFY 2006.

**Title 67  
SOCIAL SERVICES**

**Part V. Community Services**

**Subpart 7. Payment of Legal Fees in Child Protection Cases**

**Chapter 53. Billing Policies and Fee Review Procedures**

**§5301. Purpose**

A. This chapter provides billing policies and fee review procedures applicable to requests for payment of legal fees and expenses of attorneys representing children or indigent parents in child in need of care and judicial certification for adoption proceedings pursuant to R.S. 46:460.21.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:460.21.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Community Services, LR 31:

**§5303. Billing Policies**

A. All prerequisites for payment specified in R.S. 46:460.21 shall be met. Attorneys shall comply with all minimum qualification standards specified by Louisiana Supreme Court in order to be eligible for compensation.

B. Rates of payment shall be in accordance with Louisiana Supreme Court General Administrative Rule Part G, Section 9.

C. Upon completion of a discrete stage in child in need of care (CINC) proceedings and final judgment in judicial certification for adoption proceedings, attorneys must submit requests for payment the earlier of 90 days of completion or final judgment or 30 days from the end of the state fiscal year (state fiscal year runs July 1-June 30). Discrete stages in child in need of care proceedings include CINC proceedings through disposition, six-month reviews, and for attorneys representing children, one-year reviews post termination or surrender of parental rights when the child(ren) has not yet been permanently placed. Discrete stages may also include continued custody hearings when the attorney is appointed for that hearing only, CINC proceedings where a petition is not filed or is withdrawn prior to adjudication, CINC proceedings leading up to an Informal Adjustment Agreement, adjudication where the petition is denied, and CINC proceedings prior to disposition where an attorney appointed to act as counsel is permitted by the court to withdraw upon a finding of extenuating circumstances.

D. The detailed itemization of services must conform to the following invoicing standards.

1. Time and expenses billed shall be reasonable and necessary and based on contemporaneous record keeping. Minimum billable time increments shall be no greater than 1/10 of an hour. Each service activity shall be listed individually with its corresponding time increment. Paragraph or block billing whereby multiple discrete activities are billed within a single time increment will not be accepted for payment. Billing for bill preparation will not be accepted for payment. Travel time to and from the court that relates to mileage of less than 20 miles per trip will not be accepted for payment. The department shall make a sample invoice available to any requesting attorney.

2. Each service entry shall include a brief, but specific description of the service rendered, the date, the persons involved (e.g., client, other parties and their attorneys, OCS worker, foster parents, CASA volunteer, judge, etc.) and the purpose of the service or event.

3. For child in need of care cases, service entries shall be organized in accordance with discrete stages of the proceedings.

4. Expenses billed must relate to a specific legal service performed and include the date and amount of the expense. A receipt or other appropriate documentation of the expense must be attached. Mileage in excess of 20 miles per trip shall be reimbursable in accordance with state travel regulations established by the state Division of Administration. Beginning and ending odometer readings or alternatively Mapquest documentation of mileage must be included in the itemization.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:460.21.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Community Services, LR 31:

**§5305. Fee Review Procedures**

A. In Accordance with R.S. 46:460.21

1. An attorney requesting fees certifies:
  - a. he complies with all minimum qualifications for providing representation in child protection cases required by the state of Louisiana;
  - b. the statements contained in the fee request documents are true and correct;
  - c. the services and expenses billed are reasonable and necessary and consistent with effective and efficient practice in child protection cases;
  - d. for representation of counsel on behalf of a parent, the parent is indigent in accordance with law;
  - e. the attorney has received no compensation for the services or expenses described nor will he be receiving or eligible to receive such compensation from any other source.
2. The judge exercising juvenile jurisdiction determines based upon the attorney's certification, information contained within the form and supporting documentation, and his or her knowledge of the proceedings that the number of hours billed and expenses charged appear reasonable and necessary.
3. The department reviews and pays fee requests meeting statutory prerequisites, including submission of necessary forms and documentation.

B. When questions or concerns regarding requests for payment are noted, the judge and/or the department have the authority to request additional information and to seek to resolve any discrepancies with an attorney before concurring in or authorizing fees for payment.

C. Questions or concerns relative to the accuracy, validity, or compliance of an attorney's requests with R.S. 46:460.21 and the standards promulgated herein, applicable Louisiana Supreme Court General Administrative Rules, and professional practice may be referred by the judge or department to the fee review panel constituted herein. The purpose of the panel shall be to provide independence, neutrality, clarity, and administrative efficiency in the resolution of questions or concerns and to promote programmatic and fiscal accountability in the administration of the system.

D. The fee review panel shall be composed of up to 11 experienced attorneys in child welfare proceedings who commit to impartial review of referred questions or concerns in accordance with the applicable standards and overall professional practice. Panel members shall serve without compensation. For any given referral, at least three attorneys from the panel who do not practice in the court from which the referral emanates and who have no conflict of interest relative to the case or attorney that would impair their impartiality shall review and make recommendations relative to the referral. Panel members shall elect a chair and vice-chair to be responsible for receiving referrals and facilitating timely review and response. Panel members shall agree upon the method of assigning cases for review. The department shall support the fee review panel by maintaining a log of referrals and recommendations.

E. Attorneys shall be nominated to serve on the panel by the Louisiana Council of Juvenile and Family Court Judges, the Louisiana Supreme Court, the Louisiana State Bar Association, the Louisiana District Attorneys Association, the Louisiana Indigent Defender Assistance Board, the

Department of Social Services, the Mental Health Advocacy Service, and each of the four law schools of the state.

F. Members of the fee panel shall review whether a referred request for payment conforms to the applicable standards and is otherwise accurate and proper in accordance with professional practice. The review may include review of other requests for payment submitted by other attorneys in the same, or similar cases, a review of court files, review of agency records, and interviews of relevant parties, including the attorney submitting the request. When the reasonableness of hours is called into question, the panel shall refer to the Resource Guidelines for Improving Court Practice in Child Abuse and Neglect Cases published by the National Council of Juvenile and Family Court Judges for guidance.

G. Panel members shall agree to maintain the confidentiality of their review and deliberations. Panel members shall be bound by the same standards of confidentiality relative to individual case record information as the court and agency.

H. Upon determining that a request for payment is not in conformity with the applicable standards or is otherwise not accurate or proper in accordance with professional practice, the review panel shall advise the attorney submitting the request of the same in writing and specify the reasons for the determination. The attorney may provide a written response within 10 days of receipt of the determination. After reviewing the attorney's response, the fee panel shall make a recommendation to the appropriate court and the department regarding the referral and any adjustments to the fee requests it deems appropriate. There shall be no right of review or appeal to the recommendation by the panel members. A recommendation by the fee panel that a request for fees be reduced does not constitute a finding of wrongdoing.

I. The fee panel is authorized to recommend to the Supreme Court an attorney's suspension from appointment to child protection cases for a specified period of time and/or removal from the list of attorneys deemed eligible for appointment in such cases. The fee panel may also make referrals to the Attorney Disciplinary Board as appropriate.

J. Summary information regarding the operation of the fee panel, including referrals to and recommendations of the fee panel, shall be included in the annual report to the legislature pursuant to R.S. 46:460.21.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:460.21.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Community Services, LR 31:

Ann S. Williamson  
Secretary

0507#017

**DECLARATION OF EMERGENCY**

**Department of Social Services  
Office of Family Support**

FITAP, Food Stamp Program, and KCSP Combat Pay  
(LAC 67:III.1229, 1980, and 5329)

The Department of Social Services, Office of Family Support, has exercised the emergency provision of the Administrative Procedure Act, R.S. 49:953(B) to amend

LAC 67:III, Subpart 2, Subpart 3, and Subpart 13, effective July 13, 2005. This Rule shall remain in effect for a period of 120 days. This declaration is necessary to extend the original Emergency Rule effective March 15, 2005, since it is effective for a maximum of 120 days and will expire before the final Rule takes effect. (The final Rule will be published in November 2005).

Pursuant to P.L. 108-447, the Consolidated Appropriations Act of 2005, the agency will amend §1229 in the Family Independence Temporary Assistance Program (FITAP), §1980 in the Food Stamp Program, and §5329 in the Kinship Care Subsidy Program (KCSP) to exclude from countable income additional pay received and made available to the household by a member of the United States Armed Forces deployed to a designated combat zone.

Emergency action in this matter is necessary as P.L. 108-447 mandates this change in the Food Stamp Program and failure to promulgate the Rule could result in the imposition of sanctions or penalties by the USDA, Food and Nutrition Service, the governing authority of the Food Stamp Program in Louisiana. To provide program continuity, this income exclusion will also be applied to the FITAP and KCSP programs.

**Title 67  
SOCIAL SERVICES**

**Part III. Family Support**

**Subpart 2. Family Independence Temporary Assistance Program**

**Chapter 12. Application, Eligibility and Furnishing Assistance**

**Subchapter B. Conditions of Eligibility**

**§1229. Income**

A. Income is any gain or benefit to a household that has monetary value and is not considered a resource. Count all income in determining pretest eligibility except income from:

1. - 28. ...

29. Effective October 1, 2004 additional pay received and made available to the household by a member of the United States Armed Forces deployed to a designated combat zone.

B. - G. ...

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. 46:231.2, P.L.108-447.

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:

**Subpart 3. Food Stamps**

**Chapter 19. Certification of Eligible Households**

**Subchapter I. Income and Deductions**

**§1980. Income Exclusion**

A. - C. ...

D. Effective October 1, 2004, additional pay received and made available to the household by a member of the United States Armed Forces deployed to a designated combat zone.

AUTHORITY NOTE: Promulgated in accordance with P.L.103-66, 7 CFR 273.9(c)(11), P.L. 104-193, P. L. 107-171, P.L. 108-447.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Family Support, LR 20:990 (September 1994), amended LR 20:1362 (December 1994), LR 21:186 (February 1995), LR 23:82 (January 1997), LR 29:607 (April 2003), LR 31:

**Subpart 13. Kinship Care Subsidy Program (KCSP)  
Chapter 53. Application, Eligibility, and Furnishing Assistance**

**Subchapter B. Conditions of Eligibility**

**§5329. Income**

A. Income is any gain or benefit to a household that has monetary value and is not considered a resource. Count all income in determining pretest eligibility except income from:

1. - 27. ...

28. Effective October 1,2004, additional pay received and made available to the household by a member of the United States Armed Forces deployed to a designated combat zone.

B. - D. ...

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.

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:

Ann Silverberg Williamson  
Secretary

0507#055

**DECLARATION OF EMERGENCY**

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

2005 Deepwater Grouper Commercial Season

The commercial season for the harvest of deepwater groupers in Louisiana state waters will close effective 12:01 a.m., July 7, 2005. The deepwater grouper assemblage includes misty, snowy, yellowedge, Warsaw grouper, and speckled hind. The secretary has been informed that the commercial season for deepwater groupers in the Federal waters of the Gulf of Mexico off the coast of Louisiana has been closed and will remain closed until 12:01 a.m., January 1, 2006.

In accordance with the emergency provisions of R.S. 49:953(B), the Administrative Procedure Act, R.S. 49:967 which allows the Department of Wildlife and Fisheries and the Wildlife and Fisheries Commission to use emergency procedures to set finfish seasons, R.S. 56:326.3 which provides that the Wildlife and Fisheries Commission may set seasons for saltwater finfish, and the authority given to the secretary of the department by the commission in its resolution of January 6, 2005 to modify opening and closing dates of 2005 commercial reef fish seasons in Louisiana state waters when he is informed by the Regional Director of the National Marine Fisheries Service that the seasons have been closed in adjacent Federal waters, and that the NMFS requests that the season be modified in Louisiana State waters, the Secretary hereby declares:

The commercial fishery for deepwater groupers in Louisiana waters will close at 12:01 a.m., July 7, 2005, and remain closed until 12:01 a.m., January 1, 2006. Effective with this closure, no person shall commercially harvest, possess, purchase, barter, trade, sell or attempt to purchase, barter, trade or sell deepwater groupers whether within or without Louisiana waters. Effective with closure, no person shall possess deepwater grouper in excess of a daily bag limit, which may only be in possession during the open recreational season. Nothing shall prohibit the possession or sale of fish legally taken prior to the closure providing that all commercial dealers possessing deepwater grouper taken legally prior to the closure shall maintain appropriate records in accordance with R.S. 56:306.5 and R.S. 56:306.6.

The secretary has been notified by National Marine Fisheries Service that the commercial deepwater grouper season in Federal waters of the Gulf of Mexico has been closed, and the season will remain closed until 12:01 a.m., January 1, 2006. Having compatible season regulations in State waters is necessary to provide effective rules and efficient enforcement for the fishery, to prevent overfishing of this species in the long term.

Dwight Landreneau  
Secretary

0507#026

## **DECLARATION OF EMERGENCY**

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

#### **2005-06 Fur Trapping Season**

In accordance with the provisions of R.S. 56:259(A) which authorizes the Wildlife and Fisheries Commission to set the open season for the taking of non-game quadrupeds and allows the Commission to extend, curtail or prohibit trapping in any area of the state each year and in accordance with emergency provisions of R.S. 49:953(B) and R.S. 49:967(D) of the Administrative Procedure Act, which allows the Wildlife and Fisheries Commission to use emergency provisions to set seasons, the Wildlife and Fisheries Commission does hereby set the 2005-2006 trapping season, statewide from November 20, 2005 through March 31, 2006 including all Department Wildlife Management Areas except Acadiana Conservation Corridor, Floy Ward McElroy, Elbow Slough and Sandy Hollow where the trapping season will remain closed. The Wildlife and Fisheries Commission does hereby also authorize the Secretary of the Department of Wildlife and Fisheries to extend or shorten the adopted season.

Wayne J. Sagrera  
Chairman

0507#027

## **DECLARATION OF EMERGENCY**

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

#### **2005 Large Coastal Shark Season Closure**

In accordance with the emergency provisions of R.S. 49:953(B), the Administrative Procedure Act, R.S. 49:967 which allows the Department of Wildlife and Fisheries and the Wildlife and Fisheries Commission to use emergency procedures to set finfish seasons, R.S. 56:326.3 which provides that the Wildlife and Fisheries Commission may set seasons for saltwater finfish, and the authority given to the secretary of the department by the commission in its rule LAC 76:VII.357.M.2 which allows the secretary to declare a closed season when he is informed that the commercial large coastal shark seasonal quota for that species group and fishery has been met in the Gulf of Mexico, and that such closure order shall close the season until the date projected for the re-opening of that fishery in the adjacent Federal waters, the Secretary of the Department of Wildlife and Fisheries hereby declares:

Effective 11:30 p.m., July 23, 2005, the commercial fishery for large coastal sharks in Louisiana waters, as described in LAC 76:VII.357.B.2, (great hammerhead, scalloped hammerhead, smooth hammerhead, nurse shark, blacktip shark, bull shark, lemon shark, sandbar shark, silky shark, spinner shark and tiger shark) will close until 12:01 a.m., September 1, 2005. Nothing herein shall preclude the legal harvest of large coastal sharks by legally licensed recreational fishermen during the open season for recreational harvest. Effective with this closure, no person shall commercially harvest, possess, purchase, exchange, barter, trade, sell or attempt to purchase, exchange, barter, trade or sell large coastal sharks or fins thereof, whether taken from within or without Louisiana waters. Also effective with the closure, no person shall possess large coastal sharks in excess of a daily bag limit whether taken from within or without Louisiana waters, which may only be in possession during the open recreational season. Nothing shall prohibit the possession or sale of fish legally taken prior to the closure providing that all commercial dealers possessing large coastal sharks taken legally prior to the closure shall maintain appropriate records in accordance with R.S. 56:306.5 and R.S. 56:306.6.

The secretary has been notified by the National Marine Fisheries Service that the second trimester subquota for large coastal sharks is projected to be reached on or before July 23, 2005 and that the federal season closure is necessary to ensure that the established quotas are not exceeded.

Dwight Landreneau  
Secretary

0507#028

## DECLARATION OF EMERGENCY

### Department of Wildlife and Fisheries Wildlife and Fisheries Commission

#### 2005 Shrimp Season Closure—Portion of Zone 1 and Zone 3

In accordance with the emergency provisions of R.S. 49:953(B) and R.S. 49:967 of the Administrative Procedure Act which allows the Wildlife and Fisheries Commission to use emergency procedures to set shrimp seasons and R.S. 56:497 which provides that the Wildlife and Fisheries Commission shall fix no less than two open seasons each year for all or part of inside waters and a resolution adopted by the Wildlife and Fisheries Commission on May 5, 2005 which authorized the Secretary of the Department of Wildlife and Fisheries to close the 2005 Spring Shrimp Season in any portion of the state's inside waters to protect small white shrimp if biological and technical data indicates the need to do so or if enforcement problems develop, the secretary hereby declares:

The 2005 spring shrimp season in inside waters will close in Shrimp Management Zone 1 except for that portion of Mississippi Sound from a position along the Mississippi-Louisiana state line at latitude 30E09'39.67" N and longitude 89E30'00" W southeastward to the U.S. Coast Guard navigational light off the eastern shore of Three-Mile Pass at latitude 30E03'12" N and longitude 89E21'30" W thence northeastward to a position which intersects the menhaden line as described in the Menhaden Rule (LAC 76:VII.307.D) north of Isle au Pitre at latitude 30E10'00" W and all of Zone 3 on Sunday, July 3, at 6 a.m. The open waters of Breton and Chandeleur Sounds as described in the Menhaden Rule will remain open to shrimping until further notice. Zone 1 comprises State inside waters from the Mississippi-Louisiana state line to the eastern shore of South Pass of the Mississippi River and Zone 3 comprises State inside waters from the western shore of Vermilion Bay and Southwest Pass at Marsh Island to the Louisiana-Texas state line.

The relative number, percentage and distribution of small white shrimp immigrating into the areas to be closed has increased substantially in the last week and these waters are being closed to protect these developing shrimp.

Effective 6 a.m. July 3, all state inside waters from the Mississippi-Louisiana state line west to the Louisiana-Texas state line except for Breton and Chandeleur Sounds and a portion of Mississippi Sound, are closed to the harvest of shrimp.

The State Territorial waters seaward of the Inside/Outside Shrimp Line, as described in R.S. 56:495, shall remain open to shrimping.

Dwight Landreneau  
Secretary

0507#016

## DECLARATION OF EMERGENCY

### Department of Wildlife and Fisheries Wildlife and Fisheries Commission

#### 2005 Spring Shrimp Season Closure Portion of Zone 1 and Zone 2

In accordance with the emergency provisions of R.S. 49:953(B) and R.S. 49:967 of the Administrative Procedure Act which allows the Wildlife and Fisheries Commission to use emergency procedures to set shrimp seasons and R.S. 56:497 which provides that the Wildlife and Fisheries Commission shall fix no less than two open seasons each year for all or part of inside waters and a resolution adopted by the Wildlife and Fisheries Commission on May 5, 2005 which authorized the Secretary of the Department of Wildlife and Fisheries to close the 2005 spring shrimp season in any portion of the state's inside waters to protect small white shrimp if biological and technical data indicates the need to do so or if enforcement problems develop, the secretary hereby declares:

The 2005 spring shrimp season in inside waters will close in that part of Shrimp Management Zone 1 which is south and west of the Mississippi River Gulf Outlet (MRGO), and south of the Gulf Intracoastal Waterway from its juncture with the MRGO to its juncture with the Industrial Canal and all of Zone 2 on Monday, June 27 at 6 a.m. The remainder of Zone 1 which is north and east of the Mississippi River Gulf Outlet (MRGO), and north of the Gulf Intracoastal Waterway from its juncture with the MRGO to its juncture with the Industrial Canal, including the waters of the MRGO, Breton and Chandeleur Sounds as described in the Menhaden Rule (LAC 76:VII.307D), Lakes Pontchartrain and Borgne and all waters north and east of the MRGO will remain open to shrimping until further notice. Zone 2 includes all Louisiana inside waters from the eastern shore of South Pass of the Mississippi River to the western shore of Vermilion Bay and Southwest Pass at Marsh Island. The relative numbers, percentages and distribution of small juvenile white shrimp in these waters have progressively increased in recent weeks and the regions are being closed to protect these developing shrimp.

The remaining portion of Zone 1 and all of Zone 3 will remain open until further notice.

The State Territorial Waters south of the Inside/Outside Shrimp Line, as described in R.S. 56:495 shall remain open.

Dwight Landreneau  
Secretary

0507#011

# Rules

## RULE

### Department of Agriculture and Forestry Seed Commission

Louisiana Seed Law  
(LAC 7:XIII.123, 141, and 143)

In accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., and R.S. 3:1433, the Department of Agriculture and Forestry, Office of the Louisiana Seed Commission, has amended regulations governing definitions and the fee structure for certified seed making it consistent throughout the industry.

The Louisiana Seed Commission has amended regulations regarding the fee structure for certified seed making it more consistent throughout the industry. Classes of certified seed are recognized throughout the industry by the color of the tag that is attached to the package. The proposed standards relate the color of the tag with the definition of the particular class of certified seed.

Certification fees are currently assessed on a per tag basis, being one tag per container regardless of the size of the container. (Container sizes can range from 50-2000 pounds.) These standards require that seed certification fees be assessed on a per weight unit basis, with the amount of the weight units being established by the seed commission, and based on a common industry accepted packaging weight and specified within the certification standards.

Traditionally, rice and small grains have been packaged in 50 or 100 pound containers, but due to the introduction of bulk bags and bulk Q-bit containers (holding up to 2000 pounds of seed and widely used in the seed industry), the industry trend is toward these larger containers and away from the smaller packaging. The bulk certification of the certified class of rice and small grain is currently being allowed. This Rule will extend bulk certification to the registered class of rice and small grain. This trend potentially results in reduced labor costs and packaging costs which is passed on the grower.

These Rules are enabled by R.S. 3:1431 and 3:1433.

#### Title 7

### AGRICULTURE AND ANIMALS

#### Part XIII. Seeds

#### Chapter 1. Louisiana Seed Law

#### Subchapter B. General Seed Certification Requirements

#### §123. Classes of Seed

*Breeder Seed (White Tag)*—seed directly controlled by the originating or sponsoring plant breeding institution, firm or individual which is the source for the production of seed of the certified classes.

*Foundation Seed (White Tag)*—progeny of breeder or foundation seed, handled so as to maintain specific genetic purity and identity, production of which must be acceptable to the Department of Agriculture and Forestry.

*Registered Seed (Purple Tag)*—progeny of breeder or foundation seed, handled under procedures acceptable to the

Department of Agriculture and Forestry to maintain satisfactory genetic purity and identity.

*Certified Seed (Blue Tag)*—progeny of breeder, foundation or registered seed, handled under procedures acceptable to the Department of Agriculture and Forestry to maintain satisfactory genetic purity and identity.

#### *Tree Seed*—

1. *Certified Tree Seed (Blue Tag)*—seed from trees of proven genetic superiority, produced so as to assure genetic identity. Seeds from interspecific hybrids of forest trees may be included.

2. *Selected Tree Seed (Green Tag)*—progeny of rigidly selected trees or stands of untested parentage that have promise but not proof of genetic superiority and for which geographic source and elevation is stated on the label.

3. *Source-Identified Tree Seed (Yellow Tag)*—seed from:

a. natural stands with known geographic source and elevation, or plantations of known geographic origin and which is acceptable to the Department of Agriculture and Forestry.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1433.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Seed Commission, LR 8:564 (November 1982), amended by the Department of Agriculture and Forestry, Seed Commission, LR 12:825 (December 1986), LR 31:1510 (July 2005).

#### §141. Processing of Certified Seed

##### A. Bagging

1. All seed approved for certification must be packaged in new 100 pound containers or less, except as provided by §141.A.1-2.

2. Registered Class of rice and small grains (wheat and oats):

a. new super-bags or Q-Bit bulk containers (or its equivalent as determined by the Louisiana Department of Agriculture and Forestry);

b. each super-bag or Q-Bit container of registered seed must be sealed in an LDAF approved manner that prevents removal and re-attachment without tampering being obvious. Seals shall be attached after filling and/or sampling is completed.

3. Certified class of rice and small grains (wheat and oats):

a. new or reusable super-bags or Q-Bit bulk containers (or its equivalent as determined by the Louisiana Department of Agriculture and Forestry).

NOTE: Reusable containers must be cleaned in a manner approved by the Louisiana Department of Agriculture and Forestry.

##### B. Tagging

1. Each container of all classes of certified seed offered for sale must have an official Department of Agriculture and Forestry tag attached.

2. The lot number of the tag attached to each container must be the same as the lot number marked on the container.

3. The tag shall contain the following information:

- a. kind and variety;
- b. where grown;
- c. percentage of pure seed, crop seed, weed seed and inert matter;
- d. name and number of noxious weed seeds per pound;
- e. grower's name and address or code number;
- f. germination percentage;
- g. hard seed;
- h. total germination and hard seed percentage;
- i. net weight;
- j. lot number; and
- k. date of test.

4. Tags will be issued only for seed proven by laboratory analysis to meet required germination and purity standards.

5. The number of tags issued will be determined by the inspector's estimate of the quantity of seed at the time of sampling. All unused tags must be returned to the Department of Agriculture and Forestry.

6. Pretagging

a. In order to permit seedsmen to bag and label seed in advance of final laboratory reports, certification tags may be issued in advance. Such labels can be pre-issued upon receipt of completed field inspection reports showing that field production standards have been met. The state may grant a waiver on the movement of seed if an acceptable preliminary test is made on the seed lot. If pretagged lots fail laboratory analysis standards, all tags shall be destroyed or returned to the Louisiana Department of Agriculture and Forestry. Failure to comply with this regulation will result in suspension of future pre-tag privileges.

7. The official certification label may be printed directly on the container with prior approval of the Department of Agriculture and Forestry.

8. Labels other than those printed on the containers shall be attached to containers in a manner that prevents removal and reattachment without tampering being obvious.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1433 and R.S. 3:1434.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Seed Commission, LR 8:566 (November 1982), amended LR 9:196 (April 1983), amended by the Department of Agriculture and Forestry, Seed Commission, LR 12:825 (December 1986), LR 20:642 (June 1994), LR 31:35 (January 2005), LR 31:1510 (July 2005).

**§143. Fees**

A. The application fee for certification shall be \$23 for each crop, one variety per application, plus \$0.90 per acre inspection fee for all crops except sweet potatoes and sugar cane which shall be \$1.80 per acre and turf and pasture grass which shall be \$25 per acre. The application fee shall be due and payable upon filing of the application for certification.

B. The fee for certification on any application submitted after the deadline shown in §131 shall be \$100.

C. A fee of \$50 shall be charged for each re-inspection of a field.

D. Fees for certified seed shall be \$0.16 per weight unit and be calculated on the total weight units in the certifiable

lot. The number of weight units for a particular lot of seed shall be reported when the certified sample is taken. Fees are due upon request for certified tags; except for those certified processors that have pre-approval to print certified tags which fees are due with the quarterly tag report.

1. The weight unit for rice is 100 pounds; all other commodity weight units are 50 pounds.

2. Any person who sells, distributes, or offers for sale certified seed in Louisiana and who has paid certification fees for a particular lot of seed may request a refund on the unsold portion of the certified lot from the Louisiana Department of Agriculture and Forestry. Any person requesting a refund must submit:

a. a written request to the department within nine months of the certified test date, stating:

i. lot number for the seed that the request is being made;

ii. number of weight units sold from the certified lot; and

iii. the number of weight units partitioned for refund from the certified lot;

iv. all unused tags from the certified lot.

E. Fees for Sweet Potatoes

1. The fee for greenhouse inspections of virus-tested sweet potato plants and mini-roots shall be \$50 per crop year.

2. A fee of \$0.05 cents per 1,000 plants will be collected for each 1,000 sweet potato plants inspected for certification purposes.

F. Fees for Bulk Seed Certification

1. The fee for the issuance of a bulk certified seed sales certificate shall be \$0.16 per weight unit.

G. Fees for Phytosanitary Inspection

1. A fee of \$0.50 per acre shall be charged for phytosanitary inspections.

2. The application fee for phytosanitary inspection shall be due and payable upon filing of the application for certification.

H. Fees for Re-Sampling Certified Seed

1. A fee of \$30 will be charged for each re-sample, which fee shall be due and payable when the request for re-sample is initially made.

I. Fees for Bulk Sampling

1. A fee of \$30 shall be charged for each bulk sample by vacuum probe, which shall be due and payable when request for bulk sample is initially made.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1433.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Seed Commission, LR 8:566 (November 1982), amended LR 10:495 (July, 1984); amended by the Department of Agriculture and Forestry, Seed Commission, LR 12:825 (December 1986), LR 14:604 (September 1988), LR 16:847 (October 1990), LR 25:1617 (September 1999), LR 26:235 (February 2000), LR 29:2632 (December 2003), LR 31:420 (February 2005), LR 31:1511 (July 2005).

Bob Odom  
Commissioner

0507#013



## RULE

### Board of Elementary and Secondary Education

Bulletin 111—The Louisiana School, District, and State Accountability System (LAC 28:LXXXIII.301, 501, 517, 519, 901, 1301, 1401, 1403, 1405, 1407, 1501, 1503, 1505, 1701, 1703, 1704, 1705, 1706, 1707, 1901, 1903, 2101, 2301, 3107, 3109, 3111, and 3905)

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, the Board of Elementary and Secondary Education adopted revisions to *Bulletin 111—The Louisiana School, District, and State Accountability System* (LAC Part Number LXXXIII). Act 478 of the 1997 Regular Legislative Session called for the development of an Accountability System for the purpose of implementing fundamental changes in classroom teaching by helping schools and communities focus on improved student achievement. The State's Accountability System is an evolving system with different components.

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

These changes more clearly define the school performance score goal, calculating the NRT index (formulas and inclusion of students and schools), reward eligibility, academic assistance, school improvement, school improvement requirements (schools, districts, and state), reconstitution light plans, local board of education requests, waivers, and alternate assessment results.

#### Title 28 EDUCATION

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

#### Chapter 3. School Performance Score Component

#### §301. School Performance Score Goal

A. - D. ...

E. Beginning in 2004, preliminary accountability results issued each summer shall include both preliminary school performance scores and subgroup component analyses for those schools on the academic watch list, or in school improvement 2 or higher, or who have failed the subgroup component the prior year. Final accountability results shall be issued during the fall semester of each year.

1. Beginning in fall of 2004, schools shall receive two SPSs.

a. A Growth SPS, which shall consist of the CRT, NRT, and LAA data from the prior school year and the attendance and/or dropout data from the school year two years prior (example: fall 2004 Growth SPS will include spring 2004 CRT, NRT and LAA data and 2002-2003 attendance and/or dropout data).

i. The Growth SPS shall be used to determine growth labels, rewards status and academic assistance status for the SPS component

b. A Baseline SPS, which shall consist of the two prior school years' CRT, NRT, and LAA data and attendance and/or dropout data from two years' prior to the most recent assessment results (example: fall 2004 Baseline SPS will

include spring 2003 and 2004 CRT, NRT, and LAA data and 2001-02 and 2002-03 attendance and/or dropout data).

i. The Baseline SPS shall be used to determine performance labels and academically unacceptable schools.

F. Repealed.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2737 (December 2003), amended LR 31:1512 (July 2005).

#### Chapter 5. Calculating the NRT Index

#### §501. Formulas Relating Student Standard Scores to NRT Index (K-8)

A. Formulas for calculating the NRT Index Iowa Standard Scores (SS) beginning in 2003.

Index 3rd Grade = (4.181 * SS) - 693.6
Index 5th Grade = (3.101 * SS) - 599.3
Index 6th Grade = (2.462 * SS) - 470.4
Index 7th Grade = (2.153 * SS) - 427.1
Index 9th Grade = (2.060 * SS) - 430.5

B. A student not taking the test and not exempted will be assigned a zero NRT index.

C. Repealed.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2740 (December 2003), amended LR 31:1512 (July 2005).

#### §517. Inclusion of Students

A. As a general rule for the school performance score calculations, the test score of every student who is eligible to take a test at a given school shall be included in that school's performance score regardless of how long that student has been enrolled in that school. A school that has at least 10 percent of its students transferring from outside the district after October 1 but before the conclusion of spring testing may request that the Louisiana Department of Education calculate what its Growth and Baseline SPS would have been if such out-of-district enrollees had not been included. If the newly calculated Growth SPS indicates a change in academic assistance or reward status, then the school may request a waiver from any negative accountability action taken by the state: e.g., movement into school improvement, application of growth labels.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2741 (December 2003), amended LR 31:1512 (July 2005).

#### §519. Inclusion of Schools

A. Beginning in 2004, for the Baseline SPS, all schools shall have a minimum number of:

1. 80 testing units to include one or all four parts of the statewide criterion-referenced test; and
2. 20 students with complete composite scores on the statewide norm-referenced test.

B. Beginning in 2004, for the Growth SPS, all schools shall have a minimum number of:

1. 40 testing units to include one or all four parts of the statewide criterion-referenced test; and
2. 10 students with complete composite scores on the statewide norm-referenced test.

C. Repealed.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2741 (December 2003), amended LR 31:1512 (July 2005).

**Chapter 9. Growth Labels**

**§901. Growth Labels for 2003**

Repealed.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2744 (December 2003), repealed LR 31:1513 (July 2005).

**Chapter 13. Rewards/Recognition**

**§1301. Reward Eligibility**

A. Beginning in 2004, a school shall receive recognition and monetary awards (as appropriated by the legislature) when it achieves a growth label of Exemplary or Recognized Academic growth. Exemplary Academic Growth shall require, in addition to achieving the school's Growth Target, at least 2.0 points growth in every subgroup's GPS (African American, American Indian/Alaskan Native, Asian, Hispanic, White, Economically Disadvantaged, Limited English Proficient, Students with Disabilities, and All Students), and the school cannot be in any level of school improvement. Recognized Academic Growth is earned by any school that meets its growth target, regardless of subgroup growth or school improvement status.

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

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2744 (December 2003), amended LR 30:1446 (July 2004), LR 31:1513 (July 2005).

**Chapter 14. Academic Assistance (formerly School Improvement 1)**

**§1401. Levels of Academic Assistance**

A. There shall be six levels of academic assistance. A school that enters academic assistance shall receive additional support and assistance with the expectation that efforts shall be made by students, parents, teachers, principals, administrators, and the school board to improve student achievement at the school. A school in academic assistance shall begin the remedies required at the level that the school is in as a result of the fall final accountability release. The remedies required in each level of academic assistance shall be additive in nature as schools move to higher levels of academic assistance (e.g., schools in academic assistance level 3 are required to meet the remedies of levels 1, 2, and 3).

Academic Assistance Level	Remedy
3	Scholastic Audit (Year 2)
4	Add from Corrective Action List
5	Develop Reconstitution "light" plan
6	Implement Reconstitution "light"—Substantial school reform aimed at increasing the academic performance of low achieving subgroups.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1513 (July 2005).

**§1403. Entry into Academic Assistance**

A. Schools that fail to meet their growth targets enter academic assistance level 1 (AA1) when:

1. they receive a 1 star performance label based on the current year's score release and fail to meet their growth target; or

2. they receive a 2 star performance label and do not make at least 0.1 SPS points of growth based on the current year's score release; or

3. they receive a 3 star performance label and decline more than 2.5 SPS points based on the current year's score release.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1513 (July 2005).

**§1405. Movement in Academic Assistance**

A. Schools move one level higher in academic assistance when they fail to meet their growth target and their newly calculated growth target exceeds 8.0 SPS points (a school in AA2 moves to AA3).

B. Schools remain at the same level of academic assistance when they:

a. reach their growth target, but their new growth target exceeds 8.0 SPS points; or

b. fail to reach their growth target, but their new growth target is less than or equal to 8.0 SPS points.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1513 (July 2005).

**§1407. Exit from Academic Assistance**

A. A school shall exit academic assistance when the fall accountability results indicate it has achieved its growth target and its new growth target is less than or equal to 8.0 SPS points.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1513 (July 2005).

**Chapter 15. School Improvement (formally called Corrective Actions)**

**§1501. Levels of School Improvement**

A. There shall be five levels of school improvement. A school that enters school improvement shall receive additional support and assistance with the expectation that extensive efforts shall be made by students, parents, teachers, principals, administrators, and the school board to improve student achievement at the school. A school in school improvement shall begin the remedies required at the

Academic Assistance Level	Remedy
1	If SPS < 80,0 the district will assist the school with a needs assessment and in analyzing the data to determine strengths, weaknesses, goals, and objectives. Revised School Improvement Plan
2	Scholastic Audit (Year 1) District Assistance Team

level that the school is in upon initial identification of the school for that level of school improvement, either summer preliminary or fall final accountability release. The remedies required in each level of school improvement shall be

additive in nature as schools move to higher levels of school improvement (e.g., schools in SI 3 are required to meet the remedies of SI 2 and SI 3).

SI Level	Remedy	SPS Component Academically Unacceptable Schools		Subgroup Component AYP Analysis	
		Title I	Non-Title I	Title I	Non-Title I
SI 2	Revised School Improvement Plan	X	X	X	X
	School Choice	X	X	X	-
	Scholastic Audit (Year 1)	X	X	X	X
	District Assistance Team	X	X	X	X
SI 3	Supplemental Educational Services (SES)	X	-	X	-
	Schools are eligible for DE	X	X	-	-
	Scholastic Audit (Year 2)	X	X	X	X
SI 4	Add from Corrective Action List	X	X	X	X
	Develop reconstitution plan (eligible for DE Partnership)	X	X	-	-
SI 5	Implement reconstitution plan or lose school approval	X	X	-	-
	Develop Alternate Governance plan	-	-	X	-
	Develop Reconstitution "light" plan	-	-	-	X
SI 6	Alternate Governance	X	X	X	-
	Implement Reconstitution "light"—Substantial school reform aimed at increasing the academic performance of low achieving subgroups.	-	-	-	X

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2745 (December 2003), amended LR 30:2744 (December 2004), LR 31:1513 (July 2005).

### §1503. Entry into School Improvement

A. Schools shall enter school improvement by two methods of identification.

1. Any academically unacceptable school enters school improvement 2.

a. Beginning in 2005, schools with a Baseline SPS below 60.0 shall be considered academically unacceptable.

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

B. Schools that enter school improvement 2 through method 1 or 2 above shall be considered as not meeting adequate yearly progress for the purposes of NCLB.

C. In the event that test scores are voided at a school due to testing irregularities, the accountability recalculations shall be performed. If applicable, the school shall be placed in the appropriate level of school improvement at the time of recalculation, and all associated remedies shall be applied.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2745 (December 2003), amended LR 30:2257 (October 2004), LR 30:2445 (November 2004), LR 31:1514 (July 2005).

### §1505. Exit from School Improvement

A. A school shall exit school improvement when the fall accountability results indicate:

1. it is no longer academically unacceptable, and has met its growth target, and has not failed the subgroup component for two consecutive years;

2. it is in school improvement for failure to pass the subgroup component, and it passes the subgroup component

for two consecutive years and is not academically unacceptable;

3. ...

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2746 (December 2003), amended LR 30:1619 (August 2004), repromulgated LR 30:1996 (September 2004), amended LR 30:2257 (October 2004), LR 31:1514 (July 2005).

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

### §1701. School Improvement Requirements

A. A Revised or New School Improvement Plan (SIP). All Louisiana schools were required to have school improvement plans in place by May of 1998. Within 90 days of initial identification, those schools placed in School Improvement shall be required with the assistance of District Assistance Teams to review and either revise or completely rewrite their School Improvement Plans according to the guidelines established by the Louisiana Department of Education.

B. Assurance Pages. Districts with schools in school improvement shall be required to provide assurances that each school's improvement plan has the essential components required in the Louisiana School Improvement Plan Template and is acceptable as measured by the Louisiana SIP Rubric. Signatures of the appropriate district personnel shall also be required.

C. All schools in school improvement shall be assigned a District Assistance Team to assist in the development of the SIP according to the guidelines established by the Louisiana Department of Education, and shall submit its' SIP to the Division of School Standards, Accountability, and Assistance. Districts with school's in school improvement must also submit to the Louisiana Department of Education a *Quarterly Monitoring of the Implementation of the School Improvement Plan* for each school in school improvement.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2746 (December 2003), amended LR 30:1619 (August 2004), repromulgated LR 30:1996 (September 2004), amended LR 30:2744 (December 2004), LR 31:1514 (July 2005).

### **§1703. School Improvement 2 Requirements (SI 2)**

A. A school shall remain in SI 2 if:

1. it is academically unacceptable, made its growth target; or
2. it passes the subgroup component in the same subject that caused it to enter SI 2 for the current year, but not two consecutive years.

B. - C. Repealed.

D. - E. ...

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2746 (December 2003), amended LR 30:2257 (October 2004), LR 30:2745 (December 2004), LR 31:1515 (July 2005).

### **§1704. School Improvement 3 Requirements**

A. A school enters SI 3 if:

1.- 3. ...

4. Repealed.

B. A school remains in SI 3 if:

1.- 2. ...

3. Repealed.

C. - D. ...

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

E.1. - F. ...

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2746 (December 2003), amended LR 30:2257 (October 2004), LR 30:2745 (December 2004), LR 31:1515 (July 2005).

### **§1705. School Improvement 4 Requirements**

A. All schools in SI 4 must adhere to the requirements of schools in SI 3.

B. A school enters SI 4 if:

1.- 3. ...

4. Repealed.

C. A school remains in SI 4 if:

1. - 2. ...

3. Repealed.

D. - G. ...

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2747 (December 2003), amended LR 30:2257 (October 2004), LR 30:2446 (November 2004), LR 31:1515 (July 2005).

### **§1706. School Improvement 5 Requirements**

A. All schools in SI 5 must adhere to the requirements of schools in SI 4.

B. A school enters SI 5 if:

1. - 3. ...

4. Repealed.

C. A school remains in SI 5 if:

1. - 2. ...

3. Repealed.

D. - F. ...

G. Repealed.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2747 (December 2003), amended LR 30:2257 (October 2004), LR 31:1515 (July 2005).

### **§1707. School Improvement 6 Requirements**

A. All schools in SI 6 must adhere to the requirements of schools in SI 5.

B. A school enters SI 6 if:

1. - 3. ...

4. Repealed.

C. A school remains in SI 6 if:

1. it is an AUS and it made its GT; or

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

3. Repealed.

D. - D.5. ...

E. All non-Title I schools that enter SI 6 due to subgroup component failure must implement their approved "Reconstitution Light" Plans.

F. - Note. ...

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2747 (December 2003), amended LR 30:2257 (October 2004), LR 31:1515 (July 2005).

## **Chapter 19. School Improvement: District and State Level Tasks**

### **§1901. District Level Tasks**

A. For all schools in school improvement, districts shall:

1. submit to SBESE by February 1 of each year a status report regarding the implementation of all school improvement requirements and activities in each of their school improvement schools;

2. assign a District Assistance Team (DAT) to assist in the development of the School Improvement Plan according to the guidelines established by the Louisiana Department of Education that include:

a. assist the school with the state's diagnostic process or another process meeting state approval to identify needs in order to develop/revise and implement a consolidated improvement plan, including an integrated budget. The process must include:

i. opportunities for significant parent and community involvement;

ii. public hearings; and

iii. at least two-thirds teacher approval.

3. provide assurances from the local superintendent and the DAT that each school's improvement plan has the essential components required in the Louisiana School Improvement Plan Template and is acceptable as measured by the Louisiana SIP Rubric;

4. assist with the scholastic audit, if necessary; and

5. when provided with the results of the scholastic audit, develop a plan with schools to correct problems identified by the scholastic audit, monitor implementation of the plan, and evaluate its effectiveness based on student assessment results;

6. offer school choice, if required, within proper timeframe.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2748 (December 2003), amended LR 31:1515 (July 2005).

### **§1903. District Support at Levels 3-6**

A. - B.6. Repealed.

C. District's Responsibilities for School(s) in School Improvement 3

1. Continue to adhere to the requirements of schools in school improvement as described in §1901.

2. - 4. ...

5. - 6. Repealed.

D. District's Responsibilities for Schools in School Improvement 4

1. - 3. ...

E. District's Responsibilities to Schools in School Improvement 5

1. - 3. ...

F. District's Responsibilities to Schools in School Improvement 6

1. ...

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2748 (December 2003), amended LR 30:2745 (December 2004), LR 31:1516 (July 2005).

### **Chapter 21. State-Level School Improvement Tasks**

#### **§2101. State Support at Each Level**

A. State's Responsibilities to Districts with Schools in School Improvement

1. - 4. ...

5. Ensure that an external scholastic audit is completed for all SI2 schools as funding is available. If funding is limited, SI2 schools will be prioritized from lowest SPS to highest SPS, and scholastic audits will be conducted in rank order until funding is exhausted.

6. Provide training for District Assistance Teams.

7. Work to secure new funding and/or redirect existing resources to help implement their improvement plans.

8. Approve school choice plans.

9. Provide additional school improvement funds, as available.

B. Repealed.

C. State's Responsibilities to Districts with Schools in School Improvement 3

1. - 3. ...

D. State's Responsibilities to Districts with Schools in School Improvement 4

1. - 2. ...

E. State's Responsibilities to Districts with Schools in School Improvement 5

1. - 5. ...

F. State's Responsibilities to Districts with Schools in School Improvement 6

1. - 2. ...

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2748 (December 2003), amended LR 30:2745 (December 2004), LR 31:1516 (July 2005).

### **Chapter 23. Reconstitution/Alternate Governance Plans**

#### **§2301. Schools Requiring Reconstitution/Alternate Governance Plans**

A. Districts shall develop and submit a reconstitution/alternate governance plans to the SBESE for approval by December 31st for the following types of schools.

1. Reconstitution Plan: AUS schools in SI 4.

2. "Reconstitution Light" Plan: non-Title I schools in SI 5 for failing the subgroup component and schools in academic assistance level 5 for failing to make their required growth.

3. Alternate Governance Plan: Title I schools in SI 5 for failing the subgroup component and/or academically unacceptable schools in SI 6.

4. The reconstitution plan indicates how the district shall remedy the school's inadequate growth in student performance. The plan shall specify how and what reorganization shall occur, and how/why these proposed changes shall lead to improved student performance.

5. The alternate governance plan indicates how the district shall make significant changes in the school's staffing and governance, to improve student academic achievement in the school to be able to make adequate yearly progress.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2749 (December 2003), amended LR 31:1516 (July 2005).

### **Chapter 31. Data Correction and Appeals/Waivers Procedure**

#### **§3107. General Guidelines—Local Board of Education-Level Requests**

A. The superintendent or official representative of each local governing board of education shall complete the LDE's Appeals/Waivers Request Form and provide supporting documentation to the Division of School Standards, Accountability, and Assistance no later than 30 calendar days after the official release of the final accountability results in the fall of each year.

B. Data corrections shall be grounds for an appeal or waiver request when:

1. evidence attributes data errors to the LDE and/or those contractors used for the student assessment program; and/or

2. evidence attributes errors to the LEA. Requests concerning either the inclusion or exclusion of special education student scores in the calculations of a school's SPS and growth target, except as outlined in Bulletin 111, shall not be considered by the LDE.

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

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2752 (December 2003), amended LR 30:2258 (October 2004), LR 31:1516 (July 2005).

**§3109. Criteria for Appeal**

A. LEA superintendents shall notify the LDE in writing of any changes to existing school configurations, changes to option status for alternative schools or pair/share status during the LDE accountability status verification process prior to the calculation of the school performance scores and subgroup component scores. Appeal recalculations shall be made using the information provided to the LDE in the following instances:

1. the student population in a school significantly increases by greater than or equal to 10 percent as a result of students transferring into the school from outside of the district as explained in §517;
2. an alternative school changes its option status by meeting the eligibility requirements;
3. a school's (inclusive of those paired or shared) enrollment has significantly changed by 50 percent or more from the previous academic year as a result of redistricting by the local governing board of education.

B. - D. ...

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2752 (December 2003), amended LR 30:1620 (August 2004), repromulgated LR 30:1997 (September 2004), amended LR 31:1517 (July 2005).

**§3111. Criteria for Waiver**

A. The recalculated SPS baseline of a school changes by 2.5 points (+/-2.5) as a result of a significant change of 10 percent or more in the student population because of students transferring into the school from outside of the district as explained in §517.

B. - D.1. ...

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2752 (December 2003), amended LR 31:1517 (July 2005).

**Chapter 39. Inclusion of Students with Disabilities**

**§3905. Inclusion of Alternate Assessment Results**

A. Beginning with the 2002-2003 Baseline SPS, LAA test scores shall be included in all SPS and Subgroup AYP calculations.

B. LAA scores shall be converted according to the following scale.

LAA Score	Level	CRT/NRT Points
0.00-0.49	Unsatisfactory	0
0.50-2.49	Approaching Basic	50
2.50-3.49	Basic	100
3.50-4.49	Mastery	150
4.50-5.00	Advanced	200

1. Students taking alternate assessments shall be included in accountability calculations at the grade level in which they are enrolled in the Student Information System (SIS).

2. Students taking LAA who do not meet the alternate assessment participation criteria shall receive a score of zero in SPS component calculations and a score of non-proficient in subgroup component calculations.

3. Repealed.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2754 (December 2003), amended LR 31:1517 (July 2005).

Weegie Peabody  
Executive Director

0507#005

**RULE**

**Board of Elementary and Secondary Education**

Bulletin 116—Louisiana Classical Languages  
Content Standards  
(LAC 28:CVII.Chapters 1-13)

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, the Board of Elementary and Secondary Education adopted *Bulletin 116—Louisiana Classical Languages Content Standards*. Bulletin 116 will be printed in codified format as Part CVII of the Louisiana Administrative Code. The *Louisiana Classical Language Content Standards* will provide guidance for the teaching of classical languages and for the selection of textbooks.

During the last several years, all modern and classical language teachers have been using the *Louisiana Foreign Language Content Standards* to guide instruction. Classical language teachers, however, have maintained that their curriculum and standards should be different, in that classical languages are no longer spoken (unlike modern languages which emphasize oral proficiency). The *Louisiana Classical Language Content Standards* document was developed by a committee of teachers and university instructors and is based on national standards for the teaching of classical languages.

**Title 28**

**EDUCATION**

**Part CVII. Bulletin 116—Classical Languages  
Content Standards**

**Chapter 1. General Provisions**

**§101. Definitions**

A. Assessment. Assessment is the process of obtaining quantitative or qualitative information about the academic status of students or schools. Assessment is a part of

instruction and is used in conjunction with other information to make educational decisions, to judge instructional effectiveness, curricular adequacy, or to form policy.

B. Authentic Materials. For students and teachers of classical languages, authentic materials are the products of the ancient world. For students of Latin and Greek, unadapted literature is the most important authentic material. All the remains of the classical world contribute to our knowledge of their practices, their perspectives, their culture: literature, non-literary records, artifacts, art, architecture, and all the things that archaeologists unearth.

C. Beginning/Developing/Expanding and Extending. Elementary students, if Latin or Greek is taught continuously from the early grades, may be expected to demonstrate beginning benchmarks by grade 6 or 8 (perhaps even by grade 4 if they begin a well coordinated program in kindergarten). Middle school students who study Latin or Greek every day in grades 7 and 8 should demonstrate beginning benchmarks by the end of grade 8. High school students should demonstrate beginning status by the end of their Level I course, intermediate status by the end of a Level III course, and advanced status by the end of a Level V or Advanced Placement Course. Such designations as Level I, II, and III place learning in a time frame that standards of excellence seek to avoid. In the scheme presented here, the progress of students in terms of standards of excellence or proficiency is the factor to be measured, not time.

D. Benchmark. A benchmark gives a quick picture of what a student who has mastered a standard knows and can do in a specific situation. Under each standard are benchmarks for beginning, intermediate, and advanced students. The benchmarks are neither prescriptive nor exhaustive. Intermediate and advanced students are expected to exhibit the benchmarks of the lower levels as well as the benchmarks of their own level.

E. Culturally Authentic. The most culturally authentic materials are those the Romans used, read, saw, and touched. Because these materials are rare or inaccessible to most students, it is necessary to create materials that approximate what was known in the ancient world, e.g., a story in Latin about a Roman child's day in school. Although comprehension of an unadapted text is the ultimate goal, that is not often attainable by a beginning seventh grader. If the emphasis in created materials is culturally authentic, students learn culture at the same time that they are learning language.

F. Curriculum. This state framework provides a curricular and programmatic context. District curricula further define course content in a coordinated sequence. A course curriculum is a teacher's outline for a specific course of study. Lesson plans translate curriculum into meaningful and creative activities for the individual classroom. The standards are meant as a guide to curriculum development, not a substitute for it. Curricula vary according to teaching style, learning style, the teacher's philosophy of teaching and learning, students' ability, textbooks used, and available resources. Curricula designed to achieve the standards should vary in many ways: in specific lesson plans, in types of drill, and in choice of authors and literary works.

G. Literature. Greek and Latin literature ranges at least from the eighth century B.C. through the classical periods of

Greece and Rome, the Byzantine and Middle Ages, the Renaissance, and even into the present age. Epic, lyric, tragic and comic drama, satire, history, biography, oratory, philosophy, scientific, agricultural, and medical treatises, even the novel are among the genres read by students of Latin and Greek. This wealth of literature provides a broad base for choosing authors or genre. In addition, nonliterary Latin and Greek provide a storehouse of authentic material to read: graffiti, inscriptions, coins, curse tablets. Caesar, Cicero, and Vergil have long been standard fare for high school students; they continue to be important models. However, the wealth of non-traditional authors and non-literary sources should not be ignored. *Louisiana Classical Language Content Standards* does not mandate the study of any particular set of authors but is intended to guide students toward a mastery of the language that will enable them, at the most advanced level, to read any author of Latin or Greek.

H. Oral Latin or Greek. The oral use of Latin or Greek includes reading or reciting Latin or Greek texts aloud (with proper attention to metrical structure, if the passage is poetry), asking and responding to questions, making statements, issuing and responding to commands. The word "speak," a more natural substitute for "use orally," has been avoided in order not to imply that "conversation" is an important part of the standard.

I. Perspectives. Perspectives are the meanings, attitudes, values, and ideas of a given culture, ancient or modern.

J. Proficiency. Proficiency is having or manifesting the knowledge and experience needed for success in language learning.

K. Reading. Reading includes all of the following: reading aloud, paraphrasing content, analyzing grammar and syntax, interpreting meaning, and translating. All of these skills cannot be demonstrated simultaneously, and good pedagogy would elicit practice and assessment of the separate skills for different and specific purposes. Reading that employs all methods needed for an accurate interpretation of the original text is, in the broadest sense, philology.

L. Scenario. A scenario is a picture in words of student performance in a classroom situation. It is a fully developed segment of curriculum, is articulated in a lesson plan, has activities, and uses specific linguistic and pedagogical strategies. The scenarios in *Louisiana Classical Language Content Standards* list the standards addressed and the reflections of the teacher on the lesson.

M. Standard. A standard describes what students should know and be able to do. Each strand in *Louisiana Classical Language Content Standards* contains two content standards.

N. Strand. The standards are organized within five strands that make up classical language education: communication, culture, connections, comparisons, and communities. These are the strands established in *Louisiana Classical Languages Content Standards*. Each strand is interrelated and must be woven into the fabric of curriculum development at the state, district, and local levels.

O. Translation. Translations are versions of a text in another language. They can range from close adherence to the original syntax to a free interpretation of content. Translations can be a teaching device to measure

comprehension; they can also be high art, demanding an expert command of English and Latin.

P. Writing. *Louisiana Classical Languages Content Standards* uses writing to mean any of the following: taking dictation, translating from English into Latin or Greek, transforming Latin or Greek into different patterns of Latin or Greek while maintaining the meaning, creating free composition in Latin or Greek. The primary aim of such written work is to enhance the ability of students to read the languages.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1517 (July 2005).

### §103. Purpose

A. The words, ideas, and culture of the ancient world are communicated to us in the writing and the archaeological remains of the people and their institutions. The ancient Greeks and Romans, breaking barriers of time and place, have communicated their message through the ages and continue to communicate to the modern world; we, in turn, communicate more clearly to each other in word, in practice, and in product as a result of that contact.

1. *Louisiana Classical Languages Content Standards*—applies strands of language learning to a context appropriate for Latin and Greek.

2. *Strands*—categories within particular content areas which vary from discipline to discipline. Strands are interrelated and should be integrated rather than taught in isolation.

B. The standards for classical language learning are organized within the five strands which make up classical language education: communication, culture, connections, comparisons, and communities. Each strand is a thread in the fabric that must be woven into curriculum development at the state, district, and local levels.

1. *Focus*—a statement describing the importance of a content strand.

2. *Content Standard*—a description of what students should know and be able to do through subject matter, knowledge, proficiencies, etc., gained as a result of their education.

a. Each strand contains two content standards. These standards describe the knowledge and abilities students should acquire.

3. *Benchmark*—a broad statement of process and/or content that is used as a reference to develop curriculum and assess student progress.

a. Under each standard are *benchmarks* for beginning, developing, and expanding/extending students. The benchmarks indicators are neither prescriptive nor exhaustive. Developing and expanding/extending students are expected to exhibit the benchmarks of the lower levels as well as the benchmarks of their own level.

C. What is a beginning, developing, or expanding/extending student? If Latin or Greek is taught continuously from the early grades, it would be reasonable to assume that a beginning student might demonstrate progress indicated by the beginning sample progress indicators by grade 6 or 8. Students who study Latin or Greek every day in grades 7 and 8 should be able to demonstrate the beginning progress indicators by the end of grade 8. Level I high school students may demonstrate

beginning status by the end of their Level I course. Developing students may demonstrate their progress at the end of a Level III course. Expanding/extending students may demonstrate their progress at the end of an Advanced Placement Course. Such designations as Level I, II, and III place learning in a time-frame and organize it into courses that standards of excellence seek to avoid. Course and curricula are products of the district and school. In the scheme presented here, the progress of students in terms of standards of excellence or proficiency is the factor to be measured, not time.

#### D. Benchmark Code

1. The first two letters indicate the strand (CM=Communication, CL=Cultures, CN=Connections, CP=Comparisons, CT=Communities). The following number indicates the standard. The following letter indicates the level (B=Beginning, D=Developing, E=Expanding/Extending). The last number indicates the benchmark. For example: CM-1-D1 refers to the Communication Strand, Standard One, Developing-Level Benchmark One.

2. Sample benchmarks have been developed as indicators of progress for each of the following levels: beginning, developing, and expanding/extending.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1519 (July 2005).

### Chapter 3. Content Standards

#### §301. Foundation Skills

A. The Louisiana Content Standards Task Force has developed the following foundation skills which should apply to all students in all disciplines.

1. Communication. A process by which information is exchanged and a concept of "meaning" is created and shared between individuals through a common system of symbols, signs, or behavior. Students should be able to communicate clearly, fluently, strategically, technologically, critically, and creatively in society and in a variety of workplaces. This process can best be accomplished through use of the following skills: reading, writing, speaking, listening, viewing, and visually representing.

2. Problem Solving. The identification of an obstacle or challenge and the application of knowledge and thinking processes, which include reasoning, decision making, and inquiry, in order to reach a solution using multiple pathways, even when no routine path is apparent.

3. Resource Access and Utilization. The process of identifying, locating, selecting, and using resource tools to help in analyzing, synthesizing, and communicating information. The identification and employment of appropriate tools, techniques, and technologies are essential to all learning processes. These resource tools include pen, pencil, and paper; audio/video materials, computers, interactive devices, telecommunication, and other emerging technologies.

4. Linking and Generating Knowledge. The effective use of cognitive processes to generate and link knowledge across the disciplines and in a variety of contexts. In order to engage in the principles of continual improvement, students must be able to transfer and elaborate on these processes. "Transfer" refers to the ability to apply a strategy or content knowledge effectively in a setting or context other than that



in which it was originally learned. "Elaboration" refers to monitoring, adjusting, and expanding strategies into other contexts.

5. **Citizenship.** The application of the understanding of the ideals, rights, and responsibilities of active participation in a democratic republic that includes working respectfully and productively together for the benefit of the individual and the community; being accountable for one's choices and actions and understanding their impact on oneself and others; knowing one's civil, constitutional, and statutory rights; and mentoring others to become productive citizens and lifelong learners.

NOTE: These foundation skills are listed numerically in parentheses at the end of each benchmark.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1519 (July 2005).

### **§303. Information Literacy Model for Lifelong Learning**

A. Students must become competent and independent users of information to be productive citizens of the 21st century. They must be prepared to live in an information-rich and changing global society. Due to the rapid growth of technology, the amount of information available is accelerating so quickly that teachers are no longer able to impart a complete knowledge base in a subject area. In addition, students entering the workforce must know how to access information, solve problems, make decisions, and work as part of a team. Therefore, information literacy, the ability to recognize an information need and then locate, evaluate, and effectively use the needed information, is a basic skill essential to the 21st century workplace and home. Information literate students are self-directed learners who, individually or collaboratively, use information responsibly to create quality products and to be productive citizens. Information literacy skills must not be taught in isolation; they must be integrated across all content areas, utilizing fully the resources of the classroom, the school library media center, and the community. The Information Literacy Model for Lifelong Learners is a framework that teachers at all levels can apply to help students become independent lifelong learners.

1. **Defining/Focusing.** The first task is to recognize that a need for information exists. Students make preliminary decisions about the type of information needed based on prior knowledge.

2. **Selecting Tools and Resources.** After students decide what information is needed, they then develop search strategies for locating and accessing appropriate, relevant sources in the school library media center, community libraries and agencies, resource people, and others as appropriate.

3. **Extracting and Recording.** Students examine the resources for readability, currency, usefulness, and bias. This task involves skimming or listening for key words, "chunking" reading, finding main ideas, and taking notes.

4. **Processing Information.** After recording information, students must examine and evaluate the data in order to utilize the information retrieved. Students must interact with the information by categorizing, analyzing, evaluating, and comparing for bias, inadequacies, omissions,

errors, and value judgments. Based on their findings, they either move on to the next step or do additional research.

5. **Organizing Information.** Students effectively sort, manipulate, and organize the information that was retrieved. They make decisions on how to use and communicate their findings.

6. **Presenting Findings.** Students apply and communicate what they have learned (e.g., research report, project, illustration, dramatization, portfolio, book, book report, map, oral/audio/visual presentation, game, bibliography, hyperstack).

7. **Evaluating Efforts.** Throughout the information problem solving process, students evaluate their efforts. This assists students in determining the effectiveness of the research process. The final product may be evaluated by the teacher and also other qualified or interested resource persons.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1520 (July 2005).

### **§305. Classical Languages**

A. *Communication*—communicate in a classical language.

1. *Interpretation*—students read, understand, and interpret Latin or Greek.

2. *Language Learning*—students use orally, listen to, and write Latin or Greek as part of the language learning process.

B. *Cultures*—gain knowledge and understanding of Greco-Roman culture.

1. *Practices*—students demonstrate an understanding of the perspectives of Greek or Roman culture as revealed in the practices of the Greeks or Romans.

2. *Products*—students demonstrate an understanding of the perspectives of Greek or Roman culture as revealed in the products of the Greeks or Romans.

C. *Connections*—connect with other disciplines and acquire information.

1. *Reinforcement*—students reinforce and further their knowledge of other disciplines through their study of classical languages.

2. *Acquisition*—students expand their knowledge through the reading of Latin or Greek and the study of ancient culture.

D. *Comparisons*—develop insight into the nature of language and the concept of culture.

1. *Nature of Language*—students demonstrate understanding of the nature of language through comparisons of the language studied and their own.

2. *Concept of Culture*—students demonstrate understanding of the concept of culture through comparisons of the cultures studied and their own.

E. *Communities*—participate in a world of languages and cultures.

1. *Participation*—students use their knowledge of Latin or Greek in a multilingual world.

2. *Application*—students use their knowledge of Greco-Roman culture in a world of diverse cultures.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1520 (July 2005).

**Chapter 5. Communication Strand**

**§501. Focus**

A. Standard 1 defines "communication" as it applies to the learning of a classical language. The written messages from the ancient world, from epic poetry to Pompeian graffiti, are our major source of knowledge and our major line of communication with the Greeks and Romans. Reading, then, is the first standard and the key to communicating with the ancient world. But the Forum and the Agora were alive with the sounds of commerce, the speeches of politicians, the noise of gossip. The recitation of poetry published the sounds of an active literature. To hear these sounds, to imitate those cadences in the classroom, to practice writing words and ideas in the ancient language enhance the ability to read. The second standard of the communication strand emphasizes the importance of oral skills, listening, and writing as tools to improve reading.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1521 (July 2005).

**§503. Communication Standard 1**

A. Interpretation—students read, understand, and interpret Latin or Greek.

B. Beginning Stage Benchmarks. As students progress through the beginning stage of the continuum of classical language learning, what they should know and be able to do includes:

CM-1-B1	Reading words, phrases, and simple sentences and associating them with pictures, and/or other words, phrases and simple sentences	(1, 2, 4)
CM-1-B2	Demonstrating reading comprehension by answering simple questions in Latin, Greek, or English about short passages of Latin or Greek	(1, 2)
CM-1-B3	Demonstrating a knowledge of vocabulary, basic inflectional systems, and syntax appropriate to their reading level	(1, 2, 3)

C. Developing Stage Benchmarks. As students progress through the developing stage of the continuum of classical language learning, what they should know and be able to do includes the benchmarks for the beginning stage, plus the following.

CM-1-D1	Reading and understanding passages of Latin or Greek composed for acquisition of content and language skills	(1, 2)
CM-1-D2	Reading and understanding, with appropriate assistance, passages of Latin or Greek adapted from the original authors	(1, 2, 3)
CM-1-D3	Reading and understanding short, unadapted passages of Latin or Greek when provided with appropriate assistance	(1, 2, 3)
CM-1-D4	Demonstrating reading comprehension by interpreting the meaning of passages they read	(1, 2, 4)
CM-1-D5	Recognizing some figures of speech and features of style in the authors they read	(1, 2, 3)
CM-1-D6	Demonstrating a knowledge of vocabulary, inflectional systems, and syntax appropriate to their reading level	(1, 2, 3)

D. Expanding/Extending Stage Benchmarks. As students progress through the expanding/extending stage of the continuum of classical language learning, what they should know and be able to do includes the benchmarks for the beginning and developing stages, plus the following.

CM-1-E1	Reading and understanding prose and poetry of selected authors with appropriate assistance	(1, 2, 3)
CM-1-E2	Interpreting the meaning of the passages they read	(1, 2, 4)
CM-1-E3	Recognizing, explaining, and interpreting content and features of style and meter of the authors they read	(1, 2, 3, 4)
CM-1-E4	Demonstrating a knowledge of vocabulary, inflectional systems, and syntax appropriate to the authors they read	(1, 2, 3)

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1521 (July 2005).

**§505. Communication Standard 2**

A. Language Learning—students use orally, listen to, and write Latin or Greek as part of the language learning process.

B. Beginning Stage Benchmarks. As students progress through the beginning stage of the continuum of classical language learning, what they should know and be able to do includes:

CM-2-B1	Recognizing and reproducing the sounds of Latin or Greek	(1)
CM-2-B2	Responding appropriately to simple questions, statements, commands, or non-verbal stimuli	(1, 2)
CM-2-B3	Writing simple phrases and sentences in Latin or Greek	(1, 2, 3)

C. Developing Stage Benchmarks. As students progress through the developing stage of the continuum of classical language learning, what they should know and be able to do includes the benchmarks for the beginning stage, plus the following.

CM-2-D1	Reading Latin or Greek aloud with accurate pronunciation, meaningful phrase grouping, and appropriate voice inflection, by imitating the models they have heard	(1, 2, 4)
CM-2-D2	Responding appropriately to questions, statements, commands, or other stimuli	(1, 2)
CM-2-D3	Writing phrases and sentences in Latin or Greek	(1, 2, 3)

D. Expanding/Extending Stage Benchmarks. As students progress through the expanding/extending stage of the continuum of classical language learning, what they should know and be able to do includes the benchmarks for the beginning and developing stages, plus the following.

CM-2-E1	Reading Latin or Greek prose and poetry aloud with attention to such features as metrical structure, meaningful phrase grouping, and appropriate voice inflection	(1, 2, 4)
CM-2-E2	Responding appropriately to more complex spoken and written Latin or Greek	(1, 2, 4)

CM-2-E3	Writing passages of connected sentences in Latin or Greek	(1, 2, 3, 4)
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AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1521 (July 2005).

## Chapter 7. Culture Strand

### §701. Focus

A. Learning the perspectives of the Greeks or Romans through their practices and through their products is key to an understanding of their culture. The focus of Strand 2 is on the ability of students to hear, read, and see the message of the Greeks or Romans. Their daily life, education, politics, history, philosophy, and religious practices tell students about their perspectives, revealed both in their literary products and in remaining artifacts.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1522 (July 2005).

### §703. Cultures Standard 1

A. Practices—students demonstrate an understanding of the perspectives of Greek or Roman culture as revealed in the practices of the Greeks or Romans.

B. Beginning Stage Benchmarks. As students progress through the beginning stage of the continuum of classical language learning, what they should know and be able to do includes:

CL-1-B1	Demonstrating a basic knowledge of the daily life of the ancient Greeks or Romans	(1, 4)
CL-1-B2	Demonstrating knowledge of some famous Greeks or Romans and of selected facts of history and geography of the ancient world	(1, 4)

C. Developing Stage Benchmarks. As students progress through the developing stage of the continuum of classical language learning, what they should know and be able to do includes the benchmarks for the beginning stage, plus the following:

CL-1-D1	Demonstrating a knowledge of the daily life and thought of the ancient Greeks or Romans, gained in part from the reading of Latin or Greek texts, and applying that knowledge to an understanding of Greek or Roman cultures	(1, 2, 4)
CL-1-D2	Demonstrating a knowledge of the people and facts of Greek or Roman history and political life, gained in part from the reading of Latin or Greek texts, and relating that knowledge to an understanding of Greek or Roman perspectives.	(1, 2, 3, 4)

D. Expanding/Extending Stage Benchmarks. As students progress through the expanding/extending stage of the continuum of classical language learning, what they should know and be able to do includes the benchmarks for the beginning and developing stages, plus the following.

CL-1-E1	Demonstrating a broad knowledge of Greek or Roman history, customs, and private and political life, gained from the reading of Latin or Greek authors, and using that knowledge in analyzing Greek or Roman culture	(1, 4, 5)
CL-1-E2	Demonstrating knowledge of philosophy, religion, and the arts of the ancient Greeks or Romans, gained from their reading of Latin or Greek authors, and relating that knowledge to an understanding of Greek or Roman perspectives	(1, 2, 3, 4, 5)

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1522 (July 2005).

### §705. Cultures Standard 2

A. Product—students demonstrate an understanding of the perspectives of Greek or Roman culture as revealed in the products of the Greeks or Romans.

B. Beginning Stage Benchmarks. As students progress through the beginning stage of the continuum of classical language learning, what they should know and be able to do includes:

CL-2-B1	Identifying the principal Greek or Roman deities and heroes by their names, deeds, and spheres of influence	(1, 4)
CL-2-B2	Recognizing basic architectural features and art forms of the Greeks or Romans	(1, 4)

C. Developing Stage Benchmarks. As students progress through the developing stage of the continuum of classical language learning, what they should know and be able to do includes the benchmarks for the beginning stage, plus the following.

CL-2-D1	Relating their reading of selected texts, literary and non-literary, adapted and unadapted, to an understanding of Greek or Roman culture	(1, 3, 4)
CL-2-D2	Demonstrating knowledge of architectural styles, art forms, and artifacts of the Greeks or Romans and using them in analyzing Greek or Roman culture	(1, 4)

D. Expanding/Extending Stage Benchmarks. As students progress through the expanding/extending stage of the continuum of classical language learning, what they should know and be able to do includes the benchmarks for the beginning and developing stages, plus the following.

CL-2-E1	Demonstrating knowledge of an author, a genre, and/or a literary period gained from authentic materials and unadapted texts in Latin or Greek and applying it to an understanding of Greek or Roman culture	(1, 2, 3, 4)
CL-2-E2	Demonstrating knowledge of archaeological evidence, art forms, and artifacts of the Greeks or Romans and using it in analyzing Greek or Roman culture	(1, 2, 3, 4)

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1522 (July 2005).

**Chapter 9. Connections Strand**

**§901. Focus**

A. As studies have shown, students learn better when they see the content of courses as relevant to their lives (Henze and Lucas, 1995). If they are unable to make connections with other courses and with their own interests, they cannot perceive the relevance of the material they study. For this reason instructors should incorporate material from other courses, such as math, English, and the sciences, as well as material that might be relevant to aspects of students' lives outside of the classroom. Making connections with other disciplines can also help the student by reinforcing what has already been learned or by giving new insights.

B. Because of the tremendous influence of classical culture, the study of Latin or Greek is particularly well suited for making connections with other languages. Successful teachers make many connections with other disciplines in order to show students the relevance of studying the two languages.

C. The benchmarks in the Connections Strand are deliberately broad since there are so many useful paths teachers can take in making connections and since circumstances (such as local curricula or individual student taste) will influence what connections are most effective.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1523 (July 2005).

**§903. Connections Standard 1**

A. Reinforcement—students reinforce and further their knowledge of other disciplines through their study of classical languages.

B. Beginning Stage Benchmarks. As students progress through the beginning stage of the continuum of classical language learning, what they should know and be able to do includes:

CN-1-B1	Using their knowledge of Latin or Greek in understanding a specialized vocabulary in such fields as government and politics	(1,4, 5)
CN-1-B2	Recognizing and using Roman numerals and the vocabulary associated with counting	(1, 4)

C. Developing Stage Benchmarks. As students progress through the developing stage of the continuum of classical language learning, what they should know and be able to do includes the benchmarks for the beginning stage, plus the following.

CN-1-D1	Recognizing and making connections with Latin or Greek terminology in the sciences and technology	(1,2, 4)
CN-1-D2	Recognizing and making connections with Latin or Greek terminology in the social sciences and history	(1,2,4, 5)

D. Expanding/Extending Stage Benchmarks. As students progress through the expanding/extending stage of the continuum of classical language learning, what they should

know and be able to do includes the benchmarks for the beginning and developing stages, plus the following.

CN-1-E1	Demonstrating in their written and spoken vocabulary a knowledge of philosophical, legal, artistic, and musical terms associated with Latin or Greek	(1, 2, 3, 4, 5)
CN-1-E2	Demonstrating their knowledge of Latin or Greek terminology in the social sciences and history	(1, 3, 4)

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1523 (July 2005).

**§905. Connections Standard 2**

A. Acquisition—students expand their knowledge through the reading of Latin or Greek and the study of ancient culture.

B. Beginning Stage Benchmarks. As students progress through the beginning stage of the continuum of classical language learning, what they should know and be able to do includes:

CN-2-B1	Acquiring information about the Greco-Roman world by reading passages of Latin or Greek with a culturally authentic setting	(1, 2, 3, 4)
CN-2-B2	Recognizing plots and themes of Greco-Roman myths in the literature of other cultures	(1, 4)
CN-2-B3	Demonstrating a knowledge of the geography of the ancient world and connecting it to the modern world	(1, 2, 3, 4, 5)

C. Developing Stage Benchmarks. As students progress through the developing stage of the continuum of classical language learning, what they should know and be able to do includes the benchmarks for the beginning stage, plus the following.

CN-2-D1	Acquiring information about the Greco-Roman world by reading adapted or selected Latin or Greek sources	(1, 2, 4)
CN-2-D2	Connecting their knowledge of ancient history and social and political systems to events and systems in the modern world	(1, 2, 4, 5)
CN-2-D3	Connecting their knowledge of the Latin or Greek language to their knowledge of literature and artistic achievement	(1, 2, 4)

D. Expanding/Extending Stage Benchmarks. As students progress through the expanding/extending stage of the continuum of classical language learning, what they should know and be able to do includes the benchmarks for the beginning and developing stages, plus the following.

CN-2-E1	Acquiring information about the Greco-Roman world by reading Latin or Greek literary and non-literary sources	(1, 2, 4)
CN-2-E2	Transferring their knowledge of Latin or Greek literature to their understanding of world literature	(1, 2, 3, 4)
CN-2-E3	Demonstrating their knowledge of the influence of Greco-Roman mythology, history, social and political systems, and artistic achievements on world culture	(1, 2, 3, 4, 5)

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1523 (July 2005).

**Chapter 11. Comparisons Strand**

**§1101. Focus**

A. Students become better equipped to reflect on their native language and culture after having studied other languages and cultures. As students become aware of and sensitive to the behaviors, perspectives, and products of the cultures of ancient Greece and Rome, they acquire a perspective from which to examine and analyze their own culture, and its origins, more objectively.

B. One of the most direct methods available to understanding a world different from our own is through the learning of a second language. The second language classroom should serve as a springboard for cross-cultural comparisons and help students take on a new and broader perspective (Curtain and Pesola, 1994).

C. Students often express that through the study of another language they develop a deeper understanding of the syntactical structuring of their own language. Even simple vocabulary instruction can provide new cultural vistas for the classical language learner. It can therefore be seen that this comparative approach can begin at a very early stage in the instruction of second languages.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1524 (July 2005).

**§1103. Comparisons Standard 1**

A. Nature of Language—students demonstrate understanding of the nature of language through comparisons of the language studied and their own.

B. Beginning Stage Benchmarks. As students progress through the beginning stage of the continuum of classical language learning, what they should know and be able to do includes:

CP-1-B1	Demonstrating a basic knowledge of Latin and Greek roots, prefixes, and suffixes by recognizing them in English words of Latin or Greek origin	(1, 2, 3, 4)
CP-1-B2	Understanding some Latin or Greek phrases, mottoes, and abbreviations used in English	(1, 2, 3, 4, 5)
CP-1-B3	Demonstrating an understanding of basic language patterns of English as they relate to the structure of Latin and Greek	(1, 2, 4)

C. Developing Stage Benchmarks. As students progress through the developing stage of the continuum of classical language learning, what they should know and be able to do includes the benchmarks for the beginning stage, plus the following.

CP-1-D1	Demonstrating the relationship of Latin or Greek words to their derivatives and cognates in English	(1, 2, 3, 4)
CP-1-D2	Demonstrating an increased use of English words from or related to Latin or Greek	(1, 4)

CP-1-D3	Comparing and contrasting the language patterns and grammar of Latin or Greek with the structure and grammar of English	(1, 2, 3, 4)
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D. Expanding/Extending Stage Benchmarks. As students progress through the expanding/extending stage of the continuum of classical language learning, what they should know and be able to do includes the benchmarks for the beginning and developing stages, plus the following.

CP-1-E1	Demonstrating the relationship of Latin or Greek words to their derivatives and cognates in English and applying some principles of word building and word transfer	(1, 2, 4)
CP-1-E2	Demonstrating an enhanced ability to read, write, understand, and speak English based on the vocabulary and grammar of Latin or Greek	(1, 2, 4)

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1524 (July 2005).

**§1105. Comparisons Standard 2**

A. Concept of Culture—students demonstrate understanding of the concept of culture through comparisons of the cultures studied and their own.

B. Beginning Stage Benchmarks. As students progress through the beginning stage of the continuum of classical language learning, what they should know and be able to do includes:

CP-2-B1	Looking at the architectural features of the buildings around them and recognizing the Greco-Roman elements in them	(1, 2, 3, 4, 5)
CP-2-B2	Comparing and contrasting aspects of their own public and private life with those of the Greeks or Romans	(1, 2, 4, 5)
CP-2-B3	Comparing the themes and heroes of classical mythology with the themes and heroes of their own folklore and culture	(1, 4, 5)

C. Developing Stage Benchmarks. As students progress through the developing stage of the continuum of classical language learning, what they should know and be able to do includes the benchmarks for the beginning stage, plus the following.

CP-2-D1	Identifying elements in their own art and literature that have their basis in the Greco-Roman world	(1, 2, 3, 4)
CP-2-D2	Reflecting on classical influence on the political institutions, law, and history of their own culture	(1, 2, 4, 5)
CP-2-D3	Recognizing in their reading of modern stories and literature the influences of the myths and literature of the ancient world	(1, 2, 3, 4)

D. Expanding/Extending Stage Benchmarks. As students progress through the expanding/extending stage of the continuum of classical language learning, what they should know and be able to do includes the benchmarks for the beginning and developing stages, plus the following.

CP-2-E1	Recognizing the influence of Greco-Roman history, private and public life, art, and architecture on their own world and making comparisons and drawing conclusions based on that knowledge	(1, 2, 3, 4, 5)
CP-2-E2	Comparing and contrasting elements of the literature, mythology, and philosophy of their own world with those of the ancient world	(1, 2, 3, 4, 5)

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1524 (July 2005).

### Chapter 13. Communities Strand

#### §1301. Focus

A. The Communities Strand focuses on the application of the knowledge of Latin or Greek to wider linguistic and cultural communities. Knowledge of Latin or Greek enables students to develop a full understanding and appreciation of classical influences in today's world as they encounter other cultures. Understanding Greco-Roman culture provides students with a basis for interpreting events of the modern world. The tools of technology and telecommunication provide links to the resources of the worldwide classical community. Students also form links between classical languages and certain professional fields through their specialized terminology.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1525 (July 2005).

#### §1303. Communities Standard 1

A. Participation—students use their knowledge of Latin or Greek in a multilingual world.

B. Beginning Stage Benchmarks. As students progress through the beginning stage of the continuum of classical language learning, what they should know and be able to do includes:

CT-1-B1	Presenting and exchanging information about their language experience to others in the school and in the community	(1, 2, 3, 4, 5)
CT-1-B2	Recognizing the influence of Latin or Greek on the specialized language of various professional fields and recognizing its use in the media	(1, 2, 3, 4)

C. Developing Stage Benchmarks. As students progress through the developing stage of the continuum of classical language learning, what they should know and be able to do includes the benchmarks for the beginning stage, plus the following.

CT-1-D1	Combining the tools of technology with their classical language skills to communicate with other students in a global community	(1, 2, 3, 4, 5)
CT-1-D2	Interacting with community members who are involved in a variety of careers to understand how they have used their study of classical languages	(1, 3, 4, 5)

D. Expanding/Extending Stage Benchmarks. As students progress through the expanding/extending stage of the continuum of classical language learning, what they should know and be able to do includes the benchmarks for the beginning and developing stages, plus the following.

CT-1-E1	Using their knowledge of Latin or Greek in communicating within the student and adult community of classical language learners	(1, 2, 3, 4)
CT-1-E2	Using their knowledge of Latin or Greek in learning other languages	(1, 2, 3, 4)

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1525 (July 2005).

#### §1305. Communities Standard 2

A. Application—students use their knowledge of Greco-Roman culture in a world of diverse cultures.

B. Beginning Stage Benchmarks. As students progress through the beginning stage of the continuum of classical language learning, what they should know and be able to do includes:

CT-2-B1	Recognizing from their study of Greco-Roman culture that cultural diversity has been an integral feature of society from antiquity	(1, 2, 3, 4, 5)
CT-2-B2	Sharing with others in schools and communities their understanding of cultural differences in the Greco-Roman world	(1, 2, 3, 4, 5)

C. Developing Stage Benchmarks. As students progress through the developing stage of the continuum of classical language learning, what they should know and be able to do includes the benchmarks for the beginning stage, plus the following.

CT-2-D1	Comparing the issues that reveal cultural differences in the ancient world with similar issues in modern cultures	(1, 2, 4)
CT-2-D2	Combining the tools of technology with their knowledge of Greco-Roman culture to share cultural experiences	(1, 2, 3, 4)

D. Expanding/Extending Stage Benchmarks. As students progress through the expanding/extending stage of the continuum of classical language learning, what they should know and be able to do includes the benchmarks for the beginning and developing stages, plus the following.

CT-2-E1	Participating in the community of classical scholars in cultural events, contests, lectures, and scholarship	(1, 3, 4)
CT-2-E2	Showing evidence of connecting the past to the present by applying their knowledge of ancient cultures to their own thoughts and actions	(1, 2, 3, 4, 5)

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1525 (July 2005).

Weegie Peabody  
Executive Director

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## RULE

### Board of Elementary and Secondary Education

#### Bulletin 118—Statewide Assessment Standards and Practices (LAC 28:CXI.Chapters 1-35)

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, the Board of Elementary and Secondary Education adopted *Bulletin 118—Statewide Assessment Standards and Practices*. Bulletin 118 will be printed in codified format as Part CXI of the Louisiana Administrative Code. Bulletin 118 has been developed to consolidate the State Board of Elementary and Secondary Education (SBESE) and the Division of Student Standards and Assessments (DSSA) test policy rules, guidelines, and procedures for easy access during statewide test administration.

### Title 28 EDUCATION

#### Part CXI. Bulletin 118—Statewide Assessment Standards and Practices

##### Chapter 1. General Provisions

##### §101. Purpose

A. Bulletin 118 is intended to provide Louisiana educators and education administrators with a unified and comprehensive guide to testing programs, policies, and procedures in the state.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:24.4 and R.S. 17:391.1–391.11.

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, LR 31:1526 (July 2005).

##### §103. Overview

A. The Louisiana Legislature in Regular Session during the summer of 1997 amended and reenacted R.S. 17:24.4(F) and (G)(1), relative to the Louisiana Competency-Based Education Program, to require proficiency on certain tests as determined by the State Board of Elementary and Secondary Education (SBESE) for student promotion and to provide guidelines relative to the content of Pupil Progression Plans.

B. The amendment and reenactment of the Louisiana Competency-Based Education Program was the result of an ever-increasing demand by Louisiana taxpayers for a better accounting of educational dollars. Act 621, the Public School Accountability Law statute initiated the following guidelines, which continue in the Louisiana Competency-Based Education Program. The Public School Accountability Law called for:

1. the establishment of a program for shared educational accountability in the public educational system of Louisiana;

2. the attainment of established testing standards for education;

3. the provision of information for an analysis of the effectiveness of instructional programs through test assessment results; and

4. the annual assessment of students based on state content standards.

C. The Louisiana Competency-Based Education Program is based on the premise that the program must provide options to accommodate the many different learning styles of students. Every effort is made to tailor the test design and structure to the needs of individual students, including students with special instructional needs who subsequently need test accommodations.

D. The Louisiana Department of Education (LDE) will provide leadership and assistance to school districts in an effort to attain a public system of education that makes the opportunity to test successfully available to all students on equal terms.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:7 and R.S. 24:4.

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, LR 31:1526 (July 2005).

##### §105. Testing and Accountability

A. Every school shall participate in a school accountability system based on student achievement as approved by the SBESE.

B. Under No Child Left Behind (NCLB), the Elementary and Secondary Education Act of 2002, a state's definition of Adequate Yearly Progress (AYP) must apply the same high standards of academic achievement to all public elementary and secondary school students in the state and result in continuous and substantial academic improvement for all students, including students with disabilities.

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

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, LR 31:1526 (July 2005).

##### §107. Assessment Programs

A. Kindergarten Developmental Readiness Screening Program (KDRSP). Each school district is required to administer an approved screening instrument to each child entering kindergarten for the first time, with the results to be used for placement and planning instruction.

B. Louisiana Educational Assessment Program for the 21st Century (LEAP 21). Criterion-referenced tests in English Language Arts, Mathematics, Science, and Social Studies assess student performance relative to specific benchmarks established in the state's content standards and provide data for evaluating student, school, and district performance. The tests assess a student's complex thinking skills as well as knowledge and application of information. These high-stakes tests are tied to promotional policy for grades 4 and 8.

C. Graduation Exit Examination for the 21st Century (GEE 21). Criterion-referenced tests in English Language Arts, Mathematics, Science, and Social Studies assess student performance relative to specific benchmarks established in the state's content standards and provide data for evaluating student, school, and district performance. These high-stakes tests require high school students to meet established achievement levels to be eligible to receive a high school diploma.

D. The Iowa Tests. The Iowa Tests of Basic Skills (ITBS), used in grades 3, 5, 6, and 7, and the Iowa Tests of Educational Development (ITED), used in grade 9, are norm-referenced tests that provide comparative data to evaluate student, school, and district performance. The last administration of The Iowa Tests will occur in the academic year 2004–2005.

E. Integrated Louisiana Educational Assessment Program (iLEAP). The iLEAP will integrate criterion-referenced tests and norm-referenced tests into one program to provide data for evaluating students, schools, and district performance in grades 3, 5, 6, 7, and 9 beginning with the 2005–2006 academic year.

F. LEAP Alternate Assessment (LAA). The LAA is a performance-based student assessment that evaluates each eligible special education student's knowledge and skills in targeted areas. It is an "on-demand" assessment, which means the test administrator directs the student to perform a specific task and then scores the student's performance after the task is completed.

G. English Language Development Assessment (ELDA). The ELDA is a research-based program designed to measure proficiency in reading, writing, speaking, and listening to English of LEP students; the program began in the 2004–2005 academic year.

H. Graduation Exit Examination ("old" GEE). The "old" GEE measures curricula-based proficiencies in English Language Arts, Mathematics, Written Composition, Science, and Social Studies. The administration of the "old" GEE became a district responsibility beginning with the 2003–2004 academic year.

I. LEAP Alternate Assessment-B (LAA-B). The LAA-B, which was administered from 2000 through 2003, assessed special education students who met specific criteria at their functioning levels in language/reading and/or mathematics, rather than at their enrolled grade levels.

J. National Assessment of Educational Progress (NAEP). Also known as the Nation's Report Card, NAEP is administered nationally to a random stratified sample population of students to gather data about subject-matter achievement, instructional experiences, and school environment.

K. Field Tests. Representative student populations from school districts throughout Louisiana are chosen to field test new items to be used in future statewide assessments, including LEAP 21, GEE 21, ELDA, and iLEAP. The items are tested, scored, ranked statistically, and identified as effective or ineffective.

L. Placement Tests. Students from out-of-district or in-state educational settings, such as approved home study programs or nonpublic schools, who wish to enroll in public schools at grades 5 and 9 must take a placement test if they have not taken and met the requirements for LEAP 21. Students taking the placement test must score basic or above in English Language Arts or Mathematics and approaching basic or above in the other to enroll in grade 5 and score approaching basic or above in English Language Arts and Mathematics to enroll in grade 9.

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

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, LR 31:1526 (July 2005).

## §109. Assessment Populations

### A. Classified Populations

#### 1. Definition

*Classified Population*—a population of students that is identified for educational and accountability purposes.

2. Regular Education Students. These are students who have not been identified as eligible for special education and related services.

#### 3. Special Education Students. This group includes:

a. Students with Disabilities. These are students who have been evaluated in accordance with CFR 300.530–300.536 as having mental retardation, a hearing impairment including deafness, a speech or language impairment, a visual impairment including blindness, serious emotional disturbance (hereafter referred to as emotional disturbance), an orthopedic impairment, autism, traumatic brain injury, and other health impairment, a specific learning disability, deaf-blindness, or multiple disabilities, and who, by reason thereof, needs special education and related services (*Federal Register*, Vol. 64, No. 48);

b. Gifted and Talented Students. These are students who have been identified as possessing demonstrated or potential abilities that give evidence of high-performing capabilities in intellectual, creative, specific academic or leadership areas, or ability in the performing or visual arts and who require services or activities not ordinarily provided by the school in order to fully develop such capabilities (HR 637-Gifted and Talented Students Education Act of 1999);

c. Section 504 Students. These are students with one or more disabilities according to the regulations for Section 504 of the Rehabilitation Act of 1973, which defines disability as a physical or mental impairment which substantially limits one or more major life activities. (PL95-602 Title 1, Sec.122 [a] [4]-[8]);

d. Limited English Proficient Students. These are students who are aged 3 through 21; who have been enrolled in a primarily English-speaking school for less than a year; who were not born in the United States or whose native language is a language other than English; who are Native Americans or Alaska Natives or native residents of the outlying areas and come from an environment where a language other than English has had significant impact on their level of English language proficiency; or who are migratory, whose native language is a language other than English, and who come from an environment where a language other than English is dominant; and whose difficulties in speaking, reading, writing, or understanding the English language may be sufficient to deny them:

- i. the ability to meet the state's proficient level of achievement on state assessments;
- ii. the ability to successfully achieve in classrooms where the language of instruction is English; or
- iii. the opportunity to participate in society.

### B. Nonclassified Populations

#### 1. Definition

*Nonclassified Population*—a population of students that is identified for reasons other than educational or accountability purposes.

2. Homebound Program Students. These are students who are unable to attend school as a result of health care treatment or physical illness and who are assigned a teacher to instruct them at home or in a hospital environment.



3. Approved Home Study Program Students. These students are taught in a program with a state-approved curriculum that is implemented under the direction and control of a parent or a tutor. A *tutor* is defined as a court-appointed guardian under Louisiana law.

4. Foreign Exchange Students. These students are citizens of another nation who have come under the auspices of a specific program to study in U.S. public elementary and secondary schools.

5. Correctional Facilities. These are students attending alternative schools under the Office of Youth Development.

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

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, LR 31:1527 (July 2005).

### Chapter 3. Test Security

#### §301. Participation

A. All persons involved in assessment programs must abide by the security policies and procedures established by the LDE and the SBESE.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:81.6 et seq., R.S. 416 et seq., and R.S. 441 et seq.

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, LR 31:1528 (July 2005).

#### §303. Definitions

*Access*—access to secure test materials by school personnel means physically handling the materials, not reading, reviewing, or analyzing test items, either before or after testing.

*Secure Materials*—test materials that contain test items or student responses and to which access is restricted. Secure test materials include:

1. student test booklets;
2. student answer documents; and
3. any other materials that contain test items or student responses.

*Testing Irregularity*—any incident in test handling or administration that leads to a question regarding the security of the test or the accuracy of the test data.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:81.6 et seq., R.S. 416 et seq., and R.S. 441 et seq.

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, LR 31:1528 (July 2005).

#### §305. Test Security Policy

A. The SBESE first approved a Test Security Policy on December 10, 1998. The policy has been periodically revised. The Board of Elementary and Secondary Education holds the test security policy to be of utmost importance and deems any violation of test security to be serious. The Test Security Policy follows.

1. Tests administered by or through the SBESE shall include but not be limited to:

- a. all alternate assessments;
- b. all criterion-referenced tests (CRTs) and norm-referenced tests (NRTs).

2. For purposes of this policy, school districts shall include:

- a. local education agencies (LEAs);
- b. special school districts;

c. approved special schools, such as the Louisiana School for the Visually Impaired and Louisiana School for the Deaf;

d. laboratory schools;

e. Type 2 charter schools;

f. Louisiana School for Math, Science, and the Arts; and

g. participating nonpublic/other schools that utilize tests administered through the SBESE or the LDE.

3. It shall be a violation of test security for any person to do any of the following:

a. administer tests in a manner that is inconsistent with the administrative instructions provided by the LDE that would give examinees an unfair advantage or disadvantage;

b. give examinees access to test questions prior to testing;

c. examine any test item at any time (except for students during the test or test administrators while providing the accommodations Tests Read Aloud or Communication Assistance, Transferred Answers, or Answers Recorded for students determined to be eligible for those accommodations);

d. at any time, copy, reproduce, discuss or use in a manner inconsistent with test regulations all or part of any secure test booklet, answer document, or supplementary secure materials (e.g., writing prompts, science tasks);

e. coach examinees in any manner during testing or alter or interfere with examinees' responses in any manner;

f. provide answers to students in any manner during the test, including provision of cues, clues, hints, and/or actual answers in any form:

- i. written;
- ii. printed;
- iii. verbal; or
- iv. nonverbal;

g. administer published parallel, previously administered, or current forms of any statewide assessment [e.g., Louisiana Educational Assessment Program for the 21st Century (LEAP 21), Integrated LEAP (*i*LEAP), Graduation Exit Examination for the 21st Century (GEE 21), Graduation Exit Examination ("old" GEE), LEAP Alternate Assessment (LAA), the English Language Development Assessment (ELDA), or forms K, L, and M and all new forms of the Iowa Tests as a practice test or study guide];

h. fail to follow security regulations for distribution and return of secure test booklets, answer documents, supplementary secure materials (e.g., writing prompts, science tasks), as well as overages as directed; or fail to account for and secure test materials before, during, or after testing;

i. conduct testing in environments that differ from the usual classroom environment without prior written permission from the LDE, Division of Student Standards and Assessments;

j. fail to report any testing irregularities to the district test coordinator (a testing irregularity is any incident in test handling or administration that leads to a question regarding the security of the test or the accuracy of the test data), who must report such incidents to the LDE, Division of Student Standards and Assessments;

k. participate in, direct, aid, counsel, assist in, encourage, or fail to report any of the acts prohibited in the section.

4. Each school district as described in this policy shall develop and adopt a district test security policy that is in compliance with the state's test security policy. A Statement of Assurance regarding the LEA's test security policy must be submitted annually to the LDE, Division of Student Standards and Assessments. This statement must include the name of the individual designated by the district superintendent or institution to procure test material. The policy shall provide:

a. for the security of the test materials during testing, including test booklets, answer documents, supplementary secure materials (e.g., writing prompts, science tasks), videotapes, and completed observation sheets;

b. for the storage of all tests materials, except district and school test coordinator manuals and test administration manuals, in a designated secure locked area before, during, and after testing; all secure materials, including any parallel forms of a test, must be kept in locked storage at both the district and school levels; secure materials must never be left in open areas or unattended;

c. a description and record of professional development on test security, test administration, and security procedures for individual student test data provided for all individuals with access to test materials or individual student test data (access to test materials by school personnel means any contact with or handling the materials but does not include reviewing tests or analyzing test items, which are prohibited);

d. a list of personnel authorized to have access to the locked secure storage area;

e. procedures for investigating any testing irregularities, including violations in test security, such as plagiarism and excessive wrong-to-right erasures identified through erasure analysis;

f. procedures for the investigation of employees accused of irregularities or improprieties in the administration of standardized tests, as required by the amended R.S. 17:81.6;

g. procedures for the investigation of any missing test booklets, answer documents, or supplementary secure material (e.g., writing prompts, science tasks);

h. procedures for ensuring the security of individual student test data in electronic and paper formats.

5. Procedures for investigating missing secure materials, any testing irregularity (including cheating), and any employees accused of improprieties must, at a minimum, include the following.

a. The district test coordinator shall initiate the investigation upon the district's determination of an irregularity or breach of security or upon notification by the LDE. The investigation shall be conducted by the district test coordinator and other central office staff as designated by the district superintendent.

b. The location of the designated secure locked area for storage of materials shall be examined, and the individuals with access to secure materials shall be identified.

c. Interviews regarding testing administration and security procedures shall be conducted with the principal, school test coordinator(s), test administrator(s), and proctor(s) at the identified schools. All individuals who had access to the test materials at any time must be interviewed.

6. Interviews shall be conducted with students in the identified classes regarding testing procedures, layout of the classroom, access to test materials before the test, and access to unauthorized materials during testing.

7. After completion of the investigation, the school district shall provide a report of the investigation and a written plan of action to the state superintendent within 30 calendar days of the initiation of the investigation. At a minimum, the report shall include the nature of the situation, the time and place of occurrence, and the names of the persons involved in or witness to the occurrence. Officials from the LDE are authorized to conduct additional investigations.

8. Test materials, including all test booklets, answer documents, and supplementary secure materials (e.g., writing prompts, science tasks) containing secure test questions, shall be kept secure and accounted for in accordance with the procedures specified in the test administration manuals and other communications provided by the LDE. Secure test materials include test booklets, answer documents, and any supplementary secure materials (e.g., writing prompts, science tasks).

9. Procedures described in the test manuals shall include, but are not limited to, the following.

a. All test booklets, answer documents, and supplementary secure materials (e.g., writing prompts, science tasks) must be kept in a designated locked secure storage area prior to and after administration of any test.

i. Test administrators are to be given access to the tests and any supplementary secure materials only on the day the test is to be administered, and these are to be retrieved immediately after testing is completed for the day and stored in the designated locked secure storage area each day of testing.

b. All test booklets, answer documents, and supplementary secure materials (e.g., writing prompts, science tasks) must be accounted for and written documentation kept by test administrators and proctors for each point at which test materials are distributed and returned.

c. Any discrepancies noted in the serial numbers of test booklets, answer documents, and any supplementary secure materials (e.g., writing prompts, science tasks), or the quantity received from contractors must be reported to the LDE, Division of Student Standards and Assessments, by the designated institutional or school district personnel prior to the administration of the test.

d. In the event that test booklets, answer documents, or supplementary secure materials (e.g., writing prompts, science tasks) are determined to be missing while in the possession of the institution or school district or in the event of any other testing irregularities or breaches of security, the designated institutional or school district personnel must immediately notify by telephone the LDE, Division of Student Standards and Assessments, and follow the detailed procedures for investigating and reporting specified in this policy.

e. Only personnel trained in test security and administration shall be allowed to have access to or administer any standardized tests.

f. Each district superintendent or institution must annually designate one individual in the district or institution as district test coordinator, who is authorized to procure test materials that are utilized in testing programs administered by or through the SBESE of the LDE. The name of the individual designated must be provided in writing to the LDE, Division of Student Standards and Assessments, and included on the Statement of Assurance.

g. Testing shall be conducted in class-sized groups. Bulletin 741 (913(A)) states that K-3 classroom enrollment should be no more than 26 students, and in grades 4-12, no more than 33, except in certain activity types of classes in which the teaching approach and the material and equipment are appropriate for large groups. For grades K-8, the maximum class size for Health and Physical Education classes may be no more than 40. Class size for exceptional students is generally smaller Bulletin 741, (915). Permission for testing in environments that differ from the usual classroom environment must be obtained in writing from the LDE, Division of Standards and Assessments, at least 30 days prior to testing. If testing outside the usual classroom environment is approved by the Division of Student Standards and Assessments, the school district must provide at least one proctor for every 30 students.

h. The state superintendent of education may disallow test results that may have been achieved in a manner that is in violation of test security.

10. The LDE shall establish procedures to identify:

a. improbable achievement of test score gains in consecutive years;

b. situations in which collaboration between or among individuals may occur during the testing process;

c. a verification of the number of all tests distributed and the number of tests returned;

d. excessive wrong-to-right erasures for multiple-choice tests;

e. any violation to written composition or open-ended responses that involves plagiarism;

f. any other situation that may result in invalidation of test results:

i. in cases in which test results are not accepted because of a breach of test security or action by the LDE, any programmatic, evaluative, or graduation criteria dependent upon the data shall be deemed not to have been met, but individuals will be allowed to retake the test at the next test administration.

11. Individuals shall adhere to all procedures specified in all manuals that govern mandated testing programs.

12. Any individual who knowingly engages in any activity during testing that results in invalidation of scores derived from the Louisiana Educational Assessment Program for the 21st Century (LEAP 21), Graduation Exit Examination for the 21st Century (GEE 21), or Graduation Exit Examination ("old" GEE) shall forfeit the test results but will be allowed to retake the test at the next test administration.

13. Anyone known to be involved in the presentation of forged, counterfeit, or altered identification for the purposes of obtaining admission to a test administration site for any

test administered by or through the SBESE or the LDE shall have breached test security. Any individual who knowingly causes or allows the presentation of forged, counterfeited, or altered identification for the purpose of obtaining admission to any test administration site must forfeit all test scores but will be allowed to retake the test at the next test administration.

14. School districts must ensure that individual student test data are protected from unauthorized access and disclosure. District test coordinators, principals, school test coordinators, and other authorized users of the LEAP<sup>web</sup> Reporting System and LEAP<sup>data</sup> System must ensure the security of passwords, any disks or CDs with downloaded individual student test data, and student-level test data open on a computer screen. All users must sign a statement guaranteeing they will not share the password with unauthorized individuals and will maintain the confidentiality of student data. A copy of the signed statement should be sent to the district test coordinator to be kept on file. Users who have access to these systems and leave their positions at a district or school site must not use or share the password. District test coordinators are responsible for providing training regarding the security and confidentiality of individual student test data (in paper and electronic format) and of aggregated data of fewer than 10 students.

15. LDE staff will conduct site visits during testing to observe test administration procedures and to ensure that appropriate test security procedures are being followed. Schools with prior violations of test security or other testing irregularities will be identified for visits. Other schools will be randomly selected.

16. Any teachers or other school personnel who breach test security or allow breaches in test security shall be disciplined in accordance with the provisions of R.S. 17:416 et seq., R.S. 17:441 et seq., R.S. 17:81.6 et seq., policy and regulations adopted by the SBESE, and any and all laws that may be enacted by the Louisiana Legislature.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:391.7 (C) (G).

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, LR 31:1528 (July 2005).

### **§307. Change of District Test Coordinator Notification**

A. If during the academic year the person appointed as district test coordinator changes, the district superintendent must notify the LDE, Division of Student Standards and Assessments. The notification must be in writing and must be submitted within 15 days of the change in appointment.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:24 et seq.

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, LR 31:1530 (July 2005).

### **§309. Erasure Analysis**

A. To investigate erasures on student answer documents for the multiple-choice portions of the state criterion-referenced and norm-referenced testing programs, the SBESE and the LDE have developed the following procedures.

1. Scoring contractors scan every answer document for wrong-to-right erasures, and the state average and

standard deviation are computed for each subject at each grade level.

2. Students whose wrong-to-right erasures exceed the state average by more than four standard deviations are identified for further investigation. For each student with excessive erasures, the proportion of wrong-to-right erasures to the total number of erasures is considered.

3. Based on the criteria for excessive wrong-to-right erasures, scoring contractors produce the following reports.

a. District/School Erasure Analysis Report. This report identifies districts and schools within the districts whose answer documents have excessive wrong-to-right erasures.

b. Student Erasure Analysis Report. This report identifies individual students whose answer documents have excessive wrong-to-right erasures. The answer documents of students identified as having excessive wrong-to-right answers are available for review at the LDE upon request.

4. Once districts, schools, and individual students have been identified, the state superintendent of education sends letters to district superintendents stating that students in those districts have been identified as having excessive wrong-to-right erasures. Based on the number of erasures found, scores for students exceeding the four-standard-deviation criterion will be voided. Individual student reports from the testing program will reflect the voided scores. In the aggregation of scores at the school, district, and state levels, each voided score will have the effect of a zero score. Copies of the District/School and Student Erasure Analysis reports are enclosed with the letters. Copies of the correspondence are provided to the deputy superintendent of education, the assistant superintendent of the Office of Student and School Performance, the director of the Division of Student Standards and Assessments, and the district test coordinator.

5. The local superintendent must investigate the case of the irregularity and provide a report of the investigation and a written plan of action to the state superintendent of education within 30 calendar days.

6. A summary report of erasure analysis irregularities will be presented to the Louisiana Educational Assessment Testing Commission and the SBESE after each LEAP test administration.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:24 et seq.

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, LR 31:1530 (July 2005).

### **§311. Addressing Suspected Violations of Test Security and Troubling Content in Written Responses (Constructed Responses, Short Answers, and Essays)**

A. The Test Security Policy approved by the SBESE requires that the LDE establish procedures to deal with breaches of test security. District authorities provide the LDE information about voiding student tests because of student violations observed during test administration or violations by school personnel or others that have been reported. In addition, the scoring process produces information regarding written responses that have common elements, which indicate a student brought unauthorized materials to testing and used them to assist in writing; that

indicate that teacher interference might have been a significant factor, and in which troubling content was evident. Procedures for dealing with these issues follow.

1. Violation by Student as Observed by Test Administrator

a. The test administrator must notify the school test coordinator about any suspected incident of cheating and provide a written account of the incident. Answer documents in such cases should be processed like all other answer documents.

b. The school test coordinator must then convene a school-level test security committee consisting at a minimum of the principal, the school test coordinator, and the test administrator to determine whether a test should be voided.

c. If it is deemed necessary to void the test, the school test coordinator must notify the district test coordinator of the void request in a letter written on school letterhead, signed by the school principal and the school test coordinator. The original account of the incident written by the test administrator must be enclosed.

d. The district test coordinator must then fax a completed void form to the LDE, Division of Student Standards and Assessments, as directed in the *District and School Test Coordinators Manual*. The original Void Verification form, along with a copy of the school test coordinator's request for the void, must also be mailed to the LDE, Division of Student Standards and Assessments, as directed in the manual.

2. Reported Violations by School Personnel or Other Persons. All suspected instances of cheating should be reported directly to the school's district test coordinator for further investigation, and a report of the incident must be sent to LDE, Division of Student Standards and Assessments.

3. Suspected Violations Discovered by Scoring Contractors

a. In addition to erasure analysis for multiple-choice items, possible incidents of the following violations may be discovered during the scoring process:

i. plagiarism. Responses contain exact or almost exact content, and/or words or phrases, and/or format;

ii. use of unauthorized materials. Students brought unauthorized materials into the testing environment and used them to assist in written responses;

iii. teacher interference. Teacher interference is evident in written responses.

b. If possible incidents of violations are discovered in the scoring process, the scoring contractor notifies the LDE, Division of Student Standards and Assessments, of suspect documents with a summary of its findings.

c. Professional assessment and related-content personnel from the Division of Student Standards and Assessments review the suspect documents and determine whether the evidence supports voiding the responses.

d. If voiding is recommended, LDE mails the district superintendent a letter of what was observed during the scoring process that caused the alert and identifies the particular document that was voided. Copies of the correspondence are provided to the deputy superintendent of education, the assistant superintendent of the Office of Student and School Performance, the director of the Division

of Student Standards and Assessments, and the local district test coordinator.

i. Within 30 calendar days of the receipt of such a letter, the district must investigate the incident and provide a written plan of action to the state superintendent of education. If the district and/or parent/guardian(s) wish to discuss the situation further or to examine the student responses, a meeting may be scheduled at the LDE offices between staff members from the Division of Student Standards and Assessments, district representatives, and parent/guardian(s).

4. Disturbing Content. If student responses with disturbing content are discovered during the scoring process, the scoring contractor will notify the appropriate staff member at the LDE, Division of Student Standards and Assessments.

a. Professional assessment personnel review the responses. If it is determined that disturbing content causes a compelling need to break confidentiality, LDE will contact the district superintendent by telephone to summarize findings and inform him or her that materials are being mailed regarding the alert.

b. Issues regarding troubling content are for the district's information to assist the student and do not require further communication with LDE.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:24 et seq.

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, LR 31:1531 (July 2005).

### **§313. Viewing Answer Documents**

A. A parent, guardian, student, school, or district must place a request to view an answer document through the district test coordinator.

B. The district test coordinator must send a written request to view the answer document to the LDE, Division of Student Standards and Assessments. The request must include:

1. the student's name;
2. the student's state ID number or social security number;
3. the student's enrolled grade;
4. the type of assessment (i.e., LEAP 21, GEE 21, LAA, The Iowa Tests, iLEAP, ELDA) and the content area of the answer document or documents requested; and
5. the district name and code and school name and code where the student tested.

C. LDE will notify the testing contractor of the request; the testing contractor will send a copy of the requested answer document(s) to LDE.

D. Upon receipt of the requested answer document(s), LDE will contact the district test coordinator who placed the request to schedule an appointment to review the answer document(s).

E. The district test coordinator or his or her designee must accompany the school personnel, parent, guardian, and/or student to the appointment.

F. LDE will black out test items on answer documents prior to viewing. Only the student's responses may be observed.

G. LDE staff will remain in the room during the viewing of the answer document(s). Answer documents may not be copied or removed from the room. Written notes of student responses may not be made.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:24 et seq.

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, LR 31:1532 (July 2005).

### **§315. Emergencies During Testing**

A. For emergencies (e.g., fire alarms, bomb threats) that require evacuation of the classroom during administration of statewide assessments, the following procedures should be followed.

1. If the room can be locked, the test administrator should direct the students to place the answer document inside the test booklet and leave both on the desk. Before students are allowed back into the room, the test administrator should return to the room, pick up the test booklets, answer documents, and other secure materials, and then distribute them individually to the students when they have returned to their desks.

2. If the room cannot be locked and if at all possible, the test administrators should direct students to place the answer document on top of the test booklet and hand both along with any other secure materials to the test administrator as students file out of the room. Test administrators should carry the documents with them to their designated location outside the building. If return to the building is delayed, the school test coordinator should pick up and check in the materials from the test administrators.

3. If testing has not started prior to the emergency and the students have not yet opened their test booklets and answer documents, testing should start when students return to the room.

4. If students have opened their testing materials to begin testing and test security has been maintained, testing may continue after students return to the room.

5. If the test booklets have been opened and test security has been compromised, testing should not be continued. The answer documents should be sent to the testing company with the responses that were completed prior to the emergency. High school students who did not meet the achievement-level requirements to be eligible for a standard high school diploma will be allowed to retake the test they did not complete during the emergency at the next test administration. Likewise, a student who is unable to complete a LEAP 21 test because of an emergency situation, thereby not meeting the requirements for promotion, will be allowed to retake the test during the next test administration.

6. As a precautionary measure, graduating seniors might be tested together in a single group or in several smaller groups so test security is easier to maintain if there is an emergency.

7. If test security has been compromised, the district test coordinator must notify the LDE, Division of Student Standards and Assessments, as soon as possible.

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

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, LR 31:1532 (July 2005).

## **Chapter 5. Test Coordinator Responsibilities**

### **Subchapter A. District Test Coordinator**

#### **§501. District Test Coordinator Role**

A.1. A district test coordinator's responsibilities fall into three categories:

- a. making arrangements for testing;
- b. handling and maintaining the security of test materials; and
- c. training school test coordinators, district special education directors/supervisors, district Section 504 coordinators, district student information system coordinators, and principals.

2. Specific tasks include:

- a. submitting enrollment data by the yearly deadline;
- b. appointing a school test coordinator for every school involved in state testing;
- c. scheduling testing and makeup dates and times of state tests based on state-approved schedules;
- d. arranging for testing students enrolled in approved home study programs and nonpublic schools;
- e. coordinating with the district Section 504 coordinator the submission of Section 504 District Data Validation forms to the LDE, Division of Special Populations, Section 504 coordinator;
- f. conducting district training sessions for all principals, school test coordinators, district Section 504 coordinators, district student information system coordinators, district special education directors/supervisors, and district LEP coordinators;
- g. answering questions about test security, administration, and return of materials;
- h. receiving and verifying the delivery and return of testing materials;
- i. designating an appropriate locked, secure area for storing testing materials;
- j. maintaining the security of test materials immediately upon receipt of testing materials from testing contractors and from schools;
- k. distributing testing materials to school test coordinators;
- l. collecting, assembling, and packaging all testing materials and completing and submitting or filing all forms as instructed in the manuals;
- m. arranging for pickup of testing materials for shipment to the scoring contractor as instructed in the manuals;
- n. reporting immediately to the LDE, Division of Student Standards and Assessments, any missing test booklets or answer documents and returning them to test contractors if they are found;
- o. investigating any testing irregularities and reporting them to the LDE, Division of Student Standards and Assessments;
- p. reporting to the LDE, Division of Student Standards and Assessments, instances of students marking in a wrong section of the answer document;
- q. submitting all void and test irregularities forms and documentation as instructed in the manuals;
- r. returning any secure materials used for test accommodations, such as transparencies or computer disks, to the LDE, Division of Student Standards and Assessments;

s. returning any secure materials used for test accommodations, such as transparencies or computer disks, to the LDE, Division of Student Standards and Assessments;

t. maintaining the district password and all school passwords within the district that are used with LEAPweb Reporting System and the LEAPdata Query System;

u. training district and school users within a district to effectively use the systems; ensure they are familiar with the Family Education Rights and Privacy Act (FERPA) law governing confidentiality of student records, and ensure they have signed a security agreement before receiving a password for access to the LEAPdata Query System;

v. ensuring:

i. that all district/school users maintain the security of and access to all student information obtained via the LEAPweb Reporting and LEAPdata Query systems;

ii. that all school users are aware that student test data shall not be disclosed to anyone other than another school official and only for a legitimate educational purpose.

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

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, LR 31:1533 (July 2005).

### **Subchapter B. School Test Coordinator**

#### **§511. School Test Coordinator Role**

A. A school test coordinator's responsibilities include:

1. supervising testing procedures and materials control at the school level;
2. scheduling testing dates and times with the district test coordinator;
3. making arrangements for a location to test students with certain accommodations or in the case of untimed tests, students who need time beyond that scheduled to complete testing;
4. scheduling and monitoring makeup testing;
5. notifying the district test coordinator immediately of any missing secure materials;
6. verifying the count of all materials received and reporting any discrepancies to the district test coordinator;
7. ensuring the security of testing materials from the time they arrive at the school until the time they are returned to the district test coordinator;
8. noting any discrepancies in the count or numbering of test booklets or answer documents from that recorded on documents from the scoring contractor;
9. notifying the district test coordinator of additional test booklets, answer documents, or manuals needed;
10. reviewing all manuals in their entirety;
11. conducting a training session in test security and administration for test administrators and all other individuals who have access to secure materials before, during, and after test administration;
12. submitting the Verification of Section 504 forms to the school district Section 504 coordinator by the date established in the district;
13. compiling a list of students approved for accommodations, with the accommodations they are to receive, and providing a list of such students in a testing group to individual test administrators;
14. verifying that classrooms have been prepared for testing (test-related content material removed or covered, sufficient space for students, testing sign on door);

15. distributing materials to test administrators on the appropriate testing day and collecting, checking in and putting into the secure storage area all secure testing materials at the end of each day of testing and during any extended breaks;

16. monitoring testing sessions;

17. supervising test administrators who must transfer student answers from large-print, braille, or other accommodation formats to a scorable answer document;

18. collecting and returning any computer disks or other accommodation-format testing materials;

19. reporting any testing irregularities to the district test coordinator; and

20. packaging test materials as instructed in the manuals for return to the district test coordinator.

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

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, LR 31:1533 (July 2005).

## Chapter 7. Assessment Program Overview

### §701. Overview of Assessment Programs in Louisiana

#### A. Norm-Referenced and Criterion-Referenced Testing Programs Since 1986

Name of Assessment Program	Assessment Population	Administered
<b>Kindergarten Screening</b>		
Kindergarten Developmental Readiness Screening Program (KDRSP)	Kindergarten	fall 1987–
<b>Norm-Referenced Tests (NRTs)</b>		
California Achievement Test (CAT/F)	grades 4, 6, and 9	spring 1988–spring 1992 (no longer administered)
California Achievement Test (CAT/5)	grades 4 and 6 grade 8	spring 1993–spring 1997 spring 1997 only (no longer administered)
Iowa Tests of Basic Skills (ITBS) (form L) and Iowa Tests of Educational Development (ITED) (form M)	grades 4, 6, 8, 9, 10, and 11	spring 1998 (no longer administered)
ITBS	grades 3, 5, 6, and 7	spring 1999–spring 2002 (no longer administered)
ITED (form M)	grade 9	spring 1999–spring 2002 (no longer administered)
ITBS	grades 3, 5, 6, and 7	spring 2003–spring 2005
ITED	grade 9	spring 2003–spring 2005
(Iowa 03)		
<b>Criterion-Referenced Tests (CRTs)</b>		
National Assessment of Educational Progress (NAEP)	grades 4, 8, and 12	spring 1990–
Louisiana Educational Assessment Program (LEAP)	grades 3, 5, and 7	spring 1989–spring 1998 (no longer administered)
Graduation Exit Examination ("old" GEE)	grades 10 and 11	spring 1989– spring 2003 (state administered) fall 2003– (district administered)
Louisiana Educational Assessment Program for the 21st Century Program (LEAP 21) (ELA and Mathematics)	grades 4 and 8	spring 1999–
LEAP 21 (Science and Social Studies)	grades 4 and 8	spring 2000–
Graduation Exit Examination for the 21st Century Program (GEE 21) (ELA and Mathematics)	grade 10	spring 2001–
GEE 21 (Science and Social Studies)	grade 11	spring 2002–
<b>Integrated NRT/CRT</b>		
Integrated Louisiana Educational Assessment Program (iLEAP)	grades 3, 5, 6, 7, and 9	spring 2006–
<b>Special Population Assessments</b>		
Louisiana Alternate Assessment (LAA)	Students with Individualized Education Programs (IEPs) who meet participation criteria in grades 3–11.	spring 2000–
Louisiana Alternate Assessment-B (LAA-B) ["out-of-level" test]	Students with Individualized Education Programs (IEPs) who met eligibility criteria in grades 3–11.	spring 1999–spring 2003 (no longer administered)
English Language Development Assessment (ELDA)	Limited English Proficient (LEP) students in grades K–12	spring 2005–

B. As a result of these initiatives, the SBESE in May, 1997 approved content standards in English language arts, mathematics, science, social studies, foreign languages, and the arts. The LDE initiated new criterion-referenced tests to align with these standards. In the 1997 Regular Session of the Louisiana Legislature, the state law was changed to require that criterion-referenced tests be given in grades 4 and 8 rather than in grades 3, 5, and 7. In spring 2002, the new state criterion-referenced tests at grades 4, 8, 10, and 11 were completely phased in and previous criterion-referenced tests were phased out.

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

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, LR 31:1534 (July 2005).

## Chapter 9. Kindergarten Developmental Readiness Screening Program

### §901. Statement of Purpose

A. This Chapter provides for the implementation of local kindergarten developmental readiness screening programs as required by Act 146, Regular Session, 1986. Activities conducted under this Chapter shall be coordinated with other forms of screening conducted by the school district.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:24.4 (F) (1) (b).

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, LR 31:1535 (July 2005).

### §903. Definitions

*Developmental*—the process of identifying appropriate behavior by age level in areas such as motor skills, oral language development, cognitive development, social-emotional development, auditory discrimination, visual discrimination, and self-help skills.

*Readiness Screening*—the process of identifying the performance levels, skills, and abilities of young children through gathering of information concerning their physical, intellectual, emotional, and social development.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:391.11, R.S. 17:24.4 (F) (1) (b), and R.S. 17:151.3.

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, LR 31:1535 (July 2005).

### §905. Target Population

A. Every child entering public school kindergarten for the first time shall be screened with a nationally recognized developmental readiness instrument. If a student is identified as having a disability according to Bulletin 1508 and has a current multidisciplinary evaluation, he or she shall not be excluded from this screening. If appropriate developmental screening information from the current evaluation cannot be used, appropriate adaptations of the developmental screening instrument shall be made. The results of the screening shall not exclude any child who meets the age requirements from entering public school kindergarten.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:139.11, 20, R.S. 17:151.3, R.S. 17:1941, and USCS §1400 et seq.

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, LR 31:1535 (July 2005).

### §907. Agency Administrative Participation

A. Screening Instruments. Each school district shall elect and administer one nationally recognized readiness screening instrument from among those recommended by the LDE and approved by the SBESE. The results of this screening shall be used in placing children within a regular kindergarten classroom setting and planning their instructional programs to meet identified needs.

#### B. Administrative Timelines

1. Each school district shall submit to the LDE by the date established by the LDE and annually thereafter the name of the developmental readiness screening instrument selected for system-wide use by the local school board for the purpose of program implementation.

2. Beginning with the 1987-1988 academic year and annually thereafter, screening shall occur within 30 days before or after the opening date of school.

C. Parental Advisement. Beginning with the 1987-1988 academic year and annually thereafter, school districts shall inform the parent or guardian of the results of the individual student's screening.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:24 et seq., and R.S. 17:139 et seq.

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, LR 31:1535 (July 2005).

### §909. State BESE-Approved Instruments

A. Instruments Approved for Use in 1990. School districts that elected to use these instruments at that time can continue to use them. School districts cannot, however, now elect to use these instruments.

Name of Instrument	Publisher
Chicago EARLY Assessment	Educational Teaching Aids
Miller Assessment for Preschoolers	The Psychological Corporation
Developing Skills Checklist (DSC)	CTB McMillan/McGraw-Hill
Developmental Indicators for the Assessment of Learning-Revised (DIAL-R)	American Guidance Service

B. Instruments Approved for Use in April 2001. School districts may use any of these instruments.

Name of Instrument	Publisher
Developmental Indicator for the Assessment of Learning—Third Edition (DIAL-3)	American Guidance Service
Developing Skills Checklist (DSC)	CTB McMillan/McGraw-Hill
Brigance K & 1 Screen	Curriculum and Associates
Early Screening Inventory—Revised	Rebus
Screening Test for Education Prerequisite Skills (STEPS)	Western Psychological Services

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:24.4 and R.S. 17:391.11.

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, LR 31:1535 (July 2005).



**Chapter 11. Louisiana Educational Assessment Program for the 21st Century**

**Subchapter A. General Provisions**

**§1101. Introduction**

A. The LEAP 21 is a criterion-referenced testing program that is directly aligned with the state content standards, which by law are as rigorous as those of NAEP. The LEAP 21 measures how well students in grades four and eight have mastered the state content standards. Test results are reported in terms of achievement levels.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:24.4 (F) (1) (c).

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, LR 31:1536 (July 2005).

**Subchapter B. Achievement Levels and Performance Standards**

**§1113. Achievement Levels**

- A.1. The Louisiana achievement levels are:
- Advanced;
  - Mastery (Exceeding the Standard);
  - Basic (Meeting the Standard);
  - Approaching Basic (Approaching the Standard);
- and
- Unsatisfactory.

2. Though the names of the achievement levels differ slightly from those detailed in the NCLB Act, the definitions are similar. The definitions of the Louisiana achievement levels are also consistent with the definitions of basic,

proficient, and advanced in English language arts and mathematics for NAEP.

**B. Achievement Level Definitions**

1. *Advanced*—a student at this level has demonstrated superior performance beyond the mastery level.

2. *Mastery (formerly Proficient)*—a student at this level has demonstrated competency over challenging subject matter and is well prepared for the next level of schooling.

3. *Basic*—a student at this level has demonstrated only the fundamental knowledge and skills needed for the next level of schooling.

4. *Approaching Basic*—a student at this level has only partially demonstrated the fundamental knowledge and skills needed for the next level of schooling.

5. *Unsatisfactory*—a student at this level has not demonstrated the fundamental knowledge and skills needed for the next level of schooling.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.24.4 (F) (1) and (C).

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, LR 31:1536 (July 2005).

**§1115. Performance Standards**

A. Performance standards for LEAP 21 English Language Arts, Mathematics, Science, and Social Studies tests are finalized in scaled-score form. The scaled scores range between 100 and 500 for all grades and content areas.

B. LEAP 21 Achievement Levels and Scaled Score Ranges—Grade 4

Achievement Level	English Language Arts Scaled Score Range	Mathematics Scaled Score Range	Science Scaled Score Range	Social Studies Scaled Score Range
Advanced	408–500	419–500	405–500	399–500
Mastery	354–407	370–418	360–404	353–398
Basic	301–353	315–369	306–359	301–352
Approaching Basic	263–300	282–314	263–305	272–300
Unsatisfactory	100–262	100–281	100–262	100–271

**C. LEAP 21 Achievement Levels and Scaled Score Ranges—Grade 8**

Achievement Level	English Language Arts Scaled Score Range	Mathematics Scaled Score Range	Science Scaled Score Range	Social Studies Scaled Score Range
Advanced	402–500	398–500	400–500	404–500
Mastery	356–401	376–397	345–399	350–403
Basic	315–355	321–375	305–344	297–349
Approaching Basic	269–314	296–320	267–304	263–296
Unsatisfactory	100–268	100–295	100–266	100–262

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:391.4 (A).

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1536 (July 2005).

**Subchapter C. Achievement Level Descriptors**

**§1125. Introduction**

A. Achievement level descriptors for Louisiana assessments were developed by committees composed of Louisiana educators who represented the subjects and grades assessed. The descriptors define what a student should know and be able to do at each achievement level for each subject assessed at a given grade level.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:391.4 (B).

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, LR 31:1536 (July 2005).

**§1127. Grade 4 Achievement Level Descriptors**

A. Grade 4 English Language Arts Achievement Level Descriptors

1. Advanced

a. In the area of reading, fourth grade students performing at the advanced level:

- generalize about topics in the reading selection;

- ii. demonstrate an awareness of how authors compose;
- iii. demonstrate an awareness of how authors use literary devices in various genres; and
- iv. judge texts critically and give thorough answers that indicate careful thought.

b. Specifically, when reading literary text, advanced-level students:

- i. make generalizations about the point of the story;
- ii. extend its meaning by integrating personal and other reading experiences with ideas suggested by the text; and
- iii. identify literary devices such as figurative language.

c. When reading informational text, advanced-level fourth graders:

- i. explain the author's intent by using supporting material from the text;
- ii. make critical judgments of the text (including its form and content) and explain their judgments clearly; and
- iii. locate, select, and synthesize information by using appropriate resources including technological sources to acquire, summarize, and communicate knowledge.

d. In the area of writing, fourth grade students at the advanced level:

- i. create an effective and elaborated response to the task in form, content, and language;
- ii. express analytical, critical, and/or creative thinking;
- iii. have unity of form and content in response to the writing task;
- iv. demonstrate awareness of the intended audience;
- v. use effective organization appropriate to the task;
- vi. show proficient use of transitional elements;
- vii. elaborate and enhance the central idea with descriptive and supportive details;
- viii. use language appropriate to the task and intended audience; and
- ix. enhance meaning through control of spelling, grammar, punctuation, and capitalization.

## 2. Mastery

a. In the area of reading, fourth grade students performing at the mastery level:

- i. demonstrate an overall understanding of the text, providing inferential as well as literal information; and
- ii. extend ideas in the text by making inferences, drawing conclusions, and making connections to their own experiences.

b. Specifically, when reading literary text, mastery-level fourth graders should be able to:

- i. summarize the story;
- ii. draw conclusions about the characters or plot; and
- iii. recognize relationships such as cause and effect.

c. When reading informational text, mastery-level students should be able to:

i. summarize the information and identify the author's intent or purpose;

ii. draw reasonable conclusions from the text, recognize relationships such as cause and effect or similarities and differences;

iii. identify the meaning of the selection's key concepts; and

iv. locate, select, and summarize information from appropriate resources to acquire knowledge.

d. In the area of writing, fourth grade students at the mastery level:

i. create an effective response to the task in form, content, and language;

ii. demonstrate an awareness of the intended audience;

iii. use effective organization appropriate to the task.

## 3. Basic

a. In the area of reading, fourth grade students performing at the basic level:

i. demonstrate an understanding of the overall meaning of what they read; and

ii. make relatively obvious connections between the text and their own experiences and extend the ideas in the text by making simple inferences.

b. For example, when reading literary text, basic-level students should be able to:

i. tell what the story is generally about—providing details to support their understanding; and

ii. connect aspects of the stories to their own experiences.

c. When reading informational text, basic-level fourth graders should be able to:

i. tell what the selection is generally about or identify the purpose for reading it;

ii. provide details to support their understanding;

iii. connect ideas from the text to their background knowledge and experiences; and

iv. locate basic information in appropriate sources to acquire knowledge.

d. In the area of writing, fourth grade students at the basic level:

i. demonstrate appropriate response to the task in form, content, and language;

ii. use some supportive details;

iii. demonstrate organization appropriate to the task; and

iv. demonstrate sufficient command of spelling, grammar, punctuation, and capitalization to communicate to the reader.

## 4. Approaching Basic

a. In the area of reading, fourth grade students performing at the approaching basic level:

i. demonstrate a partial understanding of the overall meaning of what they read; and

ii. make limited connections between the text and their own experiences.

b. For example, when reading literary text, approaching basic students should be able to recall facts and details from the text.

c. When reading informational text, these students should be able to:

i. tell what the selection is about and provide limited details; and

ii. locate information in resources that are the most commonly used.

d. In the area of writing, fourth grade students at the approaching basic level:

i. demonstrate a partial response to the task in form, content, and language;

ii. use few supportive details;

iii. demonstrate some evidence of organization; and

iv. demonstrate some command of spelling, grammar, and punctuation to communicate to the reader.

5. Unsatisfactory. A student at this level has not demonstrated the fundamental knowledge and skills needed for the next level of schooling.

#### B. Grade 4 Mathematics Achievement Level Descriptors

1. Advanced. Fourth grade students performing at the advanced level consistently apply integrated procedural knowledge and conceptual understanding to problem solving in the six Louisiana mathematics content strands. They readily see multiple solutions/strategies (including nonroutine ones) to apply to problems. Fourth grade students performing at this level:

a. solve complex and nonroutine real-world problems in all the Louisiana mathematics content;

b. display mastery in the use of four-function calculators, rulers, and geometric shapes;

c. draw logical conclusions and justify answers and solution processes by explaining the procedures and the rationale for using them;

d. go beyond the obvious in their interpretations; and

e. are able to communicate their thoughts clearly and concisely.

2. Mastery. Fourth grade students performing at the mastery level consistently apply integrated procedural knowledge and conceptual understanding to problem solving in the six Louisiana mathematics content strands. Fourth grade students performing at this level:

a. use whole numbers to estimate, compute, and determine whether results are reasonable;

b. have a conceptual understanding of fractions, decimals, and percents and their relationship;

c. are able to solve real world problems in all the Louisiana mathematics content strands;

d. accurately use four-function calculators, rulers, and geometric shapes appropriately;

e. employ problem-solving strategies such as identifying and using appropriate information; and

f. organize and present written solutions both with supporting information and explanations of how they were achieved.

3. Basic. Fourth grade students performing at the basic level show some evidence of understanding the mathematical concepts and procedures in the six Louisiana mathematics content strands. Fourth grade students performing at this level:

a. estimate and use basic facts to perform simple computations with whole numbers;

b. show some understanding of fractions, decimals, and percents and their relationships;

c. solve some simple real-world problems in all the Louisiana mathematics content strands;

d. use—with some degree of accuracy—four-function calculators, rulers, and geometric shapes; and

e. provide written responses that are often minimal and presented without supporting information.

4. Approaching Basic. Fourth grade students performing at the approaching basic level show minimal evidence of understanding the math concepts and procedures in the six Louisiana mathematics content strands. Fourth grade students performing at this level:

a. use basic facts to perform simple computations with whole numbers;

b. recognize fractions, decimals, and percents;

c. exhibit difficulty applying conceptual knowledge in solving real-world problems;

d. use—with some degree of accuracy—four function calculators, rulers, and geometric shapes; and

e. provide minimal or nonexistent written responses.

5. Unsatisfactory. A student at this level has not demonstrated the fundamental knowledge and skills needed for the next level of schooling.

#### C. Grade 4 Science Achievement Level Descriptors

1. Advanced. Fourth grade students performing at the advanced level demonstrate a broad and in-depth understanding of science concepts and process skills and have the ability to apply, synthesize, connect, and evaluate concepts in the five science content strands. Fourth grade students performing at this level can:

a. design and carry out scientific investigations, selecting and using appropriate tools, technology, and techniques/methods;

b. formulate appropriate questions that demonstrate critical thinking and a broad base of scientific knowledge;

c. interpret relationships and make inferences based on the data and apply to new situations;

d. organize data in graphic form, evaluate validity of data, and draw/justify conclusions based on data;

e. develop, elaborate, and modify predictions, models and explanation;

f. use/apply concepts about properties of objects/materials, position/motion of objects, and forms of energy to new ideas/situations;

g. use/apply concepts about characteristics, life cycles, and environments of organisms to recognize, analyze, and critique observed phenomena;

h. use/apply concepts of properties of earth materials, weather, and objects in sky to predict/justify patterns and relationships; and

i. use/apply concepts about interrelationships among the human, biological, chemical, and physical aspects of the environment.

2. Mastery. Fourth grade students performing at the mastery level demonstrate mastery and application of science concepts and process skills in the five science content strands. Fourth grade students performing at this level can:

a. design and carry out scientific investigations using appropriate methods, tools, technology, and techniques;

b. formulate appropriate questions demonstrating broad base of scientific knowledge;

c. identify relationships based on data and apply to new situations;

d. organize data in a graphic form, draw conclusions and justify conclusions based on data;

e. make predictions based on data (new situation, everyday life);

f. explain and connect concepts about properties of objects/materials, position/motion of objects, and formation of energy;

g. explain and connect concepts about characteristics, life cycles, and environments of organisms;

h. explain and connect concepts of properties of earth materials, weather, and objects in the sky; and

i. explain and connect concepts about the interrelationships among the human, biological, chemical, and physical aspects of the environment.

3. Basic. Fourth grade students performing at the basic level demonstrate a general understanding of fundamental science concepts and skills in the five science content strands. Fourth grade students performing at this level can:

a. perform simple scientific tasks when given clear, sequential directions;

b. recognize questions that are appropriate to investigation;

c. organize data in a graphic form and draw conclusions based on data;

d. demonstrate data in a graphic form and draw conclusions based on data;

e. demonstrate basic knowledge/understanding of properties of objects, motion of objects, and forms of energy as they apply to their everyday life;

f. demonstrate basic knowledge/understanding of characteristics, life cycles, and environments of organisms and relationships;

g. demonstrate knowledge/understanding of basic concepts of properties of earth materials, weather, and objects in sky by identifying patterns; and

h. demonstrate knowledge/understanding of basic components of an ecosystem and recognize how change impacts the system.

4. Approaching Basic. Fourth grade students performing at the approaching basic level demonstrate minimal understanding science concepts and process skills in the five science content strands. Fourth grade students performing at this level can:

a. perform portions of simple scientific tasks when given clear, sequential directions;

b. read/interpret some data in a graphic form;

c. respond to simple directed questions;

d. exhibit partial understanding of characteristics, life cycles, and environments or organisms and relationships;

e. exhibit partial understanding of basic concepts of properties of earth materials, weather, and objects in the sky by identifying patterns; and

f. exhibit partial understanding of basic components of ecosystems and recognize how change impacts the system.

5. Unsatisfactory. A student at this level has not demonstrated the fundamental knowledge and skills needed for the next level of schooling.

D. Grade 4 Social Studies Achievement Level Descriptors

1. Advanced. Fourth grade students performing at the advanced level demonstrate a broad and in-depth understanding of social studies knowledge and skills, and have the ability to apply, synthesize, connect, and evaluate concepts in all four social studies content strands as indicated below.

a. Geography—The advanced student can:

i. interpret major geographic features on maps and globes;

ii. classify geographic vocabulary;

iii. analyze the connection between people, places, man, and the environment;

iv. compare geographical data;

v. compare the world in spatial terms and processes that shape the earth.

b. Civics—The advanced student can:

i. evaluate the structure and purpose of government;

ii. interpret rights as stated in the Constitution.

c. Economics—The advanced student can:

i. evaluate the economic factors involved in a choice or a decision;

ii. analyze decisions made by individuals, households, businesses, and governments and their economic outcomes.

d. History—The advanced student can:

i. express the significance of key historical people, events, and documents;

ii. use an understanding of historical perspective, time, and chronology to analyze past and current events;

iii. use both primary and secondary sources to interpret the past;

iv. evaluate the social and economic impact of major scientific and technological advancements.

2. Mastery. Fourth grade students performing at the mastery level demonstrate mastery and application of social studies knowledge and skills in all four social studies content strands as indicated below.

a. Geography—The mastery student can:

i. analyze and compare major geographic features on maps and globes;

ii. compare geographic vocabulary;

iii. compare the connection between people, places, man and the environment;

iv. classify geographical data;

v. describe the world in spatial terms and processes that shape the earth.

b. Civics—The mastery student can:

i. explain the branches and responsibilities of government;

ii. explain the rights and responsibilities of citizens as outlined in the Constitution.

- c. Economics—The mastery student can:
  - i. apply economic concepts to given scenarios;
  - ii. explain how individuals, households, businesses, and governments are dependent on one another;
  - iii. demonstrate an understanding of the economic outcomes of decisions made by individuals, households, businesses, and governments.
- d. History—The mastery student can:
  - i. identify and describe key historical people, events and documents;
  - ii. apply an understanding of the concepts of historical perspective, time, and chronology;
  - iii. use primary and secondary sources to gain historical information;
  - iv. explain the importance of major scientific and technological advancements.

3. Basic. Fourth grade students performing at the basic level demonstrate a general understanding of fundamental social studies knowledge and skills in the four social studies content strands as indicated below.

- a. Geography—The basic student can:
  - i. recognize major geographic features on maps and globes;
  - ii. write words that define geographic vocabulary;
  - iii. describe the connection between people, places, man, and the environment;
  - iv. interpret geographical data;
  - v. define the world in spatial terms and processes that shape the earth.

- b. Civics—The basic student can:
  - i. identify branches and major responsibilities of government;
  - ii. list the rights and responsibilities of citizens that are stated in the Bill of Rights.

- c. Economics—The basic student can:
  - i. identify fundamental economic concepts and terms;
  - ii. recognize that individuals, households, businesses, and governments are dependent on one another;
  - iii. recognize that the decisions made by individuals, households, businesses, and governments result in economic outcomes.

- d. History—The basic student can:
  - i. identify and describe some important people, events, and documents in American history;
  - ii. demonstrate an understanding of the concepts of historical perspective and time;
  - iii. distinguish between primary and secondary historical sources;
  - iv. describe some scientific and technological advancements.

4. Approaching Basic. Fourth grade students performing at the approaching basic level demonstrate an uneven and minimal understanding of the fundamental knowledge and skills in all four social studies content strands as indicated below.

- a. Geography—The approaching basic student can:
  - i. identify major geographic features on maps and globes;
  - ii. select words that define geographic vocabulary;

- iii. explain the connection between people, places, man, and the environment;
- iv. identify geographical data;
- v. identify the world in spatial terms and processes that shape the earth.

- b. Civics—The approaching basic student can:
  - i. recognize that the U.S. has a government that is divided into branches;
  - ii. state that citizens have rights and responsibilities.

- c. Economics—The approaching basic student can:
  - i. identify some fundamental economic concepts and terms.

- d. History—The approaching basic student can:
  - i. recognize a few of the most important people, events, and documents in American history;
  - ii. demonstrate a limited understanding of the concepts of historical perspective and time;
  - iii. identify some important scientific and technological advancements.

5. Unsatisfactory. A student at this level has not demonstrated the fundamental knowledge and skills needed for the next level of schooling.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:391.4(A).

HISTORICAL NOTE: Promulgated by the Department of Education, State Board of Elementary and Secondary Education, LR 31:1536 (July 2005).

### §1129. Grade 8 Achievement Level Descriptors

A. Grade 8 English Language Arts Achievement Level Descriptors

#### 1. Advanced

a. In the areas of reading and use of resources, eighth grade students performing at the advanced level:

- i. describe the more abstract themes and ideas of the overall text;
- ii. analyze both meaning and form and support their analyses explicitly with examples from the text;
- iii. extend text information by relating it to their experiences and to world events; and
- iv. select and evaluate a variety of information from various sources.

b. In the area of writing, eighth grade students at the advanced level:

- i. create an effective and elaborated response to the task in form, content, and language consistent with audience and purpose;
- ii. express analytical, critical, and/or creative thinking;
- iii. have logical, cohesive organization appropriate to the task;
- iv. show sophisticated use of transitional elements;
- v. use varied and elaborated supporting details in appropriate, extended response;
- vi. begin to develop a personal style or voice;
- vii. demonstrate precise and varied use of language, (e.g., variety of word choice and sentence structures);
- viii. use a variety of strategies such as analogies, illustrations, examples, anecdotes, and figurative language; and

ix. enhance meaning through control of spelling, grammar, punctuation, and capitalization.

## 2. Mastery

a. In the areas of reading and use of resources, eighth grade students performing at the mastery level:

i. show an overall understanding of the text, including inferential as well as literal information;

ii. extend the ideas in the text by making clear inferences, by drawing conclusions, and by making connections to their own experiences—including other reading experiences;

iii. analyze some of the devices authors use in composing text; and

iv. select and analyze a variety of information from various sources.

b. In the area of writing, eighth grade students at the mastery level:

i. create an effective response to the task in form, content, and language consistent with audience and purpose;

ii. express analytical, critical, and/or creative thinking;

iii. have logical and observable organization appropriate to the task;

iv. show effective use of transitional elements;

v. use sufficient elaboration to clarify and enhance the central idea;

vi. use language (e.g., variety of word choice and sentence structure) appropriate to the task;

vii. demonstrate sufficient command of spelling, grammar, punctuation, and capitalization to communicate with the reader; and

viii. use some strategies such as analogies, illustrations, examples, anecdotes, and figurative language.

## 3. Basic

a. In the areas of reading and use of resources, eighth grade students performing at the basic level:

i. demonstrate a literal understanding of what they read, identify specific aspects of the text that reflect the overall meaning, and extend the ideas in the text by making simple inferences;

ii. recognize and relate interpretations and connections among ideas in a text by drawing conclusions; and

iii. select and use a variety of information from various sources.

b. In the area of writing, eighth grade students at the basic level:

i. demonstrate appropriate response to the task in form, content, and language;

ii. maintain a consistent focus;

iii. demonstrate organization appropriate to the task;

iv. use supporting details; and

v. have some errors in spelling, grammar, punctuation, and capitalization that interfere with communication to the reader.

## 4. Approaching Basic

a. In the areas of reading and use of resources, eighth grade students performing at the approaching basic level:

i. demonstrate a partial understanding of what they read and make a few interpretations;

ii. make few extensions of ideas in text;

iii. make limited connections from text to personal experiences; and

iv. recognize a variety of information sources.

b. In the area of writing, eighth grade students at the approaching basic level:

i. demonstrate a limited response to the task in form, content, and language;

ii. maintain a limited focus;

iii. demonstrate some evidence of conscious organization;

iv. use few supporting details; and

v. demonstrate little control of spelling, grammar, punctuation, and capitalization to communicate to the reader.

5. Unsatisfactory. A student at this level has not demonstrated the fundamental knowledge and skills needed for the next level of schooling.

## B. Grade 8 Mathematics Achievement Level Descriptors

1. Advanced. Eighth grade students performing at the advanced level demonstrate abstract thinking by reaching beyond the recognition, identification, and application of mathematical rules in order to generalize and synthesize concepts and principles in the six Louisiana mathematics content strands. Eighth grade students performing at this level:

a. probe examples and counterexamples in order to shape generalizations from which they can develop models;

b. use number sense and geometric awareness to consider the reasonableness of an answer;

c. use abstract thinking to create unique and/or alternative problem-solving techniques; and

d. explain the reasoning processes underlying their conclusions.

2. Mastery. Eighth grade students performing at the mastery level recognize, identify, and apply mathematical concepts and procedures consistently to complex problems in the six Louisiana mathematics content strands. Eighth grade students performing at this level:

a. can conjecture and defend their ideas and give supporting examples;

b. understand the connections between fractions, percents, decimals, and other mathematical topics such as algebra and functions;

c. have a thorough understanding of basic-level arithmetic operations—an understanding sufficient for problem solving in practical situations;

d. are familiar with quantity and spatial relationships in problem solving and reasoning;

e. convey underlying reasoning skills beyond the level of arithmetic;

f. compare and contrast mathematical ideas and generate their own examples;

g. make inferences from data and graphs;

h. apply properties of informal geometry;

i. accurately use the tools of technology; and

j. understand the process of gathering and organizing data and be able to calculate, evaluate, and communicate results within the domain of statistics and probability.

3. Basic. Eighth grade students performing at the basic level exhibit evidence of conceptual and procedural understanding in the six Louisiana mathematics content

strands. This level of performance signifies an understanding of arithmetic operations, including estimation, on whole numbers, decimals, fractions, and percents. Eighth grade students performing at this level:

- a. complete problems correctly with the help of structural prompts such as diagrams, charts, and graphs;
- b. solve routine, real-world problems through the appropriate selection and use of strategies and technological tools, including calculators, computers, and geometric shapes;
- c. use fundamental algebraic and informal geometric concepts in problem solving;
- d. determine which of available data are necessary and sufficient for correct solutions and use them in problem solving; and
- e. show limited skill in communicating mathematically.

4. Approaching Basic. Eighth grade students performing at the approaching basic level are able to use basic mathematical skills and follow simple procedures in the six Louisiana mathematics content strands, but are inconsistent in the application of conceptual knowledge. Eighth grade students performing at this level:

- a. complete problems correctly with the help of structural prompts such as diagrams, charts and graphs;
- b. solve one-step problems involving basic computation ( $=$ ,  $-$ ,  $\times$ ,  $\div$ ) and follow procedural steps with instructional assistance;
- c. recognize basic geometric figures;
- d. see simple, obvious patterns;
- e. are able to use the tools of technology;
- f. inconsistently apply conceptual knowledge; and
- g. have difficulty transferring knowledge and skills to problem-solving situations.

5. Unsatisfactory. A student at this level has not demonstrated the fundamental knowledge and skills needed for the next level of schooling.

#### C. Grade 8 Science Achievement Level Descriptors

1. Advanced. Eighth grade students performing at the advanced level demonstrate a broad and in-depth understanding of science concepts and process skills and have the ability to apply, synthesize, connect, and evaluate concepts in the five science content strands.

- a. Eighth grade students performing at this level:
  - i. use abstract concepts/theories to explain everyday situations;
  - ii. are able to describe many elements of a system and explain the limits of a particular example;
  - iii. design complex models;
  - iv. demonstrate an understanding of the nature and limits of science and understand that science is subject to change.
- b. When given a problem, students can design a simple investigation by:
  - i. asking appropriate questions, and identifying those questions that are testable and nontestable;
  - ii. manipulating variables;
  - iii. using mathematics and appropriate tools to gather, analyze, and interpret data;
  - iv. relating several variables to explain phenomena; and

- v. developing descriptions, explanations, and appropriate displays to communicate and defend data.

- c. Within each content strand, students:

- i. in physical science can apply and communicate knowledge of properties and changes of properties in matter, motion, forces, and energy transformations to a given set of circumstances;
- ii. in life science can apply and communicate knowledge of the structure and function in living systems, of reproduction and heredity, of populations and ecosystems, and adaptations of organisms;
- iii. in earth and space science can apply and communicate abstract concepts/theories related to the structure of Earth, Earth history, and Earth and the solar system;
- iv. in science and the environment can apply and communicate the relationship between living and nonliving factors in order to maintain a viable ecosystem and processes involved in the natural cycles.

2. Mastery. Eighth grade students performing at the mastery level demonstrate mastery and application of science concepts and process skills in the five science content strands.

- a. Eighth grade students performing at this level:

- i. understand complex concepts/theories and communicate them;
- ii. demonstrate an understanding of elements of the system;
- iii. demonstrate understanding of models and diagrams;
- iv. recognize various limits of science and its changes.

- b. When given a problem, students can:

- i. use a simple investigation and design an experiment;
- ii. link ideas while collecting data;
- iii. use mathematics and appropriate tools to design methods of display for the data; and
- iv. draw conclusions from data.

- c. Within each content strand, students:

- i. in physical science can explain and connect knowledge of properties and changes of properties in matter, motion, forces, and energy transformations to a given set of circumstances;
- ii. in life science can explain and connect knowledge of the structure and function in living systems, of reproduction and heredity, of populations and ecosystems, and adaptations of organisms;
- iii. in earth and space science can explain and connect abstract concepts/theories related to the structure of Earth, Earth history, and Earth and the solar system;
- iv. in science and the environment can explain and connect the relationship between living and nonliving factors in order to maintain a viable ecosystem and processes involved in the natural cycles.

3. Basic. Eighth grade students performing at the basic level demonstrate a general understanding of fundamental science concepts and process in the five science content strands.

- a. Eighth grade students performing at this level:

- i. possess a fundamental knowledge of some theories and concepts;
- ii. identify elements of a system and state one limiting factor when given a particular example;
- iii. identify a simple model;
- iv. begin to understand the nature of science; and
- v. show an awareness that science is subject to change.

b. When given a problem, students at the basic level can:

- i. design a simple investigation by asking appropriate questions;
- ii. identify the important variables;
- iii. select appropriate tools to gather data; and
- iv. interpret basic data and communicate the conclusion.

c. Within each content strand, students:

- i. in physical science demonstrate basic knowledge of properties and changes of properties in matter, motion, forces, and energy transformations to a given set of circumstances;
- ii. in life science demonstrate basic knowledge of the structure and function in living systems, of reproduction and heredity, of populations and ecosystems, and adaptations of organisms;
- iii. in earth and space science demonstrate basic knowledge of abstract concepts/theories related to the structure of Earth, Earth history, and Earth and the solar system;
- iv. in science and the environment demonstrate basic knowledge of the relationship between living and nonliving factors in order to maintain a viable ecosystem and processes involved in the natural cycles.

4. Approaching Basic. Eighth grade students performing at the approaching basic level demonstrate minimal understanding of science concepts and process skills in the five science content strands.

a. Eighth grade students performing at the approaching basic level possess limited skills and knowledge of theories and concepts. Given the appropriate tools, they can:

- i. identify related elements of a system;
- ii. identify elements of a simple model; and
- iii. show some awareness that science is developing and changing.

b. Given an investigation, students can:

- i. answer specific scientific questions;
- ii. identify at least one variable in an experiment; and
- iii. seek and identify basic scientific data and communicate it.

c. Within each content strand, students:

- i. in physical science demonstrate partial knowledge of properties and changes of properties in matter, motion, forces, and energy transformations to a given set of circumstances;
- ii. in life science demonstrate partial knowledge of the structure and function in living systems, of reproduction and heredity, of populations and ecosystems, and adaptations of organisms;

- iii. in earth and space science demonstrate partial knowledge of abstract concepts/theories related to the structure of Earth, Earth history, and Earth and the solar system;

- iv. in science and the environment demonstrate partial knowledge of the relationship between living and nonliving factors in order to maintain a viable ecosystem and processes involved in the natural cycles.

5. Unsatisfactory. A student at this level has not demonstrated the fundamental knowledge and skills needed for the next level of schooling.

#### D. Grade 8 Social Studies Achievement Level Descriptors

1. Advanced. Eighth grade students performing at the advanced level demonstrate a broad and in-depth understanding of social studies knowledge and skills and have the ability to apply, synthesize, connect, and evaluate concepts in all four social studies content strands as indicated below.

a. Geography—The advanced student can:

- i. apply extensive geographic knowledge, analytical concepts, and vocabulary;
- ii. analyze spatial phenomena using a variety of sources with a variety of scales and show the relationship between them;
- iii. use case studies for spatial analysis to develop maps and other graphics;
- iv. differentiate between patterns of climate, vegetation, and population across the Earth's surface;
- v. relate to the concept of region to specific places and explain how regions change over time due to a variety of factors;
- vi. profile regions by using geographical concepts, tools, and skills.

b. Civics—The advanced student can:

- i. evaluate the importance of rules and laws, political parties, campaigns, and elections in the American political systems;
- ii. weigh the impact of American ideas and actions on the world;
- iii. compare and contrast positions relating to the rights of citizens.

c. Economics—The advanced student can:

- i. apply fundamental economic concepts;
- ii. analyze the role of governmental policies in competitive markets;
- iii. examine the reasons for worldwide interdependence based on historical and economic factors.

d. History—The advanced student can:

- i. evaluate historical patterns as they relate to specific events;
- ii. make generalizations about historical topics using a variety of sources;
- iii. develop an awareness of the political, social, and economic themes in history.

2. Mastery. Eighth grade students performing at the mastery level demonstrate mastery and application of social studies knowledge and skills in the four social studies content strands as indicated below.



- a. Geography—The mastery student can:
  - i. analyze a wide variety of physical and cultural features;
  - ii. apply a fundamental geographic vocabulary;
  - iii. compare information presented in different scales;
  - iv. use geographic tools to find and translate information into patterns;
  - v. evaluate how human activity effects environment;
  - vi. develop maps in order to interpret various patterns of trade and migration;
  - vii. solve location questions by integrating two or more sources.

- b. Civics—The mastery student can:
  - i. compare and contrast the relationship between a state constitution and the federal Constitution;
  - ii. analyze the ways in which political social conflict can be peacefully resolved;
  - iii. interpret the impact of the U.S. foreign policy on the world;
  - iv. analyze ways in which citizens organize, monitor, and help to shape politics and government at various levels.

- c. Economics—The mastery student can:
  - i. apply fundamental economic concepts;
  - ii. apply the meaning of economic indicators and their role in economics;
  - iii. analyze various economic systems and their historical impact;
  - iv. evaluate the opportunity cost of economic decisions.

- d. History—The mastery student can:
  - i. recognize historical connections between people and events;
  - ii. distinguish between primary and secondary sources;
  - iii. incorporate geographic, technological, and other reference material;
  - iv. communicate ideas about historical themes with supporting evidence.

3. Basic. Eighth grade students performing at the basic level demonstrate a general understanding of fundamental social studies knowledge and skills in the four social studies content strands as indicated below.

- a. Geography—The basic student can:
  - i. utilize vocabulary of geographic concepts relating to patterns, relationships, distance, direction, scale, boundary, site, and situation;
  - ii. use latitude and longitude to solve fundamental location questions;
  - iii. identify continents, oceans, or selected countries and cities;
  - iv. use information obtained from geographic models to accurately answer questions;
  - v. explain the differences between maps/globes and read map scales;
  - vi. summarize a wide range of information using an atlas/almanac;
  - vii. illustrate relationships that exist between human/environment;

- viii. show how physical habitat can influence human activity;
- ix. define a region and identify its distinguishing characteristics;
- x. demonstrate how the interaction between/among regions is related to movement of people, goods, services, and ideas.

- b. Civics—The basic student can:
  - i. explain the major purposes of government;
  - ii. identify and explain the meaning and importance of basic principles of American constitutional democracy as reflected in core documents;
  - iii. describe major foreign policy of the U.S.;
  - iv. describe the requirements of citizenship and naturalization in the U.S.

- c. Economics—The basic student can:
  - i. compare basic concepts and vocabulary terms related to economics;
  - ii. explain the causes and consequences of economic decision making;
  - iii. distinguish how specialization, skills, and knowledge affect the economic process;
  - iv. compare various economic systems and their historical impacts;
  - v. explain the role of supply and demand and its effects on production and distribution of goods and services.

- d. History—The basic student can:
  - i. identify and categorize a range of people, places, events, and documents in historical context;
  - ii. understand the impact of diverse cultures on American life;
  - iii. explain the significance of major historical events;
  - iv. explain the fundamental political ideas and institutions of American life and their historical origins.

4. Approaching Basic. Eighth grade students performing at the approaching basic level demonstrate an uneven and minimal understanding of social studies knowledge and skills in all four social studies content strands as indicated below.

- a. Geography—The approaching basic student can:
  - i. obtain information from geographic models;
  - ii. draw a variety of maps;
  - iii. memorize various geographic data;
  - iv. recognizes that human activity is affected by the environment.

- b. Civics—The approaching basic student can:
  - i. recognize types of government;
  - ii. identify the basic principles of American constitutional democracy;
  - iii. recognize a foreign policy issue;
  - iv. list the rights and responsibilities of American citizens.

- c. Economics—The approaching basic student can:
  - i. identify basic concepts and vocabulary terms related to economics;
  - ii. discuss how supply and demand affects the price of goods and services.

- d. History—The approaching basic student can:
  - i. identify historical people and places;
  - ii. develop an awareness of diverse cultures in America;

- iii. name a variety of historical events;
- iv. recognize the fundamental political ideas and institutions of American life.

5. Unsatisfactory. A student at this level has not demonstrated the fundamental knowledge and skills needed for the next level of schooling.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:391.4 (A).

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, LR 31:1540 (July 2005).

#### **Subchapter D. LEAP 21 Assessment Structure**

##### **§1141. Content Standards**

A. The LEAP 21 tests measure knowledge and skills deemed necessary for students to become good scholars and productive citizens. This knowledge and these skills are reflected in the content standards that were approved in May 1997 by the SBESE.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:24.4(A)(1)(2).

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, LR 31:1545 (July 2005).

##### **§1143. English Language Arts Tests Structure**

A. The English Language Arts tests have four sessions.

1. Writing. The Writing session requires students to produce a composition about an assigned topic. Students are allowed to consult a dictionary and thesaurus during this session. The mode of writing assessed at a given grade (grade 4, narrative and descriptive; grade 8, narrative and expository) may change between assessment administrations. The writing session measures key aspects of English Language Arts standards 2 and 3.

a. Standard 2. Students write competently for a variety of purposes and audiences.

b. Standard 3. Students communicate using:

- i. standard English grammar;
- ii. usage;
- iii. sentence structure;
- iv. punctuation;
- v. capitalization;
- vi. spelling; and
- vii. handwriting.

2. Using Information Resources. The Using Information Resources session requires students to complete a specified task designed to measure standard 5.

a. Standard 5. Students locate, select, and synthesize information from a variety of texts, media, references, and technological sources to acquire and communicate knowledge. This session includes excerpts from four to seven reference sources, such as articles from encyclopedias, newspapers, and magazines; parts of books; visual aids (maps, graphs, tables, illustrations); and electronic resources, such as a Web page. Students are instructed to skim through the reference materials to become familiar with the information available and then to locate the parts they need to answer multiple-choice and short-answer questions.

3. Reading and Responding. The Reading and Responding session includes four reading passages (fiction, nonfiction, poetry) and multiple-choice and short-answer items. At grade 8, an essay question requires students to comprehend and respond to the content of at least two of the

reading passages. Questions in this session measure key aspects of English Language Arts standards 1, 6, and 7.

a. Standard 1. Students read, comprehend, and respond to a range of materials, using a variety of strategies for different purposes.

b. Standard 6. Students read, analyze, and respond to literature as a record of life experiences.

c. Standard 7. Students apply reasoning and problem-solving skills to their reading, writing, speaking, listening, viewing, and visually representing. Reading passages are grade-appropriate. Selections include the full text of shorter published works, fully developed excerpts from longer published works, or text written specifically for the test. The length of the reading passages falls within the range specified in the assessment framework for each grade. Selections for a given grade level reflect a balance among passage length, readability level, and interest level of the topic. Moreover, readability and passage length are balanced across the passages in each test.

4. Proofreading. The Proofreading session requires students to read a text that includes mistakes in grammar, usage, and mechanics and to answer multiple-choice questions that require choosing the best way to correct each mistake. Questions in this session measure key aspects of English Language Arts standard 3.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:24.4(A)(1)(2).

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, LR 31:1545 (July 2005).

##### **§1145. Mathematics Tests Structure**

A. The Mathematics tests consist of two parts, divided into three sessions.

1. Part A uses a multiple-choice format to assess concepts and skills for all six strands of mathematics. Whenever possible, concepts and skills are assessed in real-life contexts. Part A is divided into two sessions:

a. one to be completed without the aid of a calculator; and

b. one for which calculator use is permitted.

2. Part B, which constitutes the third session, consists of four relatively complex mathematical tasks for grade 8 and three tasks for grade 4, all of which involve a number of separate steps and require application of multiple skills. These tasks may be ones for which there is more than one possible solution or more than one path to the solution. Ability to accomplish the mathematical tasks on part B of the test represents a higher level of mathematical literacy and performance. Each task in part B is scored on a 0 to 4 point scale. Question format for part B is open-ended, requiring numerical answers, short written answers, and other types of constructed response (e.g., drawing a graph or geometrical pattern). Students may be required to explain how they arrived at their answers or justify their answers. Students' responses are scored analytically for such traits as accuracy of the answer, proper operations used, and appropriate problem-solving approach or strategy. Partial credit is given and calculators are permitted on part B at all grades.

B. In the Louisiana Mathematics framework, each of six mathematics strands is associated with a single standard.

1. Strand N: Number and Number Relations

a. Standard. In problem-solving investigations, students demonstrate an understanding of the real number system and communicate the relationships within that system using a variety of techniques and tools.

2. Strand A: Algebra

a. Standard. In problem-solving investigations, students demonstrate an understanding of concepts and processes that allow them to analyze, represent, and describe relationships among variable quantities and to apply algebraic methods to real-world situations.

3. Strand M: Measurement

a. Standard. In problem-solving investigations, students demonstrate an understanding of the concepts, processes, and real-life applications of measurement.

4. Strand G: Geometry

a. Standard. In problem-solving investigations, students demonstrate an understanding of geometric concepts and applications involving one-, two-, and three-dimensional geometry, and justify their findings.

5. Strand D: Data Analysis, Probability, and Discrete Math

a. Standard. In problem-solving investigations, students discover trends, formulate conjectures regarding cause-and-effect relationships, and demonstrate critical-thinking skills in order to make informed decisions.

6. Strand P: Patterns, Relations, and Functions

a. Standard. In problem-solving investigations, students demonstrate an understanding of patterns, relations, and functions that represent and explain real-world situations.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:24.4(A)(1)(2).

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, LR 31:1545 (July 2005).

### §1147. Science Tests Structure

A. The Science tests consist of three sessions.

1. Session 1 uses a multiple-choice format to assess concepts and skills in all five strands of science.

2. Session 2 consists of four short-answer questions that assess the four content strands: Physical Science, Life Science, Earth and Space Science, and Science and the Environment. These questions allow students to reflect on an idea, demonstrate their understanding of concepts and processes of science, make meaning of a given set of data, or critique the information. The wording of the questions is direct and specific, and the questions focus on the quality of the students' knowledge.

3. Session 3 consists of a comprehensive science task. At grade 4, students are required to observe, utilize, and react to materials in an investigation and to draw conclusions based on their experiences. At grade 8, students respond to a written scenario that requires scientific investigation. The task/scenario integrates the Science as Inquiry strand with at least one other content strand. Questions in a variety of formats (constructed response, data tables, short answer) throughout the activity set the stage and focus students on the topics and ideas to be covered, provide opportunities for students to record data and observations, and provide additional data about students' understanding of concepts and processes related to the task/scenario. This structure creates a timely check for understanding and ensures that students who are unable to succeed at the beginning are not

prevented from succeeding with latter portions of the activity. The activity includes three Science as Inquiry short-answer questions that allow students to interpret their results, react to their findings, and make decisions based on the information worked with throughout the activity. This activity also includes one essay question related to the content of the task/scenario.

B. According to the Louisiana science framework, five strands are measured throughout all three sessions of the test. Each of the five science strands is associated with a single standard.

1. Strand: Science as Inquiry

a. Standard. Students will do science by engaging in partial and full inquiries that are within their developmental capabilities.

2. Strand: Physical Science

a. Standard. Students will develop an understanding of the characteristics and interrelationships of matter and energy in the physical world.

3. Strand: Life Science

a. Standard. Students will become aware of the characteristics and life cycles of organisms and understand their relationships to each other and to their environment.

4. Strand: Earth and Space Science

a. Standard. Students will develop an understanding of the properties of earth materials, the structure of Earth's system, Earth's history, and Earth's place in the universe.

5. Strand: Science and the Environment

a. Standard. In learning environmental science, students will develop an appreciation of the natural environment, learn the importance of environmental quality, and acquire a sense of stewardship. As consumers and citizens, they will be able to recognize how our personal, professional, and political actions affect the natural world.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:24.4(A)(1)(2).

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, LR 31:1546 (July 2005).

### §1149. Social Studies Tests Structure

A. The Social Studies tests consist of two parts, or sessions.

1. Part A, Session 1, consists of 50 multiple-choice test items for grade 4 and 60 multiple-choice items for grade 8 that assess knowledge, conceptual understanding, and application of skills in all four social studies strands (i.e., Geography, Civics, Economics, and History). Items in part A are intermingled across strands.

2. Part B, Session 2, consists of four open-ended questions calling for a constructed response and requiring higher-order thinking in a social studies context (e.g., grasping a concept, analyzing information, evaluating a principle, or applying a skill). Students may be required to construct or interpret a chart, graph, map, timeline, or other graphic representation; to supply a short written answer; or to produce a longer piece of writing in response to a social studies issue or problem. Each of the four constructed-response items represents one of the four social studies strands. Each task in part B is scored on a 0 to 4 point scale.

B. Each of the four social studies strands is associated with a single standard.

1. Strand G—Geography: Physical and Cultural Systems

a. Standard. Students develop a spatial understanding of Earth's surface and the processes that shape it, the connections between people and places, and the relationship between man and his environment.

2. Strand C—Civics: Citizenship and Government

a. Standard. Students develop an understanding of the structure and purposes of government, the foundations of the American democratic system, and the role of the United States in the world while learning about the rights and responsibilities of citizenship.

3. Strand E—Economics: Interdependence and Decision Making

a. Standard. Students develop an understanding of fundamental economic concepts as they apply to the interdependence and decision making of individuals, households, businesses, and governments in the United States and the world.

4. Strand H—History: Time, Continuity, and Change

a. Standard. Students develop a sense of historical time and historical perspective as they study the history of their community, state, nation, and world.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:24.4(A)(1)(2).

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, LR 31:1546 (July 2005).

**§1151. Retests and Rescores**

A. Double Jeopardy Rule. If a student scores at the required passing achievement level in LEAP 21 English Language Arts or Mathematics during an administration and then retakes the test and scores below the required level on the retest administration, the passing score will be used to determine promotion.

B. Rescores

1. Students may request a rescore if the following criterion are met.

a. English Language Arts and Mathematics—Grade

4. The test has a scaled score five points below the Basic or Approaching Basic achievement level.

b. English Language Arts and Mathematics—Grade

8. The test has a scaled score five points below the Approaching Basic achievement level.

2. The district test coordinator must file a request with the scoring contractor within 20 working days from the date the district receives the individual student scores. All requests must be made on or before the deadline date identified by the testing contractor and the LDE. Requests received after the deadline will not be honored.

3. Only rescoring of tests from the most recent administration may be requested.

4. All requests for rescoring require a fee, which is established by and paid to the scoring contractor.

C. Summer Retest. The summer retest is for students enrolled in grades 4 and 8 who need to be tested with LEAP 21 for promotion to grades 5 and 9 the following fall.

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

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, LR 31:1547 (July 2005).

**§1153. Transfer Students**

A. The following rules apply for transfer students who are Louisiana residents transferring into Louisiana public

schools from out-of-state schools, nonpublic schools, or approved home study programs.

1. Requirements for transfer students in grade 4 or 8 or those who are seeking to enroll in grade 5 or 9 who have never been in membership in a public school in Louisiana or who were in membership in Louisiana public schools and transferred out-of-state or who transferred from Louisiana nonpublic schools or from an approved home study program are as follows.

a. A fourth or eighth grade student who transfers to a Louisiana public school before the spring administration of LEAP for the 21st Century (LEAP 21) must take and pass the spring administration of LEAP 21 English Language Arts and Mathematics (ELA/Math) tests.

b. A fourth or eighth grade student who transfers to a Louisiana public school after the spring administration of the LEAP 21 but before the end of the school year must take and pass the summer administration of the LEAP 21 (ELA/Math) to be eligible for promotion to grade 5 or 9.

c. A student who seeks to enroll in a Louisiana public school in grade 5 or grade 9 after the LEAP 21 summer administration and before school starts must take and pass the English Language Arts and Mathematics portions of the placement test.

d. A student who seeks to enroll in a Louisiana public school in grade 5 or grade 9 after school starts and before February 15 must take and pass the English Language Arts and Mathematics portions of the placement test.

B. The following rules apply for transfer students who were out-of-state residents but have become Louisiana residents.

1. Requirements for transfer students in grade 4 or 8 who have never been in membership in a public school in Louisiana or who were in membership in a Louisiana public school(s) and transferred out-of-state are as follows.

a. A fourth or eighth grade student who transfers to a Louisiana public school before the spring administration of LEAP for the 21st Century (LEAP 21) must take and pass the spring administration of LEAP 21 (ELA/Math).

b. A fourth or eighth grade student who transfers to a Louisiana public school after the spring administration of the LEAP 21 but before the end of the school year must take and pass the summer administration of the LEAP 21 (ELA/Math) to be eligible for promotion to grade 5 or 9.

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

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, LR 31:1547 (July 2005).

**§1155. Student Membership Determination**

A. Student membership is determined when a student in school is identified with the following minimum required identification elements:

1. state identification number;
2. full legal name;
3. date of birth;
4. sex;
5. race;
6. school district and school code;
7. entry date; and
8. grade placement.

(Adapted from Section 10, page 10.1, Student Information System User's Guide, LDE.)

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

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, LR 31:1547 (July 2005).

### Chapter 13. Graduation Exit Examination for the 21st Century

#### Subchapter A. General Provisions

##### §1301. Introduction

A. The GEE 21 is a criterion-referenced testing program that is directly aligned with the state content standards, which by law are as rigorous as those of NAEP. This test measures how well a student has mastered the state content standards. The GEE 21 initially is administered at grades 10 and 11. Initial testers generally take the English Language Arts test and the Mathematics test at grade 10 and the Science test and Social Studies test at grade 11.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:24.4 (F) (1)(c).

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, LR 31:1548 (July 2005).

#### Subchapter B. Achievement Levels and Performance Standards

##### §1311. Achievement Levels

- A.1. The Louisiana achievement levels are:
- Advanced;
  - Mastery (Exceeding the Standard);
  - Basic (Meeting the Standard);
  - Approaching Basic (Approaching the Standard);
- and
- Unsatisfactory.

2. Though the names of the achievement levels differ slightly from those detailed in the NCLB Act, the definitions are similar. The definitions of the Louisiana achievement levels are also consistent with the definitions of basic, proficient, and advanced in English language arts and mathematics for NAEP.

#### B. Achievement Level Definitions

1. *Advanced*—a student at this level has demonstrated superior performance beyond the mastery level.

2. *Mastery (formerly Proficient)*—a student at this level has demonstrated competency over challenging subject matter and is well prepared for the next level of schooling.

3. *Basic*—a student at this level has demonstrated only the fundamental knowledge and skills needed for the next level of schooling.

4. *Approaching Basic*—a student at this level has only partially demonstrated the fundamental knowledge and skills needed for the next level of schooling.

5. *Unsatisfactory*—a student at this level has not demonstrated the fundamental knowledge and skills needed for the next level of schooling.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:24.4 (F) (1) and (C).

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, LR 31:1548 (July 2005).

##### §1313. Performance Standards

A. Performance standards for GEE 21 English Language Arts, Mathematics, Science, and Social Studies tests are finalized in scaled-score form. The scaled scores range between 100 and 500 for all grades and content areas.

**GEE 21 Achievement Levels and Scaled Score Ranges**

Achievement Level	Grade 10		Grade 11	
	English Language Arts Scaled Score Range	Mathematics Scaled Score Range	Science Scaled Score Range	Social Studies Scaled Score Range
Advanced	398–500	377–500	396–500	386–500
Mastery	347–397	346–376	349–395	344–385
Basic	299–346	305–345	301–348	297–343
Approaching Basic	270–298	286–304	267–300	275–296
Unsatisfactory	100–269	100–285	100–266	100–274

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:391.4 (A).

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, LR 31:1548 (July 2005).

#### Subchapter C. GEE 21 Achievement Level Descriptors

##### §1323. Introduction

A. Achievement level descriptors for Louisiana assessments were developed by committees composed of Louisiana educators who represented the subjects and grades assessed. They define what a student should know and be able to do at each achievement level for each subject assessed at a given grade level.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:391.4 (B).

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, LR 31:1548 (July 2005).

##### §1325. Grade 10 Achievement Level Descriptors

A. Grade 10 English Language Arts Achievement Level Descriptors

#### 1. Advanced

a. In the areas of reading and use of resources, tenth grade students performing at the advanced level:

- describe more abstract themes and ideas in the text;
- analyze different genres for meaning and form and support their analyses with specific examples from the text;
- extend the information from the text by relating it to their experiences and to the world; and
- select and evaluate a variety of information from various sources.

b. In the area of writing, tenth grade students at this level:

- i. create an effective and elaborated response to a task in form, content, and language;
- ii. show maturity and sophistication in analytical, critical, and creative thinking;
- iii. have well-crafted, cohesive organization appropriate to the task;
- iv. show sophisticated use of transitional elements;
- v. use illustrative and varied supportive details;
- vi. use rich, compelling language;
- vii. reveal clear and established personal style or voice;
- viii. display a variety of strategies such as anecdotes, repetition, and literary devices to support and develop ideas; and
- ix. enhance meaning through control of spelling, grammar, punctuation, and capitalization.

## 2. Mastery

- a. In the areas of reading and use of resources, tenth grade students performing at the mastery level:
  - i. show an overall understanding of text that includes inferential as well as literal information;
  - ii. extend the ideas of the text in different genres by making inferences, drawing conclusions, and making clear connections (stated or implied) to their own personal experiences and other readings;
  - iii. analyze the author's use of literary devices; and
  - iv. select and analyze a variety of information from various sources.
- b. In the area of writing, tenth grade students performing at the mastery level:
  - i. create an effective response to the task in form, content, and language;
  - ii. demonstrate reflection and insight and evidence of analytical, critical, or evaluative thinking;
  - iii. use convincing elaboration and development to clarify and enhance the central idea;
  - iv. have logical and observable organization appropriate to the task;
  - v. show effective use of transitional elements;
  - vi. reveal evidence of personal style or voice;
  - vii. use language appropriate to the task and intended audience; and
  - viii. recognize and correct errors in spelling, grammar, punctuation, and capitalization that interfere with communication in his/her own or other texts.

## 3. Basic

- a. In the areas of reading and use of resources, tenth grade students performing at the basic level:
  - i. demonstrate an overall understanding and make some interpretations of the text;
  - ii. identify aspects of text in different genres and relate aspects of text to overall meaning;
  - iii. extend ideas in the text by making simple inferences, recognize interpretations, make connections among and relate ideas in the text to their personal experiences, and draw conclusions;
  - iv. identify elements of an author's style; and
  - v. select and use a variety of information from various sources.
- b. In the area of writing, tenth grade students at the basic level:

- i. demonstrate an appropriate response to a task in form, content, and language;
- ii. demonstrate reflection and insight and evidence of analytical, critical, or evaluative thinking;
- iii. show evidence of conscious organization;
- iv. use supportive details;
- v. reveal developing personal style or voice; and
- vi. demonstrate sufficient command of spelling, grammar, punctuation, and capitalization to communicate to the reader.

## 4. Approaching Basic

- a. In the areas of reading and use of resources, tenth grade students performing at the approaching basic level:
  - i. demonstrate a partial understanding of text;
  - ii. identify some aspects of text for meaning;
  - iii. make simple or broad connections to personal experiences; and
  - iv. recognize a variety of information sources.
- b. In the area of writing, tenth grade students at the approaching basic level:
  - i. demonstrate partial responses to tasks in form, content, and language;
  - ii. show some evidence of conscious organization;
  - iii. use few supporting details; and
  - iv. demonstrate limited command of spelling, grammar, punctuation, and capitalization to communicate to the reader.

5. Unsatisfactory. A student at this level has not demonstrated the fundamental knowledge and skills needed for the next level of schooling.

## B. Grade 10 Mathematics Achievement Level Descriptors

1. Advanced. Tenth grade students performing at the advanced level consistently demonstrate the integration of procedural and conceptual knowledge and the synthesis of ideas in the six Louisiana mathematics content strands. Tenth grade students performing at this level:

- a. understand the function concept and are able to communicate and apply the numeric, algebraic and graphical properties of functions;
- b. apply their knowledge of algebra, geometry, and statistics to solve problems in more advanced areas of continuous and discrete mathematics;
- c. formulate generalizations and create models through probing examples and counter examples; and
- d. communicate their mathematical reasoning through the clear, concise, and correct use of mathematical symbolism and logical thinking.

2. Mastery. Tenth grade students performing at the mastery level consistently apply mathematical concepts and procedures to the solutions of complex problems in the six Louisiana mathematics content strands. Tenth grade students performing at this level:

- a. demonstrate an understanding of algebraic, statistical, and geometric and spatial reasoning;
- b. simplify algebraic expressions; justify geometric relationships; and judge and defend the reasonableness of answers as applied to real-world situations;
- c. analyze and interpret data in various forms;
- d. understand and use elements of the linear function concept in symbolic, graphical, and tabular form; and

e. make conjectures, defend ideas, and give supporting examples.

3. Basic. Tenth grade students performing at the basic level demonstrate procedural and conceptual knowledge in solving problems in the six Louisiana mathematics content strands. Tenth grade students performing at this level:

a. use estimation to verify solutions and determine the reasonableness of results as applied to routine real-world problems;

b. use algebraic and geometric reasoning strategies to solve problems;

c. recognize relationships presented in verbal, algebraic, tabular, and graphical forms; and demonstrate knowledge of geometric relationships and corresponding measurement skills;

d. apply statistical reasoning in the organization and display of data and in reading tables and graphs;

e. generalize from patterns and examples in the areas of algebra, geometry, and statistics;

f. use correct mathematical language and symbols to communicate mathematical relationships and reasoning processes; and

g. use calculators appropriately to solve problems.

4. Approaching Basic. Tenth grade students performing at the approaching basic level partially demonstrate fundamental knowledge and skills in solving problems in the six Louisiana mathematics content strands. Tenth grade students performing at this level:

a. use estimation and measurement to verify solutions and determine the reasonableness of results as applied to routine real-world problems;

b. show limited use of fundamental algebraic, geometric, and statistical reasoning in problem solving;

c. interpret data presented in various forms;

d. show limited skills in communicating mathematically; and

e. are inconsistent in the application of conceptual knowledge.

5. Unsatisfactory. A student at this level has not demonstrated the fundamental knowledge and skills needed for the next level of schooling.

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

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, LR 31:1548 (July 2005).

### §1327. Grade 11 Achievement Level Descriptors

#### A. Grade 11 Science Achievement Level Descriptors

1. Advanced. Eleventh grade students performing at the advanced level demonstrate an in-depth understanding of science concepts and process skills and have the ability to apply, synthesize, connect, and evaluate concepts in the five science content strands.

a. Eleventh grade students performing at the advanced level:

i. have a qualitative and quantitative grasp of scientific principles, relating them to one another and to other phenomena, and being aware of their development and limitations;

ii. are able to formulate scientific questions, compare different experimental designs, devise experimentally valid protocols to answer their questions;

iii. collect the relevant quantitative and qualitative data using appropriate instrumentation; and

iv. provide a scientifically valid interpretation of the data they collect.

b. Advanced students:

i. engage in self-assessment;

ii. discard unnecessary data;

iii. recognize gaps in information;

iv. know where to locate needed information in primary or secondary sources; and

v. communicate their ideas, interpolating, extrapolating, and interpreting patterns of change in graphic and symbolic representations.

c. With inquiry as the core, students at the advanced level demonstrate an understanding that unifying concepts and processes can be applied throughout the science disciplines:

i. physical;

ii. life;

iii. Earth/space; and

iv. environmental sciences.

2. Mastery. Eleventh grade students performing at the mastery level consistently demonstrate mastery and application of science concepts and process skills in the five science content strands.

a. Eleventh grade students performing at this level:

i. grasp scientific principles on both a qualitative and quantitative basis;

ii. understand that scientific knowledge is tentative and subject to change;

iii. identify more than one way to solve a given problem and select the method with the most promise;

iv. manipulate data through various mathematical models;

v. integrate several abstract facts in order to understand overarching scientific principles; and

vi. apply those principles to human activities.

b. With inquiry as the core, students at the mastery level will identify unifying concepts and processes among the science disciplines:

i. physical;

ii. life;

iii. Earth/space; and

iv. environmental sciences.

3. Basic. Eleventh grade students performing at the basic level demonstrate a general understanding of fundamental science concepts and process skills in the five Louisiana science content strands.

a. Eleventh grade students performing at this level can:

i. formulate valid hypotheses;

ii. design a simple experiment;

iii. draw appropriate conclusions;

iv. develop inferences from experimentation and apply that information to new situations;

v. distinguish scientific principles from pseudoscience; and

vi. apply scientific principles to their everyday lives.

b. With inquiry as the core, students begin to identify unifying concepts and processes among the science disciplines:

- i. physical;
- ii. life;
- iii. Earth/space; and
- iv. environmental sciences.

4. Approaching Basic. Eleventh grade students performing at the approaching basic level demonstrate minimal knowledge of scientific concepts and process skills in the five science content strands.

a. Eleventh grade students performing at this level know and understand fundamental science facts and concepts concerning the world.

b. When presented with a problem, students can conduct a simple experiment that includes:

- i. making observations;
- ii. forming a reasonable hypothesis;
- iii. identifying variables;
- iv. collecting, displaying, and interpreting data;

and

- v. drawing conclusions.

c. These skills should be demonstrated through the science disciplines:

- i. physical;
- ii. life;
- iii. Earth/space; and
- iv. environmental sciences.

5. Unsatisfactory. A student at this level has not demonstrated the fundamental knowledge and skills needed for the next level of schooling.

#### B. Grade 11 Social Studies Achievement Level Descriptors

1. Advanced. Eleventh grade students performing at the advanced level demonstrate a broad and in-depth understanding of social studies knowledge and skills and have the ability to apply, synthesize, connect, and evaluate concepts in all four social studies content strands as indicated below.

a. Geography—The advanced student can:

- i. organize geographical data;
- ii. analyze physical structure of the planet; and
- iii. evaluate the spatial relationship between humans and their environment.

b. Civics—The advanced student can:

i. compare and contrast structure and purpose of government;

- ii. interpret and evaluate foundations of American political system;
- iii. analyze international relationships; and
- iv. evaluate roles of citizens.

c. Economics—The advanced student can:

- i. apply fundamental economic concepts;
- ii. evaluate decisions made by consumers; and
- iii. evaluate U.S. fiscal and monetary policies.

d. History—The advanced student can:

i. analyze continuity and change;

ii. analyze the people, places, events, ideas, and documents;

iii. evaluate relevant experiences from the past to critique understanding of contemporary issues; and

iv. evaluate the role of evidence in making an historical argument.

2. Mastery. Eleventh grade students performing at the mastery level demonstrate mastery and application of social

studies knowledge and skills in all four social studies content strands as indicated below.

a. Geography—The mastery student can:

- i. classify geographical data;
- ii. examine the physical structure of the planet;

and

- iii. compare spatial relationships between humans and their environment.

b. Civics—The mastery student can:

i. examine the structure and purpose of government;

ii. discuss the foundation of the American political system;

- iii. interpret international relationships; and
- iv. examine the role of citizens.

c. Economics—The mastery student can:

i. analyze fundamental economic concepts;

ii. discuss decisions made by consumers, businesses, and government; and

- iii. analyze U.S. fiscal and monetary policies.

d. History—The mastery student can:

i. examine the role of continuity of and change in history;

ii. examine the significance of people, places, events, ideas, and documents in history;

iii. analyze relevant experience from the past to apply understanding of contemporary issues; and

iv. analyze the role of evidence in making an historical argument.

3. Basic. Eleventh grade students performing at the basic level demonstrate a general understanding of fundamental social studies knowledge and skills in all four social studies content strands as indicated below.

a. Geography—The basic student can:

i. interpret geographical data;

ii. describe the basic physical structure of the planet; and

iii. explain the spatial relationships between humans and their environment.

b. Civics—The basic student can:

i. explain structure and purposes of government;

ii. describe foundations of American political system;

- iii. explain international relationships; and
- iv. discuss roles of citizens.

c. Economics—The basic student can:

i. discuss fundamental economic concepts;

ii. explain decisions made by consumers, businesses, and government; and

- iii. explain U.S. fiscal policy.

d. History—The basic student can:

i. describe continuity and change;

ii. describe the significance of people, places, events, ideas, and documents;

iii. examine relevant experiences from the past to demonstrate understanding of contemporary issues; and

iv. explain the role of evidence in making an historical argument.

4. Approaching Basic. Eleventh grade students performing at the approaching basic level demonstrate an uneven and minimal understanding of social studies



knowledge and skills in all four social studies content strands as indicated below.

- a. Geography—The approaching basic student can:
  - i. identify geographical data;
  - ii. recognize physical structure of the planet; and
  - iii. state the spatial relationships between humans and their environment.
- b. Civics—The approaching basic student can:
  - i. identify the structure and purposes of government;
  - ii. recognize the foundations of the American political system;
  - iii. identify international relationships; and
  - iv. identify the role of citizens.
- c. Economics—The approaching basic student can:
  - i. identify fundamental economic concepts;
  - ii. identify decisions made by consumers, businesses, and government; and
  - iii. identify U.S. fiscal and monetary policies.
- d. History—The approaching basic student can:
  - i. recognize continuity and change;
  - ii. recognize the significance of people, places, events, ideas, and documents;
  - iii. identify relevant experiences from the past to describe understanding of contemporary issues; and
  - iv. recognize the role of evidence in making a historical argument.

5. Unsatisfactory. A student at this level has not demonstrated the fundamental knowledge and skills needed for the next level of schooling.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:24.4 and R.S. 17:391.4 (A).

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1550 (July 2005).

#### **Subchapter D. GEE 21 Assessment Structure**

##### **§1335. Content Standards**

A. The GEE 21 tests measure knowledge and skills deemed necessary for students to become good scholars and productive citizens. This knowledge and these skills are reflected in the content standards that were approved in May 1997 by the SBESE.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1552 (July 2005).

##### **§1337. English Language Arts Tests Structure**

A. The English Language Arts tests have four sessions.

1. Writing. The Writing session requires students to produce a composition about an assigned topic. Students are allowed to consult a dictionary and thesaurus during this session. The particular mode of writing assessed at a given grade (grade 10, persuasive and expository) may change between assessment administrations. The Writing session measures key aspects of English Language Arts standards 2 and 3.

- a. Standard 2. Students write competently for a variety of purposes and audiences.
- b. Standard 3. Students communicate using:
  - i. standard English grammar;
  - ii. usage;
  - iii. sentence structure;
  - iv. punctuation;
  - v. capitalization;

- vi. spelling; and
- vii. handwriting.

2. Using Information Resources. The Using Information Resources session requires students to complete a specified task designed to measure standard 5.

a. Standard 5. Students locate, select, and synthesize information from a variety of texts, media, references, and technological sources to acquire and communicate knowledge. This session includes excerpts from four to seven reference sources, such as articles from encyclopedias, newspapers, and magazines; parts of books; visual aids (maps, graphs, tables, illustrations); and electronic resources, such as a Web page. Students are instructed to skim through the reference materials to become familiar with the information available and then to locate the parts they need to answer multiple-choice and short-answer questions.

3. Reading and Responding. The Reading and Responding session includes four reading passages (fiction, nonfiction, poetry) and multiple-choice and short-answer items. At grade 10, an essay question requires students to comprehend and respond to the content of at least two of the reading passages. Questions in this session measure key aspects of standards 1, 6, and 7.

a. Standard 1. Students read, comprehend, and respond to a range of materials, using a variety of strategies for different purposes.

b. Standard 6. Students read, analyze, and respond to literature as a record of life experiences.

c. Standard 7. Students apply reasoning and problem-solving skills to their reading, writing, speaking, listening, viewing, and visually representing. Reading passages are grade-appropriate. Selections include the full text of shorter published works, fully developed excerpts from longer published works, or text written specifically for the test. The length of the reading passages falls within the range specified in the assessment framework for each grade.

i. Selections for a given grade level reflect a balance among passage length, readability level, and interest level of the topic. Moreover, readability and passage length are balanced across the passages in each test.

4. Proofreading. The Proofreading session requires students to read a text that includes mistakes in grammar, usage, and mechanics and to answer multiple-choice questions that require choosing the best way to correct each mistake. Questions in this session measure key aspects of standard 3.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1552 (July 2005).

##### **§1339. Mathematics Tests Structure**

A. The Mathematics tests consist of two parts, divided into three sessions.

1. Part A uses a multiple-choice format to assess concepts and skills for all six strands of mathematics. Whenever possible, concepts and skills are assessed in real-life contexts. Part A is divided into two sessions:

- a. one to be completed without the aid of a calculator; and
- b. one for which calculator use is permitted.

2. Part B, which constitutes the third session, consists of four relatively complex mathematical tasks for grade 10,

all of which involve a number of separate steps and require application of multiple skills. These tasks may be ones for which there is more than one possible solution or more than one path to the solution. Ability to accomplish the mathematical tasks on part B of the test represents a higher level of mathematical literacy and performance. Each task in part B is scored on a 0 to 4 point scale. Question format for part B is open-ended, requiring numerical answers, short written answers, and other types of constructed response (e.g., drawing a graph or geometrical pattern). Students may be required to explain how they arrived at their answers or justify their answers. Students' responses are scored analytically for such traits as accuracy of the answer, proper operations used, and appropriate problem-solving approach or strategy. Partial credit is given and calculators are permitted on part B at all grades.

B. In the Louisiana Mathematics framework, each of six mathematics strands is associated with a single standard.

1. Strand N: Number and Number Relations

a. Standard. In problem-solving investigations, students demonstrate an understanding of the real number system and communicate the relationships within that system using a variety of techniques and tools.

2. Strand A: Algebra

a. Standard. In problem-solving investigations, students demonstrate an understanding of concepts and processes that allow them to analyze, represent, and describe relationships among variable quantities and to apply algebraic methods to real-world situations.

3. Strand M: Measurement

a. Standard. In problem-solving investigations, students demonstrate an understanding of the concepts, processes, and real-life applications of measurement.

4. Strand G: Geometry

a. Standard. In problem-solving investigations, students demonstrate an understanding of geometric concepts and applications involving one-, two-, and three-dimensional geometry, and justify their findings.

5. Strand D: Data Analysis, Probability, and Discrete Math

a. Standard. In problem-solving investigations, students discover trends, formulate conjectures regarding cause-and-effect relationships, and demonstrate critical-thinking skills in order to make informed decisions.

6. Strand P: Patterns, Relations, and Functions

a. Standard. In problem-solving investigations, students demonstrate an understanding of patterns, relations, and functions that represent and explain real-world situations.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1552 (July 2005).

### §1341. Science Test Structure

A. The Science test consists of three sessions.

1. Session 1 uses a multiple-choice format to assess concepts and skills in all five strands of science.

2. Session 2 consists of four short-answer questions that assess the four content strands: Physical Science, Life Science, Earth and Space Science, and Science and the Environment. These questions allow students to reflect on an idea, demonstrate their understanding of concepts and

processes of science, make meaning of a given set of data, or critique the information. The wording of the questions is direct and specific, and the questions focus on the quality of the students' knowledge.

3. Session 3 consists of a comprehensive science task.

At grade 11, students respond to a written scenario that requires scientific investigation. The task/scenario integrates the Science as Inquiry strand with at least one other content strand, at grade 11, Physical Science and Life Science only. Questions in a variety of formats (constructed response, data tables, short answer) throughout the activity set the stage and focus students on the topics and ideas to be covered, provide opportunities for students to record data and observations, and provide additional data about students' understanding of concepts and processes related to the task/scenario. This structure creates a timely check for understanding and ensures that students who are unable to succeed at the beginning are not prevented from succeeding with latter portions of the activity. The activity includes three Science as Inquiry short-answer questions that allow students to interpret their results, react to their findings, and make decisions based on the information worked with throughout the activity. This activity also includes one essay question related to the content of the task/scenario.

B. According to the Louisiana science framework, five strands are measured throughout all three sessions of the test. Each of the five science strands is associated with a single standard.

1. Strand: Science as Inquiry

a. Standard. Students will do science by engaging in partial and full inquiries that are within their developmental capabilities.

2. Strand: Physical Science

a. Standard. Students will develop an understanding of the characteristics and interrelationships of matter and energy in the physical world.

3. Strand: Life Science

a. Standard. Students will become aware of the characteristics and life cycles of organisms and understand their relationships to each other and to their environment.

4. Strand: Earth and Space Science

a. Standard. Students will develop an understanding of the properties of earth materials, the structure of Earth's system, Earth's history, and Earth's place in the universe.

5. Strand: Science and the Environment

a. Standard. In learning environmental science, students will develop an appreciation of the natural environment, learn the importance of environmental quality, and acquire a sense of stewardship. As consumers and citizens, they will be able to recognize how our personal, professional, and political actions affect the natural world.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1553 (July 2005).

### §1343. Social Studies Tests Structure

A. The Social Studies tests consist of two parts, or sessions.

1. Part A consists of 60 multiple-choice items for grade 11 that assess knowledge, conceptual understanding, and application of skills in all four social studies strands (Geography, Civics, Economics, and History). Items in part A are intermingled across strands.

2. Part B, Session 2, consists of four open-ended questions calling for a constructed response and requiring higher-order thinking in a social studies context (grasping a concept, analyzing information, evaluating a principle, or applying a skill). Students may be required to construct or interpret a chart, graph, map, timeline, or other graphic representation; to supply a short written answer; or to produce a longer piece of writing in response to a social studies issue or problem. Each of the four constructed-response items represents one of the four social studies strands. Each task in part B is scored on a 0 to 4 point scale.

B. Each of the four social studies strands is associated with a single standard.

1. Strand G—Geography: Physical and Cultural Systems

a. Standard. Students develop a spatial understanding of Earth's surface and the processes that shape it, the connections between people and places, and the relationship between man and his environment.

2. Strand C—Civics: Citizenship and Government

a. Standard. Students develop an understanding of the structure and purposes of government, the foundations of the American democratic system, and the role of the United States in the world while learning about the rights and responsibilities of citizenship.

3. Strand E—Economics: Interdependence and Decision Making

a. Standard. Students develop an understanding of fundamental economic concepts as they apply to the interdependence and decision making of individuals, households, businesses, and governments in the United States and the world.

4. Strand H—History: Time, Continuity, and Change

a. Standard. Students develop a sense of historical time and historical perspective as they study the history of their community, state, nation, and world.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1553 (July 2005).

#### **§1345. Double Jeopardy Rule**

A. If a school administers a GEE 21 test that the student has already passed and the student scores unsatisfactory on the retest, the passing score will be used to determine the student's eligibility for a standard high school diploma.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1554 (July 2005).

#### **§1347. First and Second Cohorts**

A. The first cohort comprises students who were first-time tenth graders in 2000-2001. First cohort students are required to score approaching basic or above on the GEE 21 English Language Arts test and the GEE 21 Mathematics test to be eligible for a standard high school diploma.

B. The second cohort comprises students who were first-time tenth graders in 2001-2002 and all first-time tenth graders thereafter. Second cohort students are required to score approaching basic or above on the GEE 21 English Language Arts test and the GEE 21 Mathematics test and to score approaching basic or above on either the GEE 21 Science or Social Studies test to be eligible for a standard high school diploma.

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

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, LR 31:1554 (July 2005).

#### **§1349. Rescores**

A. Students may request a rescore of their GEE 21 tests if the following criterion are met.

1. English Language Arts and Mathematics. The test has a scaled score five points below the Approaching Basic achievement level.

2. Science and Social Studies. The test has a scaled score five points below the Approaching Basic achievement level.

3. The district test coordinator must file a request with the scoring contractor within 20 working days from the date the school district receives the individual student scores. All requests must be made on or before the deadline date identified by the testing contractor and the LDE. Requests received after the deadline will not be honored.

4. Only rescoring of tests from the most recent administration may be requested.

5. All requests for rescoring require a fee, which is established by and paid to the scoring contractor.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1554 (July 2005).

#### **§1351. GEE 21 Administration Rules**

A. Students enrolled in grade 10 for the first time must take GEE 21 English Language Arts and Mathematics tests during the spring administration.

B. Students repeating grade 10 shall take the GEE 21 Science and Social Studies tests during the spring administration.

C. Students enrolled in grade 11 for the first time must take GEE 21 Science and Social Studies tests during the spring administration.

D. Students enrolled in grade 11 shall take Science and Social Studies tests unless the student was enrolled in grade 11 for two years.

E. Students promoted from grade 9 to grade 11 may take English Language Arts and Mathematics tests during the fall retest administration and then take the Science and Social Studies tests during the subsequent spring administration.

F. Students in block schedules who are classified as tenth graders in the fall of their second year and as eleventh graders by the subsequent spring test administration are permitted to take all GEE 21 content-area tests: English Language Arts, Mathematics, Science, and Social Studies, for the first time during that spring test administration.

G. If students enrolled in grade 12 have not yet met the GEE 21 requirements to be eligible for a standard high school diploma, they may take all content-area tests: English Language Arts, Mathematics, Science, and Social Studies, during both the fall and the February Seniors Only retest administrations.

H. If students enrolled in grade 11 in the fall are promoted to grade 12 by January, they may take all content-area tests, English Language Arts, Mathematics, Science, and Social Studies, during the February Seniors Only retest administration.

I. If students enrolled in grade 12 are unable to retest during the February Seniors Only retest administration, they should retest during the spring administration.

J. There is no ending age limit for students to retest in GEE 21, nor is there a limit on the number of times the student may retake the test. Students who no longer reside in the school district where he/she completed Carnegie units may test in the current school district of residence. The DTC shall forward the passing test scores to the high school where the Carnegie units reside.

K. If a student was issued a GED diploma and subsequently meets the requirements of the GEE 21, the student may surrender the GED diploma and be issued a standard high school diploma.

L. If students are transferring to a public high school from a nonpublic high school that administers the GEE 21, the rules for nonpublic transfer students apply.

M. When administrative errors are made in testing, the state superintendent of education may determine how to remedy the error.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1554 (July 2005).

### **§1353. Summer Retest Administration**

A. Students who were enrolled in grades 10 and 11 for the first time during the spring test administration and did not score approaching basic in the required GEE 21 tests are eligible for the summer retest administration.

B. Students who were enrolled in grades 10 and 11 in public schools for the first time during the spring test administration but who were absent during testing are eligible for the summer retest administration.

C. Students who enrolled in and attended grades 10 and 11 after the spring test administration and before the close of the regular academic year are eligible for the summer retest administration.

D. Students who enroll in grades 10 and 11 after the close of the regular academic year but did not attend public schools during the academic year are not eligible for the summer retest administration. They must test during the fall retest administration.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1555 (July 2005).

### **§1355. GEE 21 Transfer Students**

A. The following rules apply for transfer students who are Louisiana residents transferring into the Louisiana public school district from out-of-state schools, nonpublic schools, or approved home study programs.

1. Requirements for students who have never been in membership in a Louisiana public school and are transferring from out-of-state schools, from Louisiana nonpublic schools, or from an approved home study program are as follows.

a. A student who entered the ninth grade during the 1999-2000 school year and thereafter and who transferred to a Louisiana public school at or below the ninth grade shall take and pass the English Language Arts and Mathematics sections and either the Science or the Social Studies test of GEE 21.

b. A student who entered the ninth grade in 1999-2000 and thereafter and who is classified by the local school district as a tenth grade student shall take and pass the English Language Arts and Mathematics tests and either the Science or the Social Studies test of GEE 21.

c. A student who entered the ninth grade in 1999-2000 and thereafter and who is classified by the local school district as an eleventh grade student shall take and pass either the Science or the Social Studies test of the GEE 21.

d. A student who entered the ninth grade in 1999-2000 and thereafter and who is classified by the local school district as a twelfth grade student shall not be required to take any part of the GEE 21.

2. Requirements for students who were in membership in Louisiana public schools, transferred out, and subsequently returned are as follows.

a. A student who was in initial membership in Louisiana public schools as a student in grades K through 6 shall adhere to the following policy.

i. A student who returns in the seventh and/or eighth grade for a period in membership of 160 days total shall take and pass both the English Language Arts and Mathematics tests and either the Science or the Social Studies test of the GEE 21.

ii. A student who returns in the ninth grade shall take and pass both the English Language Arts and Mathematics tests and either the Science or the Social Studies test of the GEE 21.

iii. A student who returns and is classified as a tenth grade student shall take and pass both the English Language Arts and Mathematics tests and either the Science or the Social Studies test of the GEE 21.

iv. A student who returns and is classified as an eleventh grade student shall take and pass either the Science or the Social Studies test of the GEE 21.

v. A student who returns and is classified as a twelfth grade student shall not be required to take any part of the GEE 21.

b. A student who was in initial membership in Louisiana public schools in the seventh and/or eighth grade for a period of 160 days total, transferred out, and subsequently returned at any grade level shall take and pass both the English Language Arts and Mathematics tests and either the Science or the Social Studies test of the GEE 21.

c. A student who was in initial membership in Louisiana public schools as a ninth grade student, transferred out, and subsequently returned at any grade level shall be required to take and pass both the English Language Arts and Mathematics tests and either the Science or the Social Studies test of the GEE 21.

d. A student who was in initial membership in Louisiana public schools as a tenth grade student, transferred out, and subsequently returned at any grade level shall take and pass both the English Language Arts and Mathematics tests and either the Science or the Social Studies test of the GEE 21.

e. A student who was in initial membership in Louisiana public schools as an eleventh grade student, transferred out, and subsequently returned at the eleventh- or twelfth-grade level shall take and pass either the Science or the Social Studies test of the GEE 21.

f. A student who was in initial membership in Louisiana public schools as a twelfth grade student, transferred out, and subsequently returned as a twelfth grader shall not be required to take any part of the GEE 21.

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

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, LR 31:1555 (July 2005).

### §1357. Student Membership Determination

A. Student membership is determined when a student in school is identified with the following minimum required identification elements:

1. state identification number;
2. full legal name;
3. date of birth;
4. sex;
5. race;
6. district and school code;
7. entry date; and
8. grade placement.

(Adapted from Section 10, page 10.1, Student Information System User's Guide, LDE).

B. A student must be in membership in a Louisiana public school(s) for 160 days per year or 80 days per semester in order to be eligible to receive grades (1103G, Bulletin 741, LDE).

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

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, LR 31:1556 (July 2005).

## Chapter 15. Norm-Referenced Tests

### §1501. Description

A. The Louisiana Statewide Norm-Referenced Testing Program (LSNRTP) was established in 1986 as a component of LEAP. The primary goal of the program is to provide parents, students, educators, and policymakers with normative data that may be used for evaluating student, school, and district performance. Test results are used by teachers and administrators to plan instructional programs that enhance educational opportunities for Louisiana students.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:7 and R.S. 17:24.4.

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, LR 31:1556 (July 2005).

## Chapter 17. Integrated LEAP for the 21st Century

### §1701. Background

A. The NCLB Act requires the development of grade-level expectations (GLEs) or grade-level content standards at grades 3 through 8 for reading and mathematics. Louisiana has supplemented its existing content standards with grade-level expectations. To create a comprehensive system, Louisiana has developed GLEs in four content areas—English language arts, mathematics, science, and social studies—for grade levels prekindergarten through 12. NCLB further requires standards-based tests (or augmented norm-referenced tests) that measure the content standards. LEAP 21 (grades 4 and 8) and GEE 21 (grades 10 and 11) measure the content standards, and these tests will continue. To measure the standards and GLEs at grades 3, 5, 6, 7, and 9, however, the Integrated LEAP for the 21st Century

(iLEAP) tests will be used, beginning in spring 2006. The iLEAP tests will replace The Iowa Tests, which were used to evaluate student performance in grades 3, 5, 6, 7, and 9 from spring 1998 to spring 2005. The term *integrated* refers to the integration of standards-based tests (CRTs) and norm-referenced tests (NRTs) into one program.

B. Basic Test Design. All iLEAP tests are aligned to the GLEs, and student performance on the content standards is the primary reporting scheme. On each test—English Language Arts, Mathematics, Science, and Social Studies—student performance will be reported in terms of achievement level:

1. Advanced;
2. Mastery;
3. Basic;
4. Approaching Basic; or
5. Unsatisfactory.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:7 and R.S. 17:24.4 (F) (2).

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, LR 31:1556 (July 2005).

## Chapter 19. LEAP Alternate Assessment

### §1901. General Provisions

A. The LEAP Alternate Assessment (LAA) is a performance-based student assessment that evaluates each student's knowledge and skills in targeted areas. It is an "on-demand" assessment; the test administrator directs the student to perform a specific task and then scores the performance after the task is completed. The LAA is designed to minimize time away from instruction and direct services to students. Teachers are encouraged to administer the assessment as part of a daily routine.

#### B. Definitions

*Alternate Assessment*—a substitute approach used in gathering information on the performance of students who do not participate in typical state assessments. (from Alternate Assessment Resource Matrix [CCSSO, SCASS-ASES, 1999]).

*Target Indicators*—represent the Louisiana content standards that most directly reflect the skills students with significant disabilities need as they progress through childhood and enter adulthood.

C. Structure of LAA. The LAA is based on selected Louisiana content standards. It includes 20 target indicators from the standards, five from English language arts, five from mathematics, six from social studies, and four from science. Each target indicator includes participation levels, which reflect three different levels of skill complexity: introductory, fundamental, and comprehensive. A 6-point scoring rubric provides descriptors for evaluating student performance on each of the target indicators.

#### D. Participation Levels

1. Introductory (I)—skills that require basic processing of information to address real-world situations that are related to the content standards regardless of the age or grade level of the student.

2. Fundamental (F)—skills that require simple decision making to address real-world situations that are related to the content standards regardless of the age or grade level of the student.

3. Comprehensive (C)—skills that require higher-order thinking and information-processing skills that are

related to the content standards regardless of the age or grade level of the student.

E. Scoring. The scoring rubric for the LAA is based on 6 point levels:

- 0 no performance (at introductory level only);
- 1 tolerates engagement or attempts engagement;
- 2 performs skill in response to a prompt;
- 3 performs skill independently without a prompt;
- 4 performs skill independently without prompts for different purposes or in multiple settings;
- 5 performs skill independently without prompts for different purposes and in multiple settings.

F. Students receive higher points for attempting performance than they do for no performance of the example skill. A score point of 3 is awarded for performances that are completed independently. Students who perform a task for more than one purpose or in more than one setting receive a higher score. Those who generalize their skills or apply their skills for different purposes and in a variety of settings receive the highest scores.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:24.4 (F) (3) and R.S. 17:183.1–17:183.3.

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, LR 31:1556 (July 2005).

## **Chapter 21. National Assessment of Educational Progress**

### **§2101. General Provisions**

A. NAEP, also known as the "Nation's Report Card," reports its results from jurisdictions around the country. NAEP uses a random stratified sample to select school districts, schools within those districts, and students within those schools. The testing window for NAEP is January through March.

B. NAEP is authorized to measure and report on academic achievement by carrying out a national assessment, state assessment, and a long-term trend assessment in reading and mathematics.

C. The NAEP test contractor handles all aspects of NAEP testing including distribution and collection of all test materials. The testing process involves about 60 minutes of assessment in one subject (mathematics, science, or reading). Results are reported within six months.

D. Participation in NAEP

1. In 1990, the NAEP assessments became a part of the LEAP, with state statute R.S. 17:24.4, making participation in NAEP mandatory for Louisiana schools. Additionally, the NCLB Act mandates schools' participation. Participation in NAEP is a requirement for states and school districts receiving Title I grants.

2. District superintendents and school principals are notified of their selection for the NAEP testing process in early fall. Parents of students are then notified and asked to grant permission for the students to participate. Individual student participation is not mandatory.

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

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, LR 31:1557 (July 2005).

### **§2103. Inclusions and Accommodations**

A. The NAEP assessment includes students with disabilities and limited English proficient students.

B. Schools may exclude students with disabilities according to the following NAEP designed criteria:

1. the student's IEP team determines that the student cannot participate;
2. the student's cognitive functioning is so severely impaired that she or he cannot participate; or
3. the student's IEP requires that the student be tested with an accommodation or adaptation that NAEP does not allow.

C. Accommodations

1. Students who need accommodations receive such aids as:

- a. extra testing time;
- b. individual or small group administration;
- c. large-print booklets;
- d. multiple testing sessions.

2. Accommodations do not include reading passages or questions aloud for the reading assessment.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:24.4 (A) (1).

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, LR 31:1557 (July 2005).

## **Chapter 23. English Language Development Assessment (ELDA)**

### **§2301. Description**

A. The NCLB of 2002 Title III (20 USCS §6301 et seq.) requires standards-based assessment of the progress of all LEP students enrolled in grades kindergarten through 12 in attaining English proficiency, including a child's level of comprehension, speaking, listening, reading, and writing skills in English. ELDA was field-tested in spring 2004 and will be implemented in spring 2005. ELDA is composed of untimed tests in four grade clusters (kindergarten-2, 3-5, 6-8, 9-12) of four language domains (reading, writing, listening, and speaking). It assesses both academic and school/social environment language of students from beginning to full English proficient performance levels in each of the domains and grade clusters.

AUTHORITY NOTE: Promulgated in accordance with 20 USCS, Section 6311.

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, LR 31:1557 (July 2005).

## **Chapter 25. Field Testing**

### **§2501. General Provisions**

A. The purpose of field testing is to obtain data on test items that have been developed for a particular assessment. In Louisiana, test items are developed and field tests conducted for the following assessments:

1. Louisiana Educational Assessment Program for the 21st Century (LEAP 21);
2. Graduation Exit Examination for the 21st Century (GEE 21);
3. Integrated LEAP (*i*LEAP).

B. LEAP 21 and GEE 21 field tests are conducted annually in designated content areas.

C. Participation

1. Schools selected for any of the Louisiana field tests must participate. This ensures the test data are representative of the state's student population for the grade level being assessed.

2. Selection of schools for the field test is based on several demographic factors. The sampling plan includes the following criteria:

- a. sample from every school district;
- b. to the extent possible, schools shall be selected that are representative of the schools in the state in:
  - i. academic achievement level;
  - ii. percent of minorities;
  - iii. percent of students receiving free/reduced lunch;
  - iv. percent of students classified as special education;
  - v. LEP, and Section 504, and school size;
- c. select no schools with fewer than 10 students;
- d. generally select no schools that are participating in NAEP;
- e. select no private schools;
- f. in general, any given school should only:
  - i. participate in one grade;
  - ii. administer one content area;
  - iii. administer only one test form.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:24 et seq.

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, LR 31:1557 (July 2005).

### §2503. Field Test Administration

A. The same test security procedures and test administration rules used for operational (regular) testing apply to field tests. District and school personnel must adhere to the test security policy and to all directions in the field test administration manuals. Schools will be monitored to ensure that administrative and security procedures are followed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:24 et seq.

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, LR 31:1558 (July 2005).

## Chapter 27. Placement Tests

### §2701. Administration and Scoring

A. Placement tests for fourth grade and eighth grade public school students are shipped to district test coordinators in late July and are to be returned to the testing contractor after February 15 each year.

B. Students who participate in the spring and/or summer administration of LEAP 21 test and fail to score at the required achievement level(s) are not eligible to take The Iowa Tests for placement purposes.

C. Charter schools and laboratory schools must secure placement tests from the testing contractor. These schools call the contractor directly and order placement tests for incoming students between July and February.

D. District test coordinators score the placement tests for students taking the tests in the public school districts. The LDE, Division of Student Standards and Assessments, scores all placement tests administered by charter schools and laboratory schools.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:24 et seq.

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, LR 31:1558 (July 2005).

### §2703. Security

A. Testing masks and all testing materials must be kept in a designated locked and secure area.

B. All secure test materials are to be handled in accordance with the SBESE Test Security Policy.

C. District test coordinators and test administrators are required to sign a security agreement prior to test administration.

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

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, LR 31:1558 (July 2005).

## Chapter 29. Graduation Exit Examination ("Old" GEE)

### §2901. General Provisions

A. The "Old" GEE measures curricula-based proficiencies in language arts, mathematics, written composition, science, and social studies. The first statewide administration of the GEE was in the spring of 1989, and the last statewide administration was in the summer of 2003. The testing program then became the responsibility of the school districts, with the tests to be administered by the district test coordinators.

B. District test coordinators have received from the LDE a CD containing the tests, answer folders, scoring keys, and conversion tables. Copies of braille and large-print tests may be requested from the LDE, Division of Student Standards and Assessments, Assessment Administration Section.

C. The GEE tests are to be administered by the district test coordinators each year in October and April, as indicated on the official SBESE testing schedule, to former high school students who have earned Carnegie units but still need to pass the GEE to earn a high school diploma. Students are required to take only those parts of the GEE in which they did not attain the required performance standards.

D. All students who were enrolled in tenth grade during the spring of 1989 through the spring of 2000 can be administered the test twice a year. There is no age limit for students who request a retest with GEE, nor is there a limit on the number of times the student may retake the test.

E. If the student was issued a GED and later passes the GEE, the student may surrender the GED diploma and be issued a standard high school diploma.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:24.4 (4) (a) and R.S. 17.7.

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, LR 31:1558 (July 2005).

### §2903. Performance Standards

A. Performance standards for the GEE Language Arts, Mathematics, Written Composition, Science, and Social Studies tests are finalized in scaled-score form.

	Performance Standard	Scaled Score Range
Language Arts	1053	1000-1097
Mathematics	1048	1000-1097
Written Composition	1047	1018-1072
Science	1042	1000-1093
Social Studies	1041	1000-1093

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:24.4 (4) (a) and R.S. 17.7.

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, LR 31:1558 (July 2005).

### **§2905. Transfer Students**

A. These rules apply to students who were enrolled as sophomores during the 1988-1989 through 1999-2000 academic years.

1. Requirements for students who have never been in membership in a Louisiana public school and are transferring from out-of-state, from Louisiana nonpublic schools, or from an approved home study program are as follows.

a. A student who entered the ninth grade during the 1987-1988 school year and thereafter, and who transferred to a Louisiana public school at or below the ninth grade shall take and pass all parts of the GEE.

b. A student who entered ninth grade in 1987-1988 and thereafter, and who is classified by the local school district as a tenth grader shall take and pass all parts of the GEE.

c. A student who entered ninth grade in 1987-1988 and thereafter and who is classified by the local school district as an eleventh grader shall take and pass the science and social studies parts of the GEE.

d. A student who entered ninth grade in 1987-1988 and thereafter and who is classified by the local school district as a twelfth grader shall not be required to take any part of the GEE.

2. Requirements for students who were in membership in a Louisiana public school(s), transferred out, and subsequently returned are as follows.

a. A student who was in initial membership in Louisiana public schools as a student in grades kindergarten through 6 and who transferred out and subsequently returned shall adhere to the following policy.

i. A student who returns in the seventh and/or eighth grade for a period in membership of 160 days total shall take and pass all parts of GEE.

ii. A student who returns in the ninth grade shall be required to take and pass all parts of the GEE.

iii. A student who returns and is classified as a tenth grader shall be required to take and pass all parts of the GEE.

iv. A student who returns and is classified as an eleventh grader shall be required to take and pass the science and social studies parts of the GEE.

v. A student who returns and is classified as a twelfth grader shall not be required to take any part of the GEE.

b. A student who was in initial membership in Louisiana public schools in the seventh and/or eighth grades for a period of 160 days total and who then transferred out and subsequently returned at any grade level shall take and pass all parts of the GEE.

c. A student who was in initial membership in Louisiana public schools as a ninth grader and who then transferred out and subsequently returned at any grade level, shall be required to take and pass all parts of the GEE.

d. A student who was in initial membership in Louisiana public schools as a tenth grader and who then transferred out and subsequently returned at any grade level shall take and pass all parts of the GEE.

e. A student who was in initial membership in Louisiana public schools as an eleventh grader and who then transferred out and subsequently returned at the eleventh or twelfth grade level shall take and pass the science and social studies parts of the GEE.

f. A student who was in initial membership in Louisiana public schools as a twelfth grader and who then transferred out and subsequently returned as a twelfth grader shall not be required to take any part of the GEE.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:24.4 and R. S. 17.7.

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, LR 31:1559 (July 2005).

### **§2907. Student Membership Determination**

A. Student membership is determined when a student in school is identified with the following minimum required identification elements:

1. state identification number;
2. full legal name;
3. date of birth;
4. sex;
5. race;
6. school district and school code;
7. entry date; and
8. grade placement.

(Adapted from Section 10, page 10.1, Student Information System User's Guide, LDE.)

B. A student must be in membership in a Louisiana public school(s) for 160 days per year or 80 days per semester in order to be eligible to receive grades (1103G, Bulletin 741, LDE).

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.24.4 et seq.

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, LR 31:1559 (July 2005).

## **Chapter 31. Louisiana Alternate Assessment-B**

### **§3101. Special Education Needs**

A. To accommodate the needs of Louisiana students in special education, the SBESE mandated that the Louisiana Statewide Norm-Referenced Testing Program (LSNRTP) provide the Louisiana Alternate Assessment-B (LAA-B) testing component, referred to as "out-of-level," beginning in spring 2000. Spring 2003 was the fourth and final year of the LAA-B testing program.

B. The program provided data for evaluating student, school, and district performance. Teachers and administrators could use test results to plan instructional programs.

C. Students enrolled in grades 3 through 8 who met specific criteria for LAA-B took the Complete Battery of the Iowa Tests of Basic Skills at the appropriate level(s). LAA-B students in grade 9 or in the Options (PreGED/Skills) Program took either the Complete Battery of the Iowa Tests of Basic Skills or the Complete Battery of the Iowa Tests of Educational Development at their functioning grade levels in reading, language, and/or mathematics. Some students may have taken both the ITBS and the ITED.

D. The LAA-B is no longer administered in Louisiana.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:24.4 (F) (3).



HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, LR 31:1559 (July 2005).

### **Chapter 33. Assessment of Special Populations**

#### **§3301. Participation**

A. The following classifications of special populations students must be tested in statewide assessments:

1. special education students;
2. students with one or more disabilities according to Section 504; and
3. LEP students.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:1945

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, LR 31:1560 (July 2005).

#### **§3303. Special Education Students**

A. All special education students must participate in statewide assessments. Students are to take the test that corresponds to the grade in which they are enrolled. Special education students who meet specific criteria and whose Individualized Education Plans (IEPs) indicate they will participate in an alternate assessment may participate in an alternate assessment, such as the LEAP Alternate Assessment (LAA). The assessment in which the student is to participate and any accommodations the student is to receive for instruction and assessment must be documented annually on the program/services page of the student's IEP. Test accommodations cannot be different from or in addition to the accommodations indicated on the student's IEP and provided in regular classroom instruction and assessment.

1. Individualized Education Plan. According to the 1997 amendments to the Individual with Disabilities Education Act (IDEA), accommodations are provided in regular classroom instruction based on a student's needs and are documented in the student's IEP.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:1945.

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, LR 31:1560 (July 2005).

#### **§3305. Students with One or More Disabilities**

##### **According to Section 504**

A. All students with one or more disabilities according to Section 504 are to be tested. Test accommodations are permitted for these students provided they are used in the students' regular classroom instruction and assessment and provided the other conditions specified in the Administrative Guidelines for Students with Disabilities According to Section 504 of the Rehabilitation Act of 1973 are met. An IAP must not be developed solely for the provision of accommodations on statewide assessments.

1. The LDE defines a student with one or more disabilities according to Section 504 as derived from the regulations for Section 504 of the Rehabilitation Act of 1973.

B. Conditions for Eligibility for Test Accommodations as a Section 504 Student

1. The student has a disability that has been identified by a group of knowledgeable individuals whose credentials are appropriate to the disability and the disability is recognized by the Section 504 committee as being consistent with Section 504 of the Rehabilitation Act of 1973.

2. The student must undergo an annual review by the Section 504 Committee and a Testing Accommodation Verification form must be completed for each newly identified student or for each student whose accommodations have changed since his or her last test administration.

a. The Testing Accommodation Verification form identifies students with disabilities as defined by the Rehabilitation Act of 1973 and the ADA. The form also must be used to document accommodations for qualified Section 504 students. School districts are responsible for completing the form once a student's eligibility has been determined.

b. Signatures. Duplicate signatures are not acceptable on the Testing Accommodation Verification form. Signature lines with an asterisk must be original signatures. The parent and student signatures are optional, but it is considered best practice to obtain these. The district Section 504 coordinator's signature is required only if the student will require accommodations on statewide assessment.

c. The completed form must be submitted with a copy of the student's IAP to the district Section 504 coordinator by the date designated by the district.

3. The student has had accommodations routinely provided as part of his or her ongoing classroom instruction and assessment, as recommended by the Section 504 Committee and as documented on the student's IAP.

4. Documentation for how the student meets the definition of substantially limited in Section 1630.2 of the Americans with Disabilities Act (ADA) of 1990 must be on file at the school.

C. Documentation. Documentation with evaluation results from the School Building Level Committee (SBLC) and/or the Section 504 team must be kept on file and be available to the LEAP Data Validation Committee upon request. Documentation/evaluation samples may include:

1. a summary of the doctor's report or diagnosis;
2. informal assessments and teacher observations;
3. curriculum-based assessments;
4. formal assessments such as:
  - a. WRAT-3;
  - b. Slosson;
  - c. Brigance;
  - d. OWLS;
  - e. TOLD-3;
  - f. KBIT;
  - g. GORT-3;
  - h. KTEA(Brief);
  - i. Test of Reading Comprehension-3;
  - j. DRA;
  - k. TOWL-3 Test of Problem Solving; and
  - l. PIAT.

D. Individualized Healthcare Plans. If a Section 504 student requires medical procedures that will prevent him or her from participating in a statewide assessment, individualized healthcare plans must be attached to the Section 504 Testing Accommodation Verification form.

E. Forms Management

1. Submission. The Section 504 Testing Accommodation Verification form must be completed and submitted, along with a copy of the student's IAP and the LEAP Data Validation form, to the district Section 504 coordinator by the district-designated date. The district

Section 504 coordinator should establish the deadline for collection of the forms early enough to ensure time for review before submitting them to the LDE. School districts should contact the district Section 504 coordinator regarding the deadline. The LEAP Data Validation forms and Section 504 Testing Accommodation Verification forms should be submitted to the LDE by December 17.

2. Review. The Section 504 Testing Accommodation Verification forms and IAPs will be reviewed by a committee of LDE employees and Section 504 Statewide Task Force members for any possible testing irregularities, including potential violations of test security; appropriateness; and required information that substantiates the accommodations provided during assessment. Reviews will be scheduled throughout the month of January, to be completed by January 30. District Section 504 coordinators will be notified concerning the place and time of review for their districts.

3. Extenuating Circumstances. The extenuating circumstances that will be considered for reviewing Section 504 Testing Accommodation Verification forms submitted after the deadline and/or after the established review period:

- a. a student is in the process of transferring from state to state or parish to parish;
- b. a student has a temporary illness or injury that is substantially limiting and will prevent him or her from having an equal opportunity on and access to statewide assessments.

F. Gifted or Talented Students with a Qualified Disability. For students who are classified as gifted or talented students and who have a qualified disability under Section 504, a Section 504 IAP and a Section 504 Testing Accommodation Verification form must be attached to the student's IEP.

G. LEAP 21 Summer Retest and GEE 21 Summer, Fall, and February Seniors Only Retest. Students who were identified as Section 504 or who had accommodations added to their Section 504 IAP and Section 504 Testing Accommodation Verification forms after the spring assessment must be submitted on the LEAP Data Validation form to LDE 30 days before the summer or fall retest. The Section 504 Testing Accommodation Verification form and a copy of the IAP must be forwarded to the student's summer remediation and summer or fall testing site to ensure the student receives the appropriate accommodations for instruction and assessment.

H. GEE 21 and "Old" GEE. Students who have completed their Carnegie units but are no longer enrolled in school should receive the accommodations documented on their last IEP and Section 504 Testing Accommodation Verification forms.

#### I. Test Accommodations

##### 1. Definition

*Accommodation*—a change in the test administration environment, timing, scheduling, presentation format, and/or method of response to the assessment.

2. Purpose of Accommodations. Test accommodations are provided to minimize the effects of a disability to ensure that a student can demonstrate the degree of achievement he or she actually possesses. Not all students with disabilities will need test accommodations, but many will need them to provide a valid and accurate measure of their abilities. The

goal in using accommodations is to give students with disabilities an equal opportunity in assessment, not to give students with disabilities an unfair advantage over other students or to subvert or invalidate the purpose of the tests. The accommodation should allow the test score to reflect the student's proficiency in the area tested without the interference of his or her disability.

#### 3. General Guidelines

a. Test accommodations should not be different from, or in addition to, the accommodations provided in the classroom during instruction and assessment and as indicated on the student's IEP or Section 504 IAP. According to the 1997 amendments to IDEA, accommodations for administration of general statewide and districtwide assessments must be based on each student's needs, as documented in the student's IEP. If an accommodation, even an accommodation listed on a student's IEP or IAP, is not provided in classroom instruction or assessment, it is inappropriate to provide that accommodation during testing.

b. Selection of appropriate test accommodations should be based on a review of a student's current instructional and classroom assessment accommodations and a clear understanding of the test format and what it measures. This information should determine which accommodations enable the student to demonstrate best what he or she knows and can do.

c. The accommodations must never compromise the purpose of the test. For example, a test that measures reading comprehension cannot be read aloud to a student. To do so would destroy the purpose of the test, which is to measure reading comprehension.

d. Individual or small group administration must be used if the accommodations will interfere with the testing of other students, e.g., tests read aloud.

e. All provided accommodations must be marked on student answer documents as instructed in the appropriate test manual.

f. Accommodations must not compromise test security or confidentiality. Any assistance in test administration must not give away the answers. All conditions that pertain to test security and return of test materials after the test is administered apply to tests that are administered with accommodations. All test manual instructions relating to handling nontraditional secure materials for accommodations must be followed precisely.

4. Approved Accommodations for Special Education and Section 504 Students. The following accommodations, if used in classroom instruction and assessment and specified on a student's IEP or IAP and Section 504 Testing Accommodation Verification form, may be used for testing.

a. Braille. Braille editions of the test are provided for students who are proficient in this mode of access to written material. The regular print edition may be modified in braille. Supplementary test administration instructions and manipulatives are provided as needed. All responses must be transferred to the scorable answer document.

b. Large Print. Large-print editions may be used by students who use large print as an accommodation in classroom instruction and assessment. Large-print editions contain all test items that are in the regular edition. Essentially the large-print edition is an enlarged version of the regular-print edition, though the layout may vary slightly

so as not to make the document more difficult for a student to use. All responses must be transferred to the scorable answer document.

c. **Answers Recorded.** If a student is unable due to his/her disability to write, provisions the test administrator must record the student's answers on the scorable answer document. Scribes and others supporting a student's test taking must be neutral in responding to the student during test administration. Assistance in test administration must not give away the answers. The student's responses must accurately represent the student's own choices. If a scribe is used for a writing topic, the scribe must write exactly what the student dictates without punctuation or capitalization. The student then must edit what the scribe wrote and provide punctuation and capitalization or any other changes.

d. **Assistive Technology.** Assistive technology can include, but is not limited to a:

- i. computer;
- ii. tape recorder;
- iii. calculator;
- iv. abacus;
- v. grip for a pencil;
- vi. visual magnification device;
- vii. communication device;
- viii. mask or marker to maintain place;
- ix. speech synthesizer; and
- x. electronic reader.

5. **Extended Time/Adjusted Time.** Every student must be given extended or sufficient time to respond to every test item. Time may be adjusted for certain students, such as those who have short attention spans or who may be unable to concentrate for long periods of time on a given task. The test administration time may have to be altered considerably to allow for intermittent short breaks during the testing period, or it may be determined appropriate to administer the test in a number of short sessions. Testing may also be stopped and continued at a later time if a student's behavior interferes with testing. The elapsed time must be documented and the test administrator must closely monitor that test security is maintained. The time of day the test is administered may also be adjusted to a time more beneficial to the student. All sessions, however, must be completed within the specified test administration dates, including makeup sessions.

6. **Communication Assistance.** A test administrator who is fluent in the cuing or signing modality routinely used by a student should be available to repeat or clarify directions and sign portions of the test if warranted by the student's reading level as documented on the IEP or IAP and Section 504 Testing Accommodation Verification form.

a. No passages, questions, or distractors (multiple choices) of any English language arts test that measures reading comprehension may be signed or cued. Such tests include the Reading and Responding session of LEAP 21 and GEE 21, Reading Comprehension of the ITBS and the "old" GEE, Ability to Interpret Literary Materials of the ITED, and any others developed to measure this skill. Directions only to these sessions may be signed or cued. When signing or cueing, the test administrator must exercise caution to avoid providing answers. It is a breach of test security to provide signs or cues that convey answers.

7. **Transferred Answers.** Student responses that are recorded in any format other than on the standard answer document must be transferred by the test administrator precisely as instructed in the appropriate test manual. Such formats include braille, large print, oral responses, typewritten responses, computer responses, and any other responses recorded with the assistance of mechanical or technological devices. Student responses not transferred will not be scored. If both a student's and a test administrator's handwriting appear on an answer document, only the student's writing will be scored.

8. **Individual/Small Group Administration.** Tests may be administered to a small group (maximum, eight students) or to an individual requiring more attention than can be provided in a larger classroom. If other selected accommodations affect the standard administration of the test (e.g., extended time on a timed test, tests read aloud), individual or small group administration must be used.

9. **Other.** Any necessary accommodations may be used, but they must be decided by the IEP team or Section 504 committee and listed on the student's IEP or IAP and Section 504 Testing Accommodation Verification form. The accommodation must not invalidate the meaning of the test score or the purpose of the test. Examples of other accommodations include highlighting the task or verbs in the directions on the test or assisting the student in tracking the test items.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 17:7, R.S. 17:24 et seq., R.S. 17:391-400, R.S. 17:1941 et seq., R.S. 17:397, R.S. 17:1946, and R.S. 17:1947.1.

**HISTORICAL NOTE:** Promulgated by the Department of Education, Board of Elementary and Secondary Education, LR 31:1560 (July 2005).

### **§3307. Limited English Proficient Students**

A. All LEP students must participate in statewide assessments. LEP students qualify; however, for accommodations provided they are used in the students' regular classroom instruction and assessment. Test accommodations must not be different from or in addition to the accommodations provided in the classroom during instruction and assessment and must not compromise test security or confidentiality.

B. **Limited English Proficient Student**—an individual:

1. who is aged 3 through 21;
2. who is enrolled or preparing to enroll in an elementary school or secondary school;
3. who was not born in the United States or whose native language is a language other than English;
4. who is a Native American or Alaska Native or who is a native resident of the outlying areas and comes from an environment where a language other than English has had significant impact on such individual's level of English language proficiency; or
5. who is migratory, whose native language is a language other than English, and who comes from an environment where a language other than English is dominant; and
6. whose difficulties in speaking, reading, writing, or understanding the English language may be sufficient to deny the individual:

a. the ability to meet the state's proficient level of achievement on state assessments described in Section 1111(b)(3);

b. the ability to successfully achieve in classrooms where the language of instruction is English; or

c. the opportunity to participate in society (PL-10710, Title IX, Sec. 9101[25].

C. Approved Accommodations for LEP Students

1. Extended Time/Adjusted Time. Every student must be given extended or sufficient time to respond to every test item. Time may be adjusted for certain students, such as those who have short attention spans or those who may be unable to concentrate for long periods of time on a given task. The test administration time may have to be altered considerably to allow for intermittent short breaks during the testing period, or it may be determined appropriate to administer the test in a number of short sessions. Testing may also be stopped and continued at a later time if a student's behavior interferes with testing. The elapsed time must be documented and the test administrator must closely monitor that test security is maintained. All sessions, however, must be completed within the specified test administration dates, including makeup sessions.

2. Individual/Small Group Administration. Tests may be administered to a small group (maximum, eight students) or to an individual requiring more attention than can be provided in a larger classroom. If other selected accommodations affect the standard administration of the test (e.g., extended time on a timed test, tests read aloud), individual or small group administration must be used.

3. Provision of English/Native Language Word-to-Word Dictionary (No Definitions). LEP students may use either a standard or an electronic English/native language word-to-word dictionary, without definitions, on all sessions of the test. On the written composition sessions of the tests, all LEP students may use an English/native language word-to-word dictionary with definitions; this is not an accommodation.

4. Tests Read Aloud. Students may be allowed to have portions of the tests read to them, with the exception of portions designed to measure reading comprehension, which are clearly designated in the test administration manuals. No passages, questions, or distractors (multiple choices) of any English language arts test that measures reading comprehension may be read aloud. Such tests include the Reading and Responding session of LEAP 21 and GEE 21, Reading Comprehension of the ITBS and the "old" GEE, Ability to Interpret Literary Materials of the ITED, and any others developed to measure this skill. Directions only to these sessions may be read aloud. When reading aloud, the test administrator must exercise caution to avoid providing answers. It is a breach of test security to provide cues that convey answers.

5. Test Administered by ESL Teacher or by Individual Providing Language Services. Familiarity with the speech patterns of the ESL teacher or individual providing language services may assist the student in understanding the test directions or the portions read aloud if the student receives the accommodation Tests Read Aloud.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:1941 et seq. and R.S. 17:24.4 (F)(3).

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, LR 31:1562 (July 2005).

## Chapter 35. Assessment of Students in Special Circumstances

### §3501. Approved Home Study Program Students

A. Fourth grade students from state-approved home study programs who are seeking to enroll in grade 5 must take and score basic or above on the grade 4 LEAP 21 English Language Arts or the Mathematics test and approaching basic or above on the other test to enroll in grade 5.

B. Eighth grade students from state-approved home study programs who are seeking to enroll in grade 9 must score approaching basic or above on both the grade 8 LEAP 21 English Language Arts and Mathematics tests to enroll in grade 8. Beginning in 2006, these students will be required to score basic or above on either the grade 8 LEAP 21 English Language Arts or Mathematics test to enroll in grade 9.

C. Students from state-approved home study programs have the option of taking the grades 4 and 8 LEAP 21 Science and Social Studies tests.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:236.1–17:236.2, R.S. 17:6 (A) (10) (11) (15), R.S. 17:10, R.S. 17:22 (6), R.S. 17:391.1–17:391.10, R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, LR 31:1563 (July 2005).

### §3503. Homebound Students

A. Homebound students shall be administered the appropriate assessment for their enrolled grade. The test administrator must issue the test booklet and answer document each day and return the testing materials to the enrolled school daily. The test administrator must receive training in security and test administration procedures and sign a security oath.

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

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, LR 31:1563 (July 2005).

### §3505. Foreign Exchange Students

A. Foreign exchange students shall take the appropriate assessment for their enrolled grade during the scheduled assessment period.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:151.3 and R.S. 17:24.4

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, LR 31:1563 (July 2005).

### §3507. Correctional Facilities

A. Students enrolled in grades 3 through 11 who are under the supervision of correctional facilities shall take the appropriate assessment for their enrolled grade.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:151.3 and R.S. 17:24.

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, LR 31:1563 (July 2005).

Weegie Peabody  
Executive Director

0507#007

**RULE**

**Board of Elementary and Secondary Education**

Bulletin 746—Louisiana Standards for State Certification of School Personnel—PRAXIS Exams and Passing Scores for Louisiana Certification (LAC 28:I.903)

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, the Board of Elementary and Secondary Education amended *Bulletin 746—Louisiana Standards for State Certification of School Personnel*, referenced in LAC 28:I.903.A. This policy specifies the exam and passing score(s) for the following certification areas: Chemistry, Physics, German, and Educational Leader—Level 1.

Previously to become certified in Chemistry or Physics an individual had to complete PRAXIS/NTE pedagogy exam(s) that included other science areas. These two new exams are specific to these science content areas. In the state's new add-on policy this will allow an individual to complete an exam for a specific content area rather than completing coursework. The board periodically reviews new exams for

certification in Louisiana and sets the cut scores for these exams, as is the case with the pedagogy exam for German. The School Leadership Licensure Assessment will be available for the first time for individuals seeking certification as an Educational Leader-Level 1.

**Title 28**

**EDUCATION**

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

**Subchapter A. Bulletins and Regulations**

**§903. Teacher Certification Standards and Regulations**

A. Bulletin 746

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education in LR 1:183, 311, 399, 541 (April, July, September, December 1975), LR 28:2505-2508 (December 2002), LR 29:117-119 (February 2003), LR 29:119-121 (February 2003), LR 29:121-123 (February 2003), LR 31:1564 (July 2005).

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**Louisiana Requirements—PRAXIS/NTE SCORES**

Certification Area	Name of Praxis Test	Content Exam Score	Pedagogy: Principles of Learning & Teaching			
			PLT K-6 (#0522)	PLT 5-9 (#0523)	or	PLT 7-12 (#0524)
Early Childhood PK-3	Elementary Content Knowledge (0014) Effective 6/1/04	147	<ul style="list-style-type: none"> <li>Prior to 6/1/04: PLT K-6 or ECE 0020;</li> <li>After 5/31/04: Early Childhood Education 0020 (Score 510)</li> </ul>			
		150				
Grades 1-5	Elementary Content Knowledge (0014) Effective 6/1/04	147 150	161	---		---
Grades 4-8 Generic	Middle School: Content Knowledge (0146) Effective 6/1/04, this exam not available for certification purposes; middle grades candidates required to pass one or more content specific middle grades exams.	150	---	154		---
Grades 4-8 Mathematics	Middle School Mathematics (0069)	148	---	154		---
Grades 4-8 Science	Middle School Science (0439) Effective 6/1/2006 Effective 6/1/2009	140	---	154		---
		145				
		150				
Grades 4-8 Social Studies	Middle School Social Studies (0089)	149	---	154		---
Grades 4-8 English/Language Arts	Middle School English/Language Arts (0049)	160	---	154		---
<b>Grades 6-12 Certification Areas</b>						
Agriculture	Agriculture (0700) Effective 7/1/05	510	---	---		161
Biology	Biology & General Science (0030) Biology: Content Knowledge (0235) Effective 7/1/05	580	---	---		161
		150				
Business	Business Education (0100) Effective 6/1/04	540	---	---		161
		570				
Chemistry	Chemistry/Physics/General Science (0070) Chemistry: Content Area (0245) Effective 7/1/06	530				161
		151				
English	English Language, Literature, & Composition: Content Knowledge (0041) Pedagogy (0043)	160	---	---		161
		130				
Family & Consumer Sciences (formerly Home Economics)	Family & Consumer Sciences (0120)	510	---	---		161
French	French (0170) French: Content Knowledge (0173) Effective 6/1/04	520	---	---		161
		156				
General Science	Biology & General Science (0030) –OR– Chemistry/Physics/General Science (0070) General Science: Content Knowledge (0435) Effective 7/1/05	580	---	---		161
		530				
		156				

**Grades 6-12 Certification Areas**

German	German (0180) German: Content Knowledge (0181) Effective 7/1/06	500 151	---	---		161
Mathematics	Mathematics (0060) Mathematics: Content Knowledge (0061) Effective 6/1/04 Effective 6/1/07 Effective 6/1/10	550 125 130 135	---	---		161
Physics	Chemistry/Physics/General Science (0070) Physics: Content Knowledge (0265) Effective 7/1/06	530 141				161
Social Studies	Social Studies: Content Knowledge (0081) Interpretation of Materials (0083)	149 152	---	---		161
Spanish	Spanish (0190) Spanish: Content Knowledge (0191) Effective 6/1/04	540 160	---	---		161
Speech	Speech Communications (0220) Effective 7/1/05	575	---	---		161

Certification Area	Name of Praxis Test	Content Exam Score	Pedagogy: Principles of Learning & Teaching			
			PLT K-6 (#0522)	PLT 5-9 (#0523)	or	PLT 7-12 (#0524)
Technology Education (formerly Industrial Arts)	Technology Education (0050) Effective 7/1/05	600	---	---		161
Computer Science Earth Science Environmental Science Journalism Latin Marketing (formerly Distributive Education)	At this time, a content area exam is not required for certification in Louisiana.	---	---	---		161

#### All-Level Areas

Area	Name of Praxis Test	Content Exam Score	Pedagogy: Principles of Learning & Teaching			
			PLT K-6 (#0522)	PLT 5-9 (#0523)	OR	PLT 7-12 (#0524)
Grades K-12 Art	Art: Content Knowledge (0133) Effective 7/1/05	155	161	154	or	161
Grades K-12 Dance	None Available**	---	161	154	or	161
Grades K-12 Foreign Languages	French (0170) French: Content Knowledge (0173) Effective 6/1/04	520 156	161	154		161
	German (0180)	500				
	Spanish (0190) Spanish: Content Knowledge (0191) Effective 6/1/04	540 160				
Grades K-12 Music	Music Education (0110) Music: Content Knowledge (0113) Effective 6/1/04	530 151	161	154	or	161
Grades K-12 Health and Physical Education	Physical Education (0090) Phys. Education: Content Knowledge (0091) Effective 6/1/04	550 146	161	154	or	161

\*\*At this time, a content area exam is not required for certification in Louisiana.

### Special Education Areas

Area	Content Exam	Score	Pedagogy Requirement	Score
Special Education (All Areas)	Prior to 6/1/04, required only for entry into new Mild/Moderate alternate certification programs		Prior to 6/1/04: PLT K-6 (161), PLT 5-9 (154) <b>OR</b> PLT 7-12 (161)	
Early Interventionist	Elementary Education: Content Knowledge (0014) Effective 7/1/05	150	Educ. of Exceptional Students: Core Content Knowledge (0353) Effective 6/1/04	143
			Educ. of Exceptional Students: Core Content Knowledge (0353) & Early Childhood Education (0020) Effective 7/1/05	143 510
Hearing Impaired	Elementary Education: Content Knowledge (0014) Effective 7/1/05	150	Educ. of Exceptional Students: Core Content Knowledge (0353) & Educ. of Deaf and Hard of Hearing Students (0271) Effective 6/1/04	143 160
Mild to Moderate Disabilities	Candidate must pass content area exam appropriate to certification level 1-5, 4-8, 6-12 Effective 6/1/04		Educ. of Exceptional Students: Core Content Knowledge (0353) & Educ. of Exceptional Students: Mild Moderate Disabilities (0542) Effective 6/1/04	143 141
Significant Disabilities	Elementary Education: Content Knowledge (0014) Effective 7/1/05	150	Educ. of Exceptional Students: Core Content Knowledge (0353) & Educ. of Exceptional Students: Severe to Profound Disabilities (0544) Effective 6/1/04	143 147
Visual Impairments/Blind	Elementary Education: Content Knowledge (0014) Effective 7/1/05	150	Educ. of Exceptional Students: Core Content Knowledge (0353) Effective 6/1/04	143

### Pre-Professional Skills Tests

(Required for all Louisiana candidates to enter teacher preparation programs.)

Pre-Professional Skills Test	Test #	Score	Pre-Professional Skills Test	Test #	Score
PPST:R – Pre-Professional Skills Test: Reading	0710	172	Computer-Based Tests (prior to 1/16/02):		
PPST:W – Pre-Professional Skills Test: Writing	0720	171	CBT Reading	0711	319
PPST:M – Pre-Professional Skills Test: Mathematics	0730	170	CBT Writing	0721	316
Computerized PPST (1/16/02 and after)—same passing scores as written PPST:			CBT Mathematics	0731	315
Reading	5710	172			
Writing	5720	171			
Mathematics	5730	170			

### Other Areas

Certification Area	Name of Praxis Test	Area Test Score
Principal	Educational Leadership: Administration & Supervision (0410)	620
Administration	School Leaders Licensure Assessment (1010) Effective 7/1/06	168

All Praxis scores used for certification must be sent directly from ETS to the State Department of Education electronically, or the original Praxis score report from ETS must be submitted with candidate's application.

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Weegie Peabody  
Executive Director

0507#009

**RULE**

**Board of Elementary and Secondary Education**

Bulletin 746—Louisiana Standards for State Certification of School Personnel—PRAXIS Exam Timelines (LAC 28:I.903)

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, the Board of Elementary and Secondary Education amended *Bulletin 746—Louisiana Standards for State Certification of School Personnel*, referenced in LAC 28:I.903.A. The previous effective date for implementation of PRAXIS exams #0353 Education of Exceptional Students: Core Content Knowledge and #0542 Education of Exceptional Students: Core Content Knowledge required for initial Louisiana certification was June 1, 2004. This proposed change would modify that date to January 1, 2005. This change will allow the Office of Teacher Certification to accept PRAXIS exam(s): Principles of Learning and Teaching, completed prior to January 1, 2005, for initial Louisiana certification.

**Title 28  
EDUCATION**

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

A. Bulletin 746

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education in LR 1:183, 311, 399, 541 (April, July, September, December 1975), LR 28:2505-2508 (December 2002), LR 29:117-119 (February 2003), LR 29:119-121 (February 2003), LR 29:121-123 (February 2003), LR 31:1567 (July 2005).

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**PRAXIS Exam Requirements for  
Initial Certification in Mild/Moderate:**

January 1, 2005 is the effective date for PRAXIS exams #0353 Education of Exceptional Students: Core Content Knowledge and #0542 Education of Exceptional Students: Core Content Knowledge required for initial Louisiana certification. This allows the Office of Teacher Certification to accept PRAXIS exam(s): Principles of Learning and Teaching, completed prior to January 1, 2005, for initial Louisiana certification.

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Weegie Peabody  
Executive Director

0507#008

**RULE**

**Board of Elementary and Secondary Education**

Personnel, Accounting, and Reporting Policies (LAC 28:I.701 and 912)

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, the Board of Elementary and Secondary Education has repealed §701 Personnel Policies and §912 Accounting and Reporting Procedures (LAC 28:I). The *Louisiana Administrative Code* should contain regulatory policies and procedures germane to the conduct of BESE board business. We are in the process of removing Sections that either contain no regulatory language, the programs they refer to no longer exist, or the language will be transferred to or is already contained in the appropriate regulatory bulletin. The Sections we are removing will not have an effect on the way BESE conducts board business or the regulatory procedures or language used to oversee any programs.

**Title 28**

**EDUCATION**

**Part I. Board of Elementary and Secondary Education**

**Chapter 7. Personnel Administration**

**§701. Personnel Policies**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3(D); R.S. 17:4; R.S. 17:4.1; R.S. 17:6(A)(10); R.S. 17:43-49; R.S. 17:1951; R.S. 17:1991-2009.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education in LR 16:297 (April 1990), repealed LR 31:1567 (July 2005).

**Chapter 9. Bulletins, Regulations and State Plans**

**Subchapter A. Bulletins and Regulations**

**§912. Accounting and Reporting Procedures**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:7; 17:92.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education in LR 20:1097 (October 1994), amended LR 23:951 (August 1997), repealed LR 31:1567 (July 2005).

Weegie Peabody  
Executive Director

0507#010

**RULE**

**Department of Environmental Quality  
Office of Environmental Assessment**

2004 Incorporation by Reference for Air Quality (LAC 33:III.507, 2160, 3003, 5116, 5122, 5311, and 5901)(AQ251ft)

Under the authority of the Environmental Quality Act, R.S. 30:2001 et seq., and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the secretary has amended the Air regulations, LAC 33:III.507, 2160, 3003, 5116, 5122, 5311, and 5901 (Log #AQ251ft).

This Rule is identical to federal regulations found in 40 CFR Parts 51, Appendix M, 60, 61, 63, 68, and 70.6(a), July 1, 2004, which are applicable in Louisiana. For more



information regarding the federal requirement, contact the Regulation Development Section at (225) 219-3550 or Box 4314, Baton Rouge, LA 70821-4314. No fiscal or economic impact will result from the Rule; therefore, the Rule will be promulgated in accordance with R.S. 49:953(F)(3) and (4).

This rulemaking incorporates by reference into Louisiana's air quality regulations the corresponding federal regulations in 40 CFR Parts 51, Appendix M, 60, 61, 63, 68, and 70.6(a), July 1, 2004. Exceptions to the incorporated regulations are explicitly listed in the proposed rule. In order for Louisiana to maintain equivalency with federal regulations, the most current Code of Federal Regulations must be adopted into the LAC. This rulemaking is necessary to maintain delegation, authorization, etc. granted to Louisiana by EPA. The basis and rationale for this Rule are to mirror the federal regulations as they apply to Louisiana's affected sources.

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

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

**Chapter 5. Permit Procedures**

**§507. Part 70 Operating Permits Program**

A. - B.1. ...

2. No Part 70 source may operate after the time that the owner or operator of such source is required to submit a permit application under Subsection C of this Section, unless an application has been submitted by the submittal deadline and such application provides information addressing all applicable sections of the application form and has been certified as complete in accordance with LAC 33:III.517.B.1. No Part 70 source may operate after the deadline provided for supplying additional information requested by the permitting authority under LAC 33:III.519, unless such additional information has been submitted within the time specified by the permitting authority. Permits issued to the Part 70 source under this Section shall include the elements required by 40 CFR 70.6. The department hereby adopts and incorporates by reference the provisions of 40 CFR 70.6(a), July 1, 2004. Upon issuance of the permit, the Part 70 source shall be operated in compliance with all terms and conditions of the permit. Noncompliance with any federally applicable term or condition of the permit shall constitute a violation of the Clean Air Act and shall be grounds for enforcement action; for permit termination, revocation and reissuance, or revision; or for denial of a permit renewal application.

C. - J.5. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2011, 2023, 2024, and 2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Nuclear Energy, Air Quality Division, LR 13:741 (December 1987), amended by the Office of Air Quality and Radiation Protection, Air Quality Division, LR 19:1420 (November 1993), LR 20:1375 (December 1994), amended by the Office of Environmental Assessment,

Environmental Planning Division, LR 26:2447 (November 2000), LR 27:2229 (December 2001), LR 28:994 (May 2002), LR 29:698 (May 2003), LR 30:1008 (May 2004), amended by the Office of Environmental Assessment, LR 31:1061 (May 2005), LR 31:1568 (July 2005).

**Chapter 21. Control of Emission of Organic Compounds**

**Subchapter N. Method 43—Capture Efficiency Test Procedures**

**§2160. Procedures**

A. Except as provided in Subsection C of this Section, the regulations at 40 CFR Part 51, Appendix M, July 1, 2004, are hereby incorporated by reference.

B. - C.2.b.iv. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 17:653 (July 1991), amended LR 22:1212 (December 1996), LR 23:1680 (December 1997), LR 24:1286 (July 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 27:1224 (August 2001), LR 29:698 (May 2003), LR 30:1009 (May 2004), amended by the Office of Environmental Assessment, LR 31:1568 (July 2005).

**Chapter 30. Standards of Performance for New Stationary Sources (NSPS)**

**Subchapter A. Incorporation by Reference**

**§3003. Incorporation by Reference of 40 Code of Federal Regulations (CFR) Part 60**

A. Except for 40 CFR Part 60, Subpart AAA and as modified in this Section, Standards of Performance for New Stationary Sources, published in the *Code of Federal Regulations* at 40 CFR Part 60, July 1, 2004, are hereby incorporated by reference as they apply to the state of Louisiana.

B. Corrective modification and clarification are made as follows.

1. Whenever the referenced regulations (i.e., 40 CFR Part 60) provide authority to "the Administrator," such authority, in accordance with these regulations, shall be exercised by the administrative authority or his designee, notwithstanding any authority exercised by the U.S. Environmental Protection Agency (EPA). Reports, notices, or other documentation required by the referenced regulations (i.e., 40 CFR Part 60) to be provided to "the Administrator" shall be provided to the Office of Environmental Assessment, Air Quality Assessment Division, where the state is designated authority by EPA as "the Administrator," or shall be provided to the Office of Environmental Assessment, Air Quality Assessment Division, and EPA where EPA retains authority as "the Administrator."

2. 40 CFR Part 60, Subpart A, Section 60.4(b)(T) shall be modified to read as follows: State of Louisiana: Office of Environmental Assessment, Air Quality Assessment Division, Department of Environmental Quality.

B.3. - B.7. ...

8. The minimum standards of the following emission guidelines of 40 CFR Part 60 that are incorporated by reference shall be applied to applicable units in the state.

40 CFR Part 60	Subpart Heading
***	
[See Prior Text in Subparts Cb -Cd]	
Subpart Ce	Emission Guidelines and Compliance Times for Hospital/Medical/Infectious Waste Incinerators
Subpart BBBB	Emission Guidelines and Compliance Times for Small Municipal Waste Combustion Units Constructed on or Before August 30, 1999
***	
[See Prior Text in Subpart DDDD]	

C. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 22:1212 (December 1996), amended LR 23:1681 (December 1997), LR 24:1287 (July 1998), LR 24:2238 (December 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 25:1239 (July 1999), LR 25:1797 (October 1999), LR 26:1607 (August 2000), LR 26:2460, 2608 (November 2000), LR 27:2229 (December 2001), LR 28:994 (May 2002), LR 28:2179 (October 2002), LR 29:316 (March 2003), LR 29:698 (May 2003), LR 30:1009 (May 2004), amended by the Office of Environmental Assessment, LR 31:1568 (July 2005).

**Chapter 51. Comprehensive Toxic Air Pollutant Emission Control Program**

**Subchapter B. Incorporation by Reference of 40 CFR Part 61 (National Emission Standards for Hazardous Air Pollutants)**

**§5116. Incorporation by Reference of 40 CFR Part 61 (National Emission Standards for Hazardous Air Pollutants)**

A. Except as modified in this Section and specified below, National Emission Standards for Hazardous Air Pollutants, published in the *Code of Federal Regulations* at 40 CFR Part 61, July 1, 2004, and specifically listed in the following table, are hereby incorporated by reference as they apply to sources in the state of Louisiana.

40 CFR Part 61	Subpart /Appendix Heading
***	
[See Prior Text in Subpart A – Appendix C]	

B. - C. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 23:61 (January 1997), amended LR 23:1658 (December 1997), LR 24:1278 (July 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 25:1464 (August 1999), LR 25:1797 (October 1999), LR 26:2271 (October 2000), LR 27:2230 (December 2001), LR 28:995 (May 2002), LR 28:2179 (October 2002), LR 29:699 (May 2003), LR 30:1009 (May 2004), amended by the Office of Environmental Assessment, LR 31:1569 (July 2005).

**Subchapter C. Incorporation by Reference of 40 CFR Part 63 (National Emission Standards for Hazardous Air Pollutants for Source Categories) as It Applies to Major Sources**

**§5122. Incorporation by Reference of 40 CFR Part 63 (National Emission Standards for Hazardous Air Pollutants for Source Categories) as It Applies to Major Sources**

A. Except as modified in this Section and specified below, National Emission Standards for Hazardous Air Pollutants for Source Categories, published in the *Code of Federal Regulations* at 40 CFR Part 63, July 1, 2004, are hereby incorporated by reference as they apply to major sources in the state of Louisiana.

B. - C.3. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 23:61 (January 1997), amended LR 23:1659 (December 1997), LR 24:1278 (July 1998), LR 24:2240 (December 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 25:1464 (August 1999), LR 25:1798 (October 1999), LR 26:690 (April 2000), LR 26:2271 (October 2000), LR 27:2230 (December 2001), LR 28:995 (May 2002), LR 28:2180 (October 2002), LR 29:699 (May 2003), LR 29:1474 (August 2003), LR 30:1010 (May 2004), amended by the Office of Environmental Assessment, LR 31:1569 (July 2005).

**Chapter 53. Area Sources of Toxic Air Pollutants**

**Subchapter B. Incorporation by Reference of 40 CFR Part 63 (National Emission Standards for Hazardous Air Pollutants for Source Categories) as It Applies to Area Sources**

**§5311. Incorporation by Reference of 40 CFR Part 63 (National Emission Standards for Hazardous Air Pollutants for Source Categories) as It Applies to Area Sources**

A. Except as modified in this Section and specified below, National Emission Standards for Hazardous Air Pollutants for Source Categories, published in the *Code of Federal Regulations* at 40 CFR Part 63, July 1, 2004, and specifically listed in the following table, are hereby incorporated by reference as they apply to area sources in the state of Louisiana.

40 CFR Part 63	Subpart /Appendix Heading
***	
[See Prior Text in Subparts A – AAAA]	
Subpart IIIII	National Emission Standards for Hazardous Air Pollutants: Mercury Emission From Mercury Cell Chlor-Alkali Plants

B. - C. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 23:63 (January 1997), amended LR 23:1660 (December 1997), LR 24:1279 (July 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 25:1464 (August 1999), LR 27:2230 (December 2001), LR 28:995 (May 2002), LR 28:2180 (October 2002), LR 29:699 (May 2003), LR 30:1010 (May 2004), amended by the Office of Environmental Assessment, LR 31:1569 (July 2005).

**Chapter 59. Chemical Accident Prevention and Minimization of Consequences**

**Subchapter A. General Provisions**

**§5901. Incorporation by Reference of Federal Regulations**

A. Except as provided in Subsection C of this Section, the department incorporates by reference 40 CFR Part 68, July 1, 2004.

B. - C.6. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054 and 30:2063.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 20:421 (April 1994), amended LR 22:1124 (November 1996), repromulgated LR 22:1212 (December 1996), amended LR 24:652 (April 1998), LR 25:425 (March 1999), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:70 (January 2000), LR 26:2272 (October 2000), LR 28:463 (March 2002), LR 29:699 (May 2003), LR 30:1010 (May 2004), amended by the Office of Environmental Assessment, LR 30:2463 (November 2004), LR 31:1570 (July 2005).

Wilbert F. Jordan, Jr.  
Assistant Secretary

0507#023

**RULE**

**Department of Environmental Quality  
Office of Environmental Assessment**

**Cleanup Package**

(LAC 33:I.4503, 4705; III.5151; V.529, 1109, 1115, 1117, 1705, 1907, 1917, 3023, 3711, 3719, 4037, 4901; VII:115, 721; IX.2505; XI.103, 1121, 1139)(OS063)

Under the authority of the Environmental Quality Act, R.S. 30:2001 et seq., and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the secretary has amended the Environmental Quality regulations, LAC 33:I.4503, 4705; III.5151; V.529, 1109, 1115, 1117, 1705, 1907, 1917, 3023, 3711, 3719, 4037, 4901; VII:115, 721; IX.2505; XI.103, 1121, 1139 (Log #OS063).

This Rule will correct typographical errors, edit references that are incorrect, and update regulations to show consistency with other Rules. This rulemaking is necessary due to inconsistent wording of regulations, typographical errors, and incorrect references. The basis and rationale for this Rule are to incorporate the necessary changes into the regulations.

This Rule meets an exception listed in R.S. 30:2019(D)(2) and R.S. 49:953(G)(3); therefore, no report regarding environmental/health benefits and social/economic costs is

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

**Title 33**

**ENVIRONMENTAL QUALITY**

**Part I. Office of the Secretary**

**Subpart 3. Laboratory Accreditation**

**Chapter 45. Policy and Intent**

**§4503. Definitions**

A. When used in these rules and regulations, the following words and phrases shall have the meanings ascribed to them below.

\*\*\*

*Test Category*—any one of the 11 categories listed in LAC 33:I.4705.B in which a laboratory may request department accreditation for a specific test or analysis.

\*\*\*

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2011.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, LR 24:918 (May 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:1434 (July 2000), amended by the Office of Environmental Assessment, LR 31:1570 (July 2005).

**Chapter 47. Program Requirements**

**§4705. Categories of Accreditation**

A. ...

B. A laboratory may apply for accreditation in any one or more of the eight fields of testing (e.g., air emissions, wastewater/surface water, etc.) and in one or more of the 11 test categories applicable to the field(s) of testing selected. The laboratory shall be accredited in those parameters within the test category(ies) for which the laboratory demonstrates acceptable performance on proficiency samples (when available) and meets all other requirements of the department accreditation program. The accreditation test categories are as follows:

B.1. - C. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2011.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, LR 24:919 (May 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:1435 (July 2000), LR 26:2443 (November 2000), repromulgated LR 27:38 (January 2001), amended by the Office of Environmental Assessment, LR 31:1570 (July 2005).

**Part III. Air**

**Chapter 51. Comprehensive Toxic Air Pollutant Emission Control Program**

**Subchapter M. Asbestos**

**§5151. Emission Standard for Asbestos**

A. - J.4.d. ...

i. a copy of the waste shipment record for which a confirmation of delivery was not received; and

ii. a cover letter signed by the waste generator explaining the efforts taken to locate the asbestos waste shipment and the results of those efforts;

J.4.e. - P.2.a. ...

b. When response actions are performed by contracted personnel, those persons shall be accredited.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 17:1204 (December 1991), repealed and repromulgated LR 18:1121 (October 1992), amended LR 20:1277 (November 1994), LR 24:27 (January 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2462 (November 2000), LR 30:1673 (August 2004), amended by the Office of Environmental Assessment, LR 30:2022 (September 2004), LR 31:1570 (July 2005).

## **Part V. Hazardous Waste and Hazardous Materials**

### **Subpart 1. Department of Environmental Quality—Hazardous Waste**

#### **Chapter 5. Permit Application Contents**

#### **Subchapter E. Specific Information Requirements**

#### **§529. Specific Part II Information Requirements for Incinerators**

Except as LAC 33:V.Chapter 31 and Subsection F of this Section provide otherwise, owners and operators of facilities that incinerate hazardous waste must fulfill the requirements of Subsection A, B, or C of this Section:

A. when seeking an exemption under LAC 33:V.3105.B or C (ignitable, corrosive, or reactive wastes only):

1. documentation that the waste is listed as a hazardous waste in LAC 33:V.Chapter 49, solely because it is ignitable (Hazard Code I) or corrosive (Hazard Code C) or both; or

2. documentation that the waste is listed as a hazardous waste in LAC 33:V.Chapter 49, solely because it is reactive (Hazard Code R) for characteristics other than those listed in LAC 33:V.4903.C.4 and C.5, and will not be burned when other hazardous wastes are present in the combustion zone; or

3. documentation that the waste is a hazardous waste solely because it possesses the characteristics of ignitability, corrosivity, or both, as determined by the tests for characteristics of hazardous waste under LAC 33:V.4903; or

4. documentation that the waste is a hazardous waste solely because it possesses the reactivity characteristics listed in LAC 33:V.4903.C.1, 2, 3, 6, 7, or 8, and that it will not be burned when other hazardous wastes are present in the combustion zone; or

B. - C.5.b. ...

6. the expected incinerator operation information to demonstrate compliance with LAC 33:V.3111 and 3117, including:

C.6.a. - D.1. ...

2. the incinerator units are sufficiently similar, and the data from other trial burns are adequate to specify (under LAC 33:V.3117) operating conditions that will ensure that the performance standards in LAC 33:V.3111 will be met by the incinerator;

E. - F. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2011(D)(24)(a) and 2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 10:280 (April 1984), LR 22:817 (September 1996), amended by the Office of Waste Services, Hazardous Waste Division, LR 25:2199 (November 1999), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 27:292 (March 2001), LR 29:319 (March 2003), amended by the Office of Environmental Assessment, LR 31:1571 (July 2005).

## **Chapter 11. Generators**

### **Subchapter A. General**

#### **§1109. Pre-Transport Requirements**

A. Packaging. Before transporting hazardous waste or offering hazardous waste for transportation off-site, a generator must package the waste in accordance with the applicable Department of Public Safety regulations and packaging under LAC 33:V.Subpart 2.Chapter 103.

1. Hazardous waste, liquid, or solid not otherwise specified must meet the requirement of Subchapter C of 49 CFR, and/or the Louisiana Hazardous Material Regulations Subchapter C. Special attention must be directed towards LAC 33:V.Subpart 2.Chapter 105.

2. - 3. ...

B. Labeling. Before transporting or offering hazardous waste for transportation off-site, a generator must label each package in accordance with the applicable transportation regulations on hazardous materials of the Louisiana Department of Public Safety and Corrections or its successor agency under LAC 33:V.Subpart 2.Chapter 105.

C. Marking. Before transporting hazardous waste or offering hazardous waste for transportation off-site, a generator must mark each container of 110 gallons or less used in such transportation with the following words and information displayed in accordance with the Department of Public Safety regulations (see Department of Public Safety regulation LAC 33:V.Subpart 2.Chapter 105).

Hazardous Waste: Federal and state law prohibits improper disposal. If found, contact the nearest police or public safety authority or the U.S. Environmental Protection Agency.

Generator's Name and Address \_\_\_\_\_

Manifest Document Number \_\_\_\_\_

D. Placarding. Before transporting hazardous waste or offering hazardous waste for transportation off-site, a generator must placard or offer the initial transporter the appropriate placards according to Department of Public Safety regulations for hazardous materials under LAC 33:V.Subpart 2.Chapter 105.

E. - E.1.a. ...

i. in containers and the generator complies with the applicable requirements of LAC 33:V.2103, 2105, 2107, 2109.A, 2113, 2115, and Chapter 43.Subchapters Q, R, and V; and/or

ii. ...

iii. on drip pads and the generator complies with LAC 33:V.2801, 2803, 2805, 2807, 2809, and 2811 and maintains the following records at the facility:

1.a.iii.(a). - 7. ...

a. the generator complies with the requirements of LAC 33:V.2103, 2105, 2107, 2109.A, and 2115;

7.b. - 10.d.i. ...

(a). in containers and the generator complies with the applicable requirements of LAC 33:V.2103, 2105, 2107, 2109.A, 2113, 2115, and Chapter 43.Subchapters Q, R, and V; and/or

10.d.i.(b). - 12. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 10:496 (July 1984), LR 13:433 (August 1987), LR 16:47 (January 1990), LR 16:220 (March 1990), LR 16:1057 (December 1990), LR 17:658 (July 1991), LR 18:1256 (November 1992), LR 18:1375

(December 1992), LR 20:1000 (September 1994), LR 20:1109 (October 1994), LR 21:266 (March 1995), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:1693 (September 1998), LR 25:437 (March 1999), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 25:1466 (August 1999), LR 26:277 (February 2000), LR 26:2470 (November 2000), LR 27:293 (March 2001), LR 27:709, 716 (May 2001), LR 27:1014 (July 2001), LR 30:1673 (August 2004), amended by the Office of Environmental Assessment, LR 31:1571 (July 2005).

#### **§1115. Preparedness and Prevention**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 18:1256 (November 1992), repealed by the Office of Environmental Assessment, LR 31:1572 (July 2005).

#### **§1117. Contingency Plan**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 10:496 (July 1984), repealed by the Office of Environmental Assessment, LR 31:1572 (July 2005).

### **Chapter 17. Air Emission Standards**

#### **Subchapter A. Process Vents**

##### **§1705. Applicability**

A. - A.2.Note. ...

3. The requirements of this Subchapter do not apply to the process vents at a facility where the facility owner or operator certifies that all of the process vents that would otherwise be subject to this Subchapter are equipped with and operating air emission controls in accordance with the process vent requirements of an applicable Clean Air Act regulation codified under 40 CFR Part 60, Part 61, or Part 63. The documentation of compliance under regulations at 40 CFR Part 60, Part 61, or Part 63 shall be kept with, or made readily available with, the facility operating record.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 17:658 (July 1991), amended LR 18:723 (July 1992), LR 20:1000 (September 1994), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:1698 (September 1998), LR 25:437 (March 1999), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 27:294 (March 2001), amended by the Office of Environmental Assessment, LR 31:1572 (July 2005).

#### **Chapter 19. Tanks**

##### **§1907. Containment and Detection of Releases**

A. - E.2.e. ...

i. meets the definitions of ignitable waste under LAC 33:V.4903.B; or

ii. meets the definition of reactive waste under LAC 33:V.4903.D, and may form an ignitable or explosive vapor;

E.2.f. - I.5. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste,

Hazardous Waste Division, LR 10:200 (March 1984), amended LR 13:651 (November 1987), LR 14:790 (November 1988), LR 16:614 (July 1990), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2475 (November 2000), amended by the Office of Environmental Assessment, LR 31:1572 (July 2005).

##### **§1917. Special Requirements for Ignitable or Reactive Wastes**

A. - A.1. ...

a. the resulting waste, mixture, or dissolved material no longer meets the definition of ignitable or reactive waste under LAC 33:V.4903.B or D; and

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

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 13:651 (November 1987), amended LR 22:819 (September 1996), amended by the Office of Environmental Assessment, LR 31:1572 (July 2005).

### **Chapter 30. Hazardous Waste Burned in Boilers and Industrial Furnaces**

#### **§3023. Standards for Direct Transfer**

A. - D.1....

2. the use and management requirements of LAC 33:V.Chapter 43.Subchapter H, except for LAC 33:V.4417 and 4425 except that, in lieu of the special requirements of LAC 33:V.4427 for ignitable or reactive waste, the owner or operator may comply with the requirements for the maintenance of protective distances between the waste management area and any public ways, streets, alleys, or an adjacent property line that can be built upon as required in Tables 2-1 through 2-6 of the National Fire Protection Association's (NFPA) "Flammable and Combustible Liquids Code," (1977 or 1981), as incorporated by reference at LAC 33:V.110. The owner or operator must obtain and keep on file at the facility a written certification by the local fire marshal that the installation meets the subject NFPA codes; and

D.3.-E.6. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 18:1375 (December 1992), amended LR 21:266 (March 1995), LR 22:826 (September 1996), amended by the Office of Environmental Assessment, LR 31:1572 (July 2005).

### **Chapter 37. Financial Requirements**

#### **Subchapter B. Post-Closure Requirements**

##### **§3711. Financial Assurance for Post-Closure Care**

The owner or operator of a hazardous waste management unit subject to the requirements of LAC 33:V.3709 must establish financial assurance for post-closure care in accordance with the approved post-closure plan for the facility 60 days prior to the initial receipt of hazardous waste or the effective date of the regulation, whichever is later. Under this Section, the owner or operator must choose from the options as specified in Subsections A-F of this Section, which choice the administrative authority must find acceptable based on the application and the circumstances.

A. - F.5. ...

6. If the owner or operator no longer meets the requirements of LAC 33:V.3711.F.1, he must send notice to

the Office of Management and Finance, Financial Services Division, of intent to establish alternate financial assurance as specified in this Part. The notice must be sent by certified mail within 90 days after the end of the fiscal year for which the year-end financial data show that the owner or operator no longer meets the requirements. The owner or operator must provide the alternate financial assurance within 120 days after the end of such fiscal year.

F.7. - I. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 10:496 (July 1984), LR 13:433 (August 1987), LR 14:791 (November 1988), LR 18:723 (July 1992), amended by the Office of Waste Services, Hazardous Waste Division, LR 23:1512 (November 1997), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2490 (November 2000), amended by the Office of Environmental Assessment, LR 31:1572 (July 2005).

**Subchapter F. Financial and Insurance Instruments**

**§3719. Wording of the Instruments**

A. - E. ...

F. Closure Guarantee. A letter from the chief financial officer, as specified in LAC 33:V.3707.F.3 or 3711.F.3 or 4403.E.3 or 4407.E.3, must be worded as follows, except that instructions in brackets are to be replaced with the relevant information and the brackets deleted.

LETTER FROM CHIEF FINANCIAL OFFICER  
(Closure and/or Post-Closure Care)

\*\*\*

[See Prior Text in Letter]

G. Liability Coverage Guarantee. A letter from the chief financial officer, as specified in LAC 33:V.3715.F or 4411, must be worded as follows, except that instructions in brackets are to be replaced with the relevant information and the brackets deleted.

LETTER FROM CHIEF FINANCIAL OFFICER  
(Liability Coverage)

\*\*\*

[See Prior Text in Letter]

PART A. LIABILITY COVERAGE FOR SUDDEN AND NONSUDDEN OCCURRENCES

[Fill in Alternative I if the first criteria of LAC 33:V.3707.F.1 or 4411.F.1 are used. Fill in Alternative II if the second criteria of LAC 33:V.3707.F.1 or 4411.F.1 are used.]

\*\*\*

[See Prior Text in Letter]

H. - N.2. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 10:496 (July 1984), LR 11:686 (July 1985), LR 13:433 (August 1987), LR 13:651 (November 1987), LR 16:47 (January 1990), LR 18:723 (July 1992), LR 21:266 (March 1995), LR 22:835 (September 1996), amended by the Office of Waste Services, Hazardous Waste Division, LR 23:1514 (November 1997), repromulgated LR 23:1684 (December 1997), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2493 (November 2000), amended by the Office of Environmental Assessment, LR 30:2023 (September 2004), LR 31:1573 (July 2005).

**Chapter 40. Used Oil**  
**Subchapter D. Standards for Used Oil Transporter and Transfer Facilities**

**§4037. Tracking**

A. - A.4. ...

5. the signature, dated upon receipt of the used oil, of a representative of the generator, transporter, or processor/refiner who provided the used oil for transport. Intermediate rail transporters are not required to sign the record of acceptance.

B. - D. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 21:266, 267 (March 1995), amended by the Office of Environmental Assessment, LR 31:1573 (July 2005).

**Chapter 49. Lists of Hazardous Wastes**

[Comment: Chapter 49 is divided into two sections: Category I Hazardous Wastes, which consist of Hazardous Wastes from nonspecific and specific sources (F and K wastes), Acute Hazardous Wastes (P wastes), and Toxic Wastes (U wastes) (LAC 33:V.4901); and Category II Hazardous Wastes, which consist of wastes that are ignitable, corrosive, reactive, or toxic (LAC 33:V.4903).]

**§4901. Category I Hazardous Wastes**

A. - F. Table 4. ...

G. Constituents that Serve as a Basis for Listing Hazardous Waste. Table 6 of this Section lists constituents that serve as a basis for listing hazardous waste.

<b>Table 6.</b> <b>Table of Constituents that Serve as a Basis for Listing Hazardous Waste</b>
<b>EPA Hazardous Waste Number F001</b>
Tetrachloroethylene; methylene chloride; trichloroethylene; 1,1,1-trichloroethane; carbon tetrachloride; chlorinated fluorocarbons
<b>EPA Hazardous Waste Number F002</b>
Tetrachloroethylene; methylene chloride; trichloroethylene; 1,1,1-trichloroethane; 1,1,2-trichloroethane; chlorobenzene; 1,1,2-trichloro-1,2,2-trifluoroethane; ortho-dichlorobenzene; trichlorofluoromethane
<b>EPA Hazardous Waste Number F003</b>
N.A.
<b>EPA Hazardous Waste Number F004</b>
Cresols and cresylic acid; nitrobenzene
<b>EPA Hazardous Waste Number F005</b>
Toluene; methyl ethyl ketone; carbon disulfide; isobutanol; pyridine; 2-ethoxyethanol; benzene; 2-nitropropane
<b>EPA Hazardous Waste Number F006</b>
Cadmium; hexavalent chromium; nickel; cyanide (complexed)
<b>EPA Hazardous Waste Number F007</b>
Cyanide (salts)
<b>EPA Hazardous Waste Number F008</b>
Cyanide (salts)
<b>EPA Hazardous Waste Number F009</b>
Cyanide (salts)
<b>EPA Hazardous Waste Number F010</b>
Cyanide (salts)
<b>EPA Hazardous Waste Number F011</b>
Cyanide (salts)
<b>EPA Hazardous Waste Number F012</b>
Cyanide (complexed)
<b>EPA Hazardous Waste Number F019</b>
Hexavalent chromium; cyanide (complexed)
<b>EPA Hazardous Waste Number F020</b>
Tetra- and pentachlorodibenzo-p-dioxins; tetra- and pentachlorodibenzofurans; tri- and tetrachlorophenols and their chlorophenoxy derivative acids, esters, ethers, amine, and other salts

<b>Table 6. Table of Constituents that Serve as a Basis for Listing Hazardous Waste</b>
<b>EPA Hazardous Waste Number F021</b>
Penta- and hexachlorodibenzo-p-dioxins; penta- and hexachlorodibenzofurans; pentachlorophenol and its derivatives
<b>EPA Hazardous Waste Number F022</b>
Tetra-, penta-, and hexachlorodibenzo-p-dioxins; tetra-, penta-, and hexachlorodibenzofurans
<b>EPA Hazardous Waste Number F023</b>
Tetra- and pentachlorodibenzo-p-dioxins; tetra- and pentachlorodibenzofurans; tri- and tetrachlorophenols and their chlorophenoxy derivative acids, esters, ethers, amine, and other salts
<b>EPA Hazardous Waste Number F024</b>
Chloromethane; dichloromethane; trichloromethane; carbon tetrachloride; chloroethylene; 1,1-dichloroethane; 1,2-dichloroethane; trans-1,2-dichloroethylene; 1,1-dichloroethylene; 1,1,1-trichloroethane; 1,1,2-trichloroethane; trichloroethylene; 1,1,1,2-tetrachloroethane; 1,1,2,2-tetrachloroethane; tetrachloroethylene; pentachloroethane; hexachloroethane; allyl chloride (3-chloropropene); dichloropropane; dichloropropene; 2-chloro-1,3-butadiene; hexachloro-1,3-butadiene; hexachlorocyclopentadiene; hexachlorocyclohexane; benzene; chlorobenzene; dichlorobenzenes; 1,2,4-trichlorobenzene; tetrachlorobenzene; pentachlorobenzene; hexachlorobenzene; toluene; naphthalene
<b>EPA Hazardous Waste Number F025</b>
Chloromethane; dichloromethane; trichloromethane; carbon tetrachloride; chloroethylene; 1,1-dichloroethane; 1,2-dichloroethane; trans-1,2-dichloroethylene; 1,1-dichloroethylene; 1,1,1-trichloroethane; 1,1,2-trichloroethane; trichloroethylene; 1,1,1,2-tetrachloroethane; 1,1,2,2-tetrachloroethane; tetrachloroethylene; pentachloroethane; hexachloroethane; allyl chloride (3-chloropropene); dichloropropane; dichloropropene; 2-chloro-1,3-butadiene; hexachloro-1,3-butadiene; hexachlorocyclopentadiene; benzene; chlorobenzene; dichlorobenzenes; 1,2,4-trichlorobenzene; tetrachlorobenzene; pentachlorobenzene; hexachlorobenzene; toluene; naphthalene
<b>EPA Hazardous Waste Number F026</b>
Tetra-, penta-, and hexachlorodibenzo-p-dioxins; tetra-, penta-, and hexachlorodibenzofurans
<b>EPA Hazardous Waste Number F027</b>
Tetra-, penta-, and hexachlorodibenzo-p-dioxins; tetra-, penta-, and hexachlorodibenzofurans; tri-, tetra-, and pentachlorophenols and their chlorophenoxy derivative acids, esters, ethers, amine, and other salts
<b>EPA Hazardous Waste Number F028</b>
Tetra-, penta-, and hexachlorodibenzo-p-dioxins; tetra-, penta-, and hexachlorodibenzofurans; tri-, tetra-, and pentachlorophenols and their chlorophenoxy derivative acids, esters, ethers, amine, and other salts
<b>EPA Hazardous Waste Number F032</b>
Benz(a)anthracene; benzo(a)pyrene; dibenz(a,h)anthracene; indeno(1,2,3-cd)pyrene; pentachlorophenol; arsenic; chromium; tetra-, penta-, hexa-, heptachlorodibenzo-p-dioxins; tetra-, penta-, hexa-, heptachlorodibenzofurans
<b>EPA Hazardous Waste Number F034</b>
Benz(a)anthracene; benzo(k)fluoranthene; benzo(a)pyrene; dibenz(a,h)anthracene; indeno(1,2,3-cd)pyrene; naphthalene; arsenic; chromium
<b>EPA Hazardous Waste Number F035</b>
Arsenic; chromium; lead
<b>EPA Hazardous Waste Number F037</b>
Benzene; benzo(a)pyrene; chrysene; lead; chromium
<b>EPA Hazardous Waste Number F038</b>
Benzene; benzo(a)pyrene; chrysene; lead; chromium
<b>EPA Hazardous Waste Number F039</b>
All constituents for which treatment standards are specified for multi-source leachate (wastewaters and nonwastewaters) under LAC 33:V.2247, Table 2
<b>EPA Hazardous Waste Number K001</b>
Pentachlorophenol; phenol; 2-chlorophenol; p-chloro-m-cresol; 2,4-dimethylphenol; 2,4-dinitrophenol; trichlorophenols; tetrachlorophenols; 2,4-dinitrophenol; creosote; chrysene; naphthalene; fluoranthene; benzo(b)fluoranthene; benzo(a)pyrene; indeno(1,2,3-cd)pyrene; benz(a)anthracene; dibenz(a)anthracene; acenaphthalene
<b>EPA Hazardous Waste Number K002</b>
Hexavalent chromium; lead
<b>EPA Hazardous Waste Number K003</b>
Hexavalent chromium; lead

<b>Table 6. Table of Constituents that Serve as a Basis for Listing Hazardous Waste</b>
<b>EPA Hazardous Waste Number K004</b>
Hexavalent chromium
<b>EPA Hazardous Waste Number K005</b>
Hexavalent chromium; lead
<b>EPA Hazardous Waste Number K006</b>
Hexavalent chromium
<b>EPA Hazardous Waste Number K007</b>
Cyanide (complexed); hexavalent chromium
<b>EPA Hazardous Waste Number K008</b>
Hexavalent chromium
<b>EPA Hazardous Waste Number K009</b>
Chloroform; formaldehyde; methylene chloride; methyl chloride; paraldehyde; formic acid
<b>EPA Hazardous Waste Number K010</b>
Chloroform; formaldehyde; methylene chloride; methyl chloride; paraldehyde; formic acid; chloroacetaldehyde
<b>EPA Hazardous Waste Number K011</b>
Acrylonitrile; acetonitrile; hydrocyanic acid
<b>EPA Hazardous Waste Number K013</b>
Hydrocyanic acid; acrylonitrile; acetonitrile
<b>EPA Hazardous Waste Number K014</b>
Acetonitrile; acrylamide
<b>EPA Hazardous Waste Number K015</b>
Benzyl chloride; chlorobenzene; toluene; benzotrithloride
<b>EPA Hazardous Waste Number K016</b>
Hexachlorobenzene; hexachlorobutadiene; carbon tetrachloride; hexachloroethane; perchloroethylene
<b>EPA Hazardous Waste Number K017</b>
Epichlorohydrin; chloroethers [bis(chloromethyl) ether and bis(2-chloroethyl) ether]; trichloropropane; dichloropropanols
<b>EPA Hazardous Waste Number K018</b>
1,2-dichloroethane; trichloroethylene; hexachlorobutadiene; hexachlorobenzene
<b>EPA Hazardous Waste Number K019</b>
Ethylene dichloride; 1,1,1-trichloroethane; 1,1,2-trichloroethane; tetrachloroethanes (1,1,2,2-tetrachloroethane and 1,1,1,2-tetrachloroethane); trichloroethylene; tetrachloroethylene; carbon tetrachloride; chloroform; vinyl chloride; vinylidene chloride
<b>EPA Hazardous Waste Number K020</b>
Ethylene dichloride; 1,1,1-trichloroethane; 1,1,2-trichloroethane; tetrachloroethanes (1,1,2,2-tetrachloroethane and 1,1,1,2-tetrachloroethane); trichloroethylene; tetrachloroethylene; carbon tetrachloride; chloroform; vinyl chloride; vinylidene chloride
<b>EPA Hazardous Waste Number K021</b>
Antimony; carbon tetrachloride; chloroform
<b>EPA Hazardous Waste Number K022</b>
Phenol; tars (polycyclic aromatic hydrocarbons)
<b>EPA Hazardous Waste Number K023</b>
Phthalic anhydride; maleic anhydride
<b>EPA Hazardous Waste Number K024</b>
Phthalic anhydride; 1,4-naphthoquinone
<b>EPA Hazardous Waste Number K025</b>
Meta-dinitrobenzene; 2,4-dinitrotoluene
<b>EPA Hazardous Waste Number K026</b>
Paraldehyde; pyridines; 2-picoline
<b>EPA Hazardous Waste Number K027</b>
Toluene diisocyanate; toluene-2,4-diamine
<b>EPA Hazardous Waste Number K028</b>
1,1,1-trichloroethane; vinyl chloride
<b>EPA Hazardous Waste Number K029</b>
1,2-dichloroethane; 1,1,1-trichloroethane; vinyl chloride; vinylidene chloride; chloroform
<b>EPA Hazardous Waste Number K030</b>
Hexachlorobenzene; hexachlorobutadiene; hexachloroethane; 1,1,1,2-tetrachloroethane; 1,1,2,2-tetrachloroethane; ethylene dichloride
<b>EPA Hazardous Waste Number K031</b>
Arsenic
<b>EPA Hazardous Waste Number K032</b>
Hexachlorocyclopentadiene
<b>EPA Hazardous Waste Number K033</b>
Hexachlorocyclopentadiene

<b>Table 6. Table of Constituents that Serve as a Basis for Listing Hazardous Waste</b>
<b>EPA Hazardous Waste Number K034</b>
Hexachlorocyclopentadiene
<b>EPA Hazardous Waste Number K035</b>
Creosote; chrysene; naphthalene; fluoranthene; benzo(b)fluoranthene; benzo(a)pyrene; indeno(1,2,3-cd)pyrene; benzo(a)anthracene; dibenzo(a)anthracene; acenaphthalene
<b>EPA Hazardous Waste Number K036</b>
Toluene; phosphorodithioic and phosphorothioic acid esters
<b>EPA Hazardous Waste Number K037</b>
Toluene; phosphorodithioic and phosphorothioic acid esters
<b>EPA Hazardous Waste Number K038</b>
Phorate; formaldehyde; phosphorodithioic and phosphorothioic acid esters
<b>EPA Hazardous Waste Number K039</b>
Phosphorodithioic and phosphorothioic acid esters
<b>EPA Hazardous Waste Number K040</b>
Phorate; formaldehyde; phosphorodithioic and phosphorothioic acid esters
<b>EPA Hazardous Waste Number K041</b>
Toxaphene
<b>EPA Hazardous Waste Number K042</b>
Hexachlorobenzene; ortho-dichlorobenzene
<b>EPA Hazardous Waste Number K043</b>
2,4-dichlorophenol; 2,6-dichlorophenol; 2,4,6-trichlorophenol
<b>EPA Hazardous Waste Number K044</b>
N.A.
<b>EPA Hazardous Waste Number K045</b>
N.A.
<b>EPA Hazardous Waste Number K046</b>
Lead
<b>EPA Hazardous Waste Number K047</b>
N.A.
<b>EPA Hazardous Waste Number K048</b>
Hexavalent chromium; lead
<b>EPA Hazardous Waste Number K049</b>
Hexavalent chromium; lead
<b>EPA Hazardous Waste Number K050</b>
Hexavalent chromium
<b>EPA Hazardous Waste Number K051</b>
Hexavalent chromium; lead
<b>EPA Hazardous Waste Number K052</b>
Lead
<b>EPA Hazardous Waste Number K060</b>
Cyanide; naphthalene; phenolic compounds; arsenic
<b>EPA Hazardous Waste Number K061</b>
Hexavalent chromium; lead; cadmium
<b>EPA Hazardous Waste Number K062</b>
Hexavalent chromium; lead
<b>EPA Hazardous Waste Number K064</b>
Lead; cadmium
<b>EPA Hazardous Waste Number K065</b>
Do
<b>EPA Hazardous Waste Number K066</b>
Do
<b>EPA Hazardous Waste Number K069</b>
Hexavalent chromium; lead; cadmium
<b>EPA Hazardous Waste Number K071</b>
Mercury
<b>EPA Hazardous Waste Number K073</b>
Chloroform; carbon tetrachloride; hexachloroethane; trichloroethane; tetrachloroethylene; dichloroethylene; 1,1,2,2-tetrachloroethane
<b>EPA Hazardous Waste Number K083</b>
Aniline; diphenylamine; nitrobenzene; phenylenediamine
<b>EPA Hazardous Waste Number K084</b>
Arsenic
<b>EPA Hazardous Waste Number K085</b>
Benzene; dichlorobenzenes; trichlorobenzenes; tetrachlorobenzenes; pentachlorobenzene; hexachlorobenzene; benzyl chloride
<b>EPA Hazardous Waste Number K086</b>
Lead; hexavalent chromium
<b>EPA Hazardous Waste Number K087</b>

<b>Table 6. Table of Constituents that Serve as a Basis for Listing Hazardous Waste</b>
Phenol; naphthalene
<b>EPA Hazardous Waste Number K088</b>
Cyanide (complexes)
<b>EPA Hazardous Waste Number K090</b>
Chromium
<b>EPA Hazardous Waste Number K091</b>
Do
<b>EPA Hazardous Waste Number K093</b>
Phthalic anhydride; maleic anhydride
<b>EPA Hazardous Waste Number K094</b>
Phthalic anhydride
<b>EPA Hazardous Waste Number K095</b>
1,1,2-trichloroethane; 1,1,1,2-tetrachloroethane; 1,1,2,2-tetrachloroethane
<b>EPA Hazardous Waste Number K096</b>
1,2-dichloroethane; 1,1,1-trichloroethane; 1,1,2-trichloroethane
<b>EPA Hazardous Waste Number K097</b>
Chlordane; heptachlor
<b>EPA Hazardous Waste Number K098</b>
Toxaphene
<b>EPA Hazardous Waste Number K099</b>
2,4-dichlorophenol; 2,4,6-trichlorophenol
<b>EPA Hazardous Waste Number K100</b>
Hexavalent chromium; lead; cadmium
<b>EPA Hazardous Waste Number K101</b>
Arsenic
<b>EPA Hazardous Waste Number K102</b>
Arsenic
<b>EPA Hazardous Waste Number K103</b>
Aniline; nitrobenzene; phenylenediamine
<b>EPA Hazardous Waste Number K104</b>
Aniline; benzene; diphenylamine; nitrobenzene; phenylenediamine
<b>EPA Hazardous Waste Number K105</b>
Benzene; monochlorobenzene; dichlorobenzenes; 2,4,6-trichlorophenol
<b>EPA Hazardous Waste Number K106</b>
Mercury
<b>EPA Hazardous Waste Number K107</b>
1,1-dimethylhydrazine (UDMH)
<b>EPA Hazardous Waste Number K108</b>
1,1-dimethylhydrazine (UDMH)
<b>EPA Hazardous Waste Number K109</b>
1,1-dimethylhydrazine (UDMH)
<b>EPA Hazardous Waste Number K110</b>
1,1-dimethylhydrazine (UDMH)
<b>EPA Hazardous Waste Number K111</b>
2,4-dinitrotoluene
<b>EPA Hazardous Waste Number K112</b>
2,4-toluenediamine; o-toluidine; p-toluidine; aniline
<b>EPA Hazardous Waste Number K113</b>
2,4-toluenediamine; o-toluidine; p-toluidine; aniline
<b>EPA Hazardous Waste Number K114</b>
2,4-toluenediamine; o-toluidine; p-toluidine
<b>EPA Hazardous Waste Number K115</b>
2,4-toluenediamine
<b>EPA Hazardous Waste Number K116</b>
Carbon tetrachloride; tetrachloroethylene; chloroform; phosgene
<b>EPA Hazardous Waste Number K117</b>
Ethylene dibromide
<b>EPA Hazardous Waste Number K118</b>
Ethylene dibromide
<b>EPA Hazardous Waste Number K123</b>
Ethylene thiourea
<b>EPA Hazardous Waste Number K124</b>
Ethylene thiourea
<b>EPA Hazardous Waste Number K125</b>
Ethylene thiourea
<b>EPA Hazardous Waste Number K126</b>
Ethylene thiourea
<b>EPA Hazardous Waste Number K131</b>
Dimethyl sulfate; methyl bromide



<b>Table 6.</b> <b>Table of Constituents that Serve as a Basis for Listing Hazardous Waste</b>
<b>EPA Hazardous Waste Number K132</b>
Methyl bromide
<b>EPA Hazardous Waste Number K136</b>
Ethylene dibromide
<b>EPA Hazardous Waste Number K141</b>
Benzene; benz(a)anthracene; benzo(a)pyrene; benzo(b)fluoranthene; benzo(k)fluoranthene; dibenz(a,h)anthracene; indeno(1,2,3-cd)pyrene
<b>EPA Hazardous Waste Number K142</b>
Benzene; benz(a)anthracene; benzo(a)pyrene; benzo(b)fluoranthene; benzo(k)fluoranthene; dibenz(a,h)anthracene; indeno(1,2,3-cd)pyrene
<b>EPA Hazardous Waste Number K143</b>
Benzene; benz(a)anthracene; benzo(b)fluoranthene; benzo(k)fluoranthene
<b>EPA Hazardous Waste Number K144</b>
Benzene; benz(a)anthracene; benzo(a)pyrene; benzo(b)fluoranthene; benzo(k)fluoranthene; dibenz(a,h)anthracene
<b>EPA Hazardous Waste Number K145</b>
Benzene; benz(a)anthracene; benzo(a)pyrene; dibenz(a,h)anthracene; naphthalene
<b>EPA Hazardous Waste Number K147</b>
Benzene; benz(a)anthracene; benzo(a)pyrene; benzo(b)fluoranthene; benzo(k)fluoranthene; dibenz(a,h)anthracene; indeno(1,2,3-cd)pyrene
<b>EPA Hazardous Waste Number K148</b>
Benz(a)anthracene; benzo(a)pyrene; benzo(b)fluoranthene; benzo(k)fluoranthene; dibenz(a,h)anthracene; indeno(1,2,3-cd)pyrene
<b>EPA Hazardous Waste Number K149</b>
Benzotrichloride; benzyl chloride; chloroform; chloromethane; chlorobenzene; 1,4-dichlorobenzene; hexachlorobenzene; pentachlorobenzene; 1,2,4,5-tetrachlorobenzene; toluene
<b>EPA Hazardous Waste Number K150</b>
Carbon tetrachloride; chloroform; chloromethane; 1,4-dichlorobenzene; hexachlorobenzene; pentachlorobenzene; 1,2,4,5-tetrachlorobenzene; 1,1,2,2-tetrachloroethane; tetrachloroethylene; 1,2,4-trichlorobenzene
<b>EPA Hazardous Waste Number K151</b>
Benzene; carbon tetrachloride; chloroform; hexachlorobenzene; pentachlorobenzene; toluene; 1,2,4,5-tetrachlorobenzene; tetrachloroethylene
<b>EPA Hazardous Waste Number K156</b>
Benomyl; carbaryl; carbendazim; carbofuran; carbosulfan; formaldehyde; methylene chloride; triethylamine
<b>EPA Hazardous Waste Number K157</b>
Carbon tetrachloride; formaldehyde; methyl chloride; methylene chloride; pyridine; triethylamine
<b>EPA Hazardous Waste Number K158</b>
Benomyl; carbendazim; carbofuran; carbosulfan; chloroform; methylene chloride
<b>EPA Hazardous Waste Number K159</b>
Benzene; butylate; EPTC; molinate; pebulate; vernolate
<b>EPA Hazardous Waste Number K161</b>
Antimony; arsenic; metam-sodium; ziram
<b>EPA Hazardous Waste Number K169</b>
Benzene
<b>EPA Hazardous Waste Number K170</b>
Benzo(a)pyrene; dibenz(a,h)anthracene; benz(a)anthracene; benzo(b)fluoranthene; benzo(k)fluoranthene; 3-methylcholanthrene; 7,12-dimethylbenz(a)anthracene
<b>EPA Hazardous Waste Number K171</b>
Benzene; arsenic
<b>EPA Hazardous Waste Number K172</b>
Benzene; arsenic
<b>EPA Hazardous Waste Number K174</b>
1,2,3,4,6,7,8-heptachlorodibenzo-p-dioxin (1,2,3,4,6,7,8-HpCDD); 1,2,3,4,6,7,8-heptachlorodibenzofuran (1,2,3,4,6,7,8-HpCDF); 1,2,3,4,7,8,9-heptachlorodibenzofuran (1,2,3,4,7,8,9-HpCDF); HxCDDs (all hexachlorodibenzo-p-dioxins); HxCDFs (all hexachlorodibenzofurans); PeCDDs (all pentachlorodibenzo-p-dioxins); OCDD (1,2,3,4,6,7,8,9-octachlorodibenzo-p-dioxin); OCDF (1,2,3,4,6,7,8,9-octachlorodibenzofuran); PeCDFs (all pentachlorodibenzofurans); TCDDs (all tetrachlorodibenzo-p-dioxins); TCDFs (all tetrachlorodibenzofurans)

<b>Table 6.</b> <b>Table of Constituents that Serve as a Basis for Listing Hazardous Waste</b>
<b>EPA Hazardous Waste Number K175</b>
Mercury
<b>EPA Hazardous Waste Number K176</b>
Arsenic; lead
<b>EPA Hazardous Waste Number K177</b>
Antimony
<b>EPA Hazardous Waste Number K178</b>
Thallium

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, LR 10:200 (March 1984), amended LR 10:496 (July 1984), LR 11:1139 (December 1985), LR 12:319 (May 1986), LR 13:84 (February 1987), LR 13:433 (August 1987), LR 14:426 (July 1988), LR 14:791 (November 1988), LR 15:182 (March 1989), LR 16:220 (March 1990), LR 16:614 (July 1990), LR 16:1057 (December 1990), LR 17:369 (April 1991), LR 17:478 (May 1991), LR 17:658 (July 1991), LR 18:723 (July 1992), LR 18:1256 (November 1992), LR 18:1375 (December 1992), LR 20:1000 (September 1994), LR 21:266 (March 1995), LR 21:944 (September 1995), LR 22:829, 840 (September 1996), amended by the Office of Waste Services, Hazardous Waste Division, LR 23:1522 (November 1997), LR 24:321 (February 1998), LR 24:686 (April 1998), LR 24:1754 (September 1998), LR 25:487 (March 1999), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 27:304 (March 2001), LR 27:715 (May 2001), LR 28:1009 (May 2002), LR 29:324 (March 2003), amended by the Office of Environmental Assessment, LR 31:1573 (July 2005).

## Part VII. Solid Waste

### Subpart 1. Solid Waste Regulations

#### Chapter 1. General Provisions and Definitions

##### §115. Definitions

A. For all purposes of these rules and regulations, the terms defined in this Section shall have the following meanings, unless the context of use clearly indicates otherwise.

\* \* \*

*Construction/Demolition Debris*—nonhazardous waste generally considered not water-soluble, including but not limited to metal, concrete, brick, asphalt, roofing materials (shingles, sheet rock, plaster), or lumber from a construction or demolition project, but excluding asbestos-contaminated waste, white goods, furniture, trash, or treated lumber. The admixture of construction and demolition debris with more than five percent by volume of paper associated with such debris or any other type of solid waste (excluding woodwaste or yard trash) will cause it to be classified as other than construction/demolition debris.

\* \* \*

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 19:187 (February 1993), amended LR 22:279 (April 1996), amended by the Office of Waste Services, Solid Waste Division, LR 23:1145 (September 1997), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2514, 2609 (November 2000), amended by the Office of Environmental Assessment, LR 31:1576 (July 2005).

**Chapter 7. Solid Waste Standards**  
**Subchapter D. Minor Processing and Disposal Facilities**  
**§721. Construction and Demolition Debris and Woodwaste Landfills and Processing Facilities (Type III)**

- A. - C.1.e.ii. ...  
iii. *yard trash* as defined in LAC 33:VII.115.  
C.1.f. - E.3. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 19:187 (February 1993), amended LR 20:1001 (September 1994), amended by the Office of the Secretary, LR 24:2252 (December 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2527 (November 2000), repromulgated LR 27:705 (May 2001), amended by the Office of Environmental Assessment, LR 30:2025 (September 2004), LR 31:1577 (July 2005).

**Part IX. Water Quality**

**Subpart 2. The Louisiana Pollutant Discharge Elimination System (LPDES) Program**

**Chapter 25. Permit Application and Special LPDES Program Requirements**

**§2505. Concentrated Animal Feeding Operations**

- A. - G.6. ...

H. Duty to Maintain Permit Coverage. No later than 180 days before the expiration of a permit, the permittee must submit an application to renew its permit, in accordance with LAC 33:IX.2501.I. However, the permittee need not continue to seek continued permit coverage or reapply for a permit if:

1. - 2. ...

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 21:945 (September 1995), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 28:467 (March 2002), LR 29:1463 (August 2003), repromulgated LR 30:230 (February 2004), amended by the Office of Environmental Assessment, LR 31:1577 (July 2005).

**Part XI. Underground Storage Tanks**

**Chapter 1. Program Applicability and Definitions**

**§103. Definitions**

A. For all purposes of these rules and regulations, the terms defined in this Section shall have the following meanings, unless specifically defined otherwise in LAC 33:XI.1105 or 1303.

\*\*\*

*Response Action Contractor*—a person who has been approved by the department and is carrying out any response action, excluding a person retained or hired by such person to provide specialized services relating to a response action. This 40 percent does not include those costs associated with reimbursement application preparation or laboratory analyses. When emergency conditions exist as a result of a release from a motor fuels underground storage tank, this term shall include any person performing department-approved emergency response actions during the first 72 hours following the release.

\*\*\*

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Underground Storage Tank Division, LR 16:614 (July 1990), amended LR 17:658 (July 1991), LR 18:727 (July 1992), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2558 (November 2000), LR 27:520 (April 2001), amended by the Office of Environmental Assessment, LR 31:1065 (May 2005), LR 31:1577 (July 2005).

**Chapter 11. Financial Responsibility**

**§1121. Use of the Motor Fuels Underground Storage Tank Trust Fund**

The administrative authority was authorized by R.S. 30:2194-2195.10 to receive and administer the Motor Fuels Underground Storage Tank Trust Fund (MFUSTTF) to provide financial responsibility for owners or operators of underground motor fuel storage tanks. Under the conditions described in this Section, an owner or operator who is eligible for participation in the MFUSTTF may use this mechanism to partially fulfill the financial responsibility requirements for eligible USTs. To use the MFUSTTF as a mechanism for meeting the requirements of LAC 33:XI.1107, the owner or operator must be an *eligible participant* as defined in Subsection A of this Section. In addition, the owner or operator must use one of the other mechanisms described in LAC 33:XI.1111-1119 or 1123-1125 to demonstrate financial responsibility for the amounts specified in Subsection C of this Section, which are the responsibility of the participant and not covered by the MFUSTTF.

A. Definitions. The following terms shall have the meanings ascribed to them as used in this Section.

*Advisory Board*—the Motor Fuels Underground Storage Tank Trust Fund Advisory Board (established under R.S. 30:2195.8), whose eight members consist of the following:

- a. the secretary of the Department of Environmental Quality or his designee;
- b. four members appointed by the president of the Louisiana Oil Marketers and Convenience Store Association;
- c. one member appointed by the Mid-Continent Oil and Gas Association; and
- d. two members appointed by the secretary who represent the response action contractor community.

\*\*\*

*Motor Fuels Underground Storage Tank*—a UST used only to contain an accumulation of motor fuels.

\*\*\*

- B. - D.2. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Underground Storage Tank Division, LR 16:614 (July 1990), amended LR 17:658 (July 1991), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2561 (November 2000), LR 27:521 (April 2001), amended by the Office of Environmental Assessment, LR 31:1577 (July 2005).

**§1139. Bankruptcy or Other Incapacity of Owner or Operator or Provider of Financial Assurance**

A. - C. ...

D. Within 30 days after receipt of notification that the Motor Fuels Underground Storage Tank Trust Fund (MFUSTTF) has become incapable of paying for assured corrective action or third-party compensation costs, the owner or operator must obtain alternate financial assurance.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Underground Storage Tank Division, LR 16:614 (July 1990), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2562 (November 2000), amended by the Office of Environmental Assessment, LR 31:1578 (July 2005).

Wilbert F. Jordan, Jr.  
Assistant Secretary

0507#022

**RULE**

**Department of Environmental Quality  
Office of Environmental Assessment**

**Financial Assurance Requirements  
(LAC 33:XV.325 and 399)(RP039ft)**

Under the authority of the Environmental Quality Act, R.S. 30:2001 et seq., and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the secretary has amended the Radiation Protection regulations, LAC 33:XV.325 and 399 (Log #RP039ft).

This Rule is identical to federal regulations found in 10 CFR 30.35 and Appendices D and E of Part 30 (2003), which are applicable in Louisiana. For more information regarding the federal requirement, contact the Regulation Development Section at (225) 219-3550 or Box 4314, Baton Rouge, LA 70821-4314. No fiscal or economic impact will result from the rule; therefore, the Rule will be promulgated in accordance with R.S. 49:953(F)(3) and (4).

Two new paragraphs and two appendices are added to Louisiana's radiation regulations to mirror the federal regulations for financial assurance. The amounts of financial assurance required for decommissioning by the licensees are also being increased to mirror the federal regulations. The department needs to increase the amounts of financial assurance required as suggested by the Nuclear Regulatory Commission because the amounts previously specified in the regulations were based on decommissioning cost studies that were approximately 15 years old. The basis and rationale for this Rule are to mirror the federal regulations with regard to financial assurance requirements.

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

**Title 33**

**ENVIRONMENTAL QUALITY**

**Part XV. Radiation Protection**

**Chapter 3. Licensing of Radioactive Material**

**Subchapter D. Specific Licenses**

**§325. General Requirements for the Issuance of Specific Licenses**

A. - C.5.d. ...

D. Financial Assurance and Recordkeeping for Decommissioning

1. Each applicant for a specific license authorizing the possession and use of unsealed radioactive material of half-life greater than 120 days and in quantities exceeding 10<sup>5</sup> times the applicable quantities set forth in LAC 33:XV.399.Appendix D shall submit a decommissioning funding plan as described in Paragraph D.6 of this Section. The decommissioning funding plan must also be submitted when a combination of isotopes is involved if R divided by 10<sup>5</sup> is greater than 1 (unity rule), where R is defined here as the sum of the ratios of the quantity of each isotope to the applicable value in LAC 33:XV.399.Appendix D.

2. Each holder of, or applicant for, any specific license authorizing the possession and use of radioactive material of half-life greater than 120 days and in quantities exceeding 10<sup>12</sup> times the applicable quantities set forth in LAC 33:XV.399.Appendix D (or when a combination of isotopes is involved if R, as defined in Paragraph D.1 of this Section, divided by 10<sup>12</sup> is greater than 1), shall submit a decommissioning funding plan as described in Paragraph D.6 of this Section. The decommissioning funding plan must be submitted to the department by December 2, 2005.

3. Each applicant for a specific license authorizing possession and use of radioactive material of half-life greater than 120 days and in quantities specified in Paragraph D.5 of this Section shall either:

a. submit a decommissioning funding plan as described in Paragraph D.6 of this Section; or

b. submit a certification that financial assurance for decommissioning has been provided in the amount prescribed by Paragraph D.5 of this Section using one of the methods described in Paragraph D.7 of this Section. For an applicant, this certification may state that the appropriate assurance will be obtained after the application has been approved and the license issued, but prior to the receipt of licensed material. If the applicant defers execution of the financial instrument until after the license has been issued, a signed original of the financial instrument obtained to satisfy the requirements of Paragraph D.7 of this Section shall be submitted to the Office of Environmental Compliance, Emergency and Radiological Services Division, before receipt of licensed material. If the applicant does not defer execution of the financial instrument, the applicant shall submit to the Office of Environmental Compliance, Emergency and Radiological Services Division, as part of the certification, a signed original of the financial instrument obtained to satisfy the requirements of Paragraph D.7 of this Section.

4. Each holder of a specific license of a type described in Paragraph D.1 or 2 of this Section shall provide financial assurance for decommissioning in accordance with the criteria set forth in this Section.

a. Each holder of a specific license of a type described in Paragraph D.1 of this Section shall submit a decommissioning funding plan, as described in Paragraph D.6 of this Section, or a certification of financial assurance for decommissioning in an amount at least equal to \$1,125,000 in accordance with the criteria set forth in this Section. If the licensee submits the certification of financial assurance rather than a decommissioning funding plan, the licensee shall include a decommissioning funding plan in any application for license renewal.

b. Each holder of a specific license of a type described in Paragraph D.2 of this Section shall submit a certification of financial assurance for decommissioning, or a decommissioning funding plan, as described in Paragraph D.6 of this Section, in accordance with the criteria set forth in this Section.

c. Any licensee who has submitted an application for renewal of license in accordance with LAC 33:XV.333 shall provide financial assurance for decommissioning in accordance with Paragraphs D.1 and 2 of this Section. This assurance shall be submitted when this rule becomes effective.

d. Waste collectors and waste processors, as defined in LAC 33:XV.499.Appendix D, shall provide financial assurance in an amount based on a decommissioning funding plan as described in Paragraph D.6 of this Section. The decommissioning funding plan shall include the cost of disposal of the maximum amount (in curies) of radioactive material permitted by license, and the cost of disposal of the maximum quantity, by volume, of radioactive material that could be present at the licensee's facility at any time, in addition to the cost to remediate the licensee's site to meet the license termination criteria of LAC 33:Part XV. The decommissioning funding plan must be submitted by December 2, 2005.

5. The following table lists required amounts of financial assurance for decommissioning by quantity of material. Licensees required to submit the \$1,125,000 amount shall do so by December 2, 2005. Licensees required to submit the \$113,000 or \$225,000 amount shall do so by June 2, 2006. Licensees having possession limits exceeding the upper bounds of this table shall base financial assurance on a decommissioning funding plan.

Greater than $10^4$ but less than or equal to $10^5$ times the applicable quantities of LAC 33:XV.399.Appendix D in unsealed form (for a combination of isotopes, if R, as defined in Paragraph D.1 of this Section, divided by $10^4$ is greater than 1 but R divided by $10^5$ is less than or equal to 1).	\$1,125,000
Greater than $10^3$ but less than or equal to $10^4$ times the applicable quantities of LAC 33:XV.399.Appendix D in unsealed form (for a combination of isotopes, if R, as defined in Paragraph D.1 of this Section, divided by $10^3$ is greater than 1 but R divided by $10^4$ is less than or equal to 1).	\$225,000
Greater than $10^{10}$ times the applicable quantities of LAC 33:XV.399.Appendix D in sealed sources or plated foils (for a combination of isotopes, if R, as defined in Paragraph D.1 of this Section, divided by $10^{10}$ is greater than 1).	\$113,000

6. Each decommissioning funding plan shall contain a cost estimate for decommissioning and a description of the method of assuring funds for decommissioning from Paragraph D.7 of this Section, including means of adjusting

cost estimates and associated funding levels periodically over the life of the facility. Cost estimates shall be adjusted at intervals not to exceed three years. The decommissioning funding plan shall also contain a certification by the licensee that financial assurance for decommissioning has been provided in the amount of the cost estimate for decommissioning and a signed original of the financial instrument obtained to satisfy the requirements of Paragraph D.7 of this Section.

7. Financial assurance for decommissioning shall be provided by one or more of the following methods.

a. Prepayment. Prepayment is the deposit prior to the start of operation into an account segregated from licensee assets and outside the licensee's administrative control of cash or liquid assets such that the amount of funds would be sufficient to pay decommissioning costs. Prepayment may be in the form of a trust, escrow account, government fund, certificate of deposit, or deposit of government securities.

b. Surety Method, Insurance, or Other Guarantee Method. These methods guarantee that decommissioning costs will be paid. A surety method may be in the form of a surety bond, letter of credit, or line of credit. A parent company guarantee of funds for decommissioning costs based on a financial test may be used if the guarantee and test are as contained in LAC 33:XV.399.Appendix B. A parent company guarantee may not be used in combination with other financial methods to satisfy the requirements of this Section. For commercial corporations that issue bonds, a guarantee of funds by the applicant or licensee for decommissioning costs based on a financial test may be used if the guarantee and test are as contained in LAC 33:XV.399.Appendix B. For commercial companies that do not issue bonds, a guarantee of funds by the applicant or licensee for decommissioning costs may be used if the guarantee and test are as contained in LAC 33:XV.399.Appendix E. For nonprofit entities, such as colleges, universities, and nonprofit hospitals, a guarantee of funds by the applicant or licensee may be used if the guarantee and test are as contained in LAC 33:XV.399.Appendix F. A guarantee by the applicant or licensee may not be used in combination with any other financial methods used to satisfy the requirements of this Section or in any situation where the applicant or licensee has a parent company holding majority control of the voting stock of the company. Any surety method or insurance used to provide financial assurance for decommissioning shall contain the following conditions.

i. The surety method or insurance must be open-ended or, if written for a specified term, such as five years, must be renewed automatically unless 90 days or more prior to the renewal date, the issuer notifies the Office of Environmental Compliance, Emergency and Radiological Services Division, the beneficiary, and the licensee of its intention not to renew. The surety method or insurance must also provide that the full face amount be paid to the beneficiary automatically prior to the expiration without proof of forfeiture if the licensee fails to provide a replacement acceptable to the department within 30 days after receipt of notification of cancellation.

ii. The surety method or insurance must be payable to a trust established for decommissioning costs.

The trustee and trust must be acceptable to the department. An acceptable trustee includes an appropriate state or federal government agency or an entity that has the authority to act as a trustee and whose trust operations are regulated and examined by a federal or state agency.

iii. The surety method or insurance must remain in effect until the department has terminated the license.

c. External Sinking Fund. An external sinking fund shall have deposits made to it at least annually, and be coupled with a surety method or insurance, the value of which may decrease by the amount being accumulated in the sinking fund. An external sinking fund is a fund established and maintained by setting aside funds periodically in an account segregated from licensee assets and outside the licensee's administrative control in which the total amount of funds would be sufficient to pay decommissioning costs at the time termination of operation is expected. An external sinking fund may be in the form of a trust, escrow account, government fund, certificate of deposit, or deposit of government securities. The surety or insurance provisions must be as stated in Subparagraph D.7.b of this Section.

d. Statement of Intent. In the case of federal, state, or local government licensees, a statement of intent shall be included containing a cost estimate for decommissioning or an amount based on the table in Paragraph D.5 of this Section, and indicating that funds for decommissioning will be obtained when necessary.

e. Arrangement with Governmental Entity. When a governmental entity is assuming custody and ownership of a site, an arrangement shall be made that is deemed acceptable by such governmental entity.

8. Each person licensed under this Chapter shall keep records of information important to the decommissioning of the facility in an identified location until the site is released for unrestricted use. Before licensed activities are transferred or assigned in accordance with LAC 33:XV.331.B, licensees shall transfer all records described in this Paragraph to the new licensee. In this case, the new licensee will be responsible for maintaining these records until the license is terminated. If records important to the decommissioning of a facility are kept for other purposes, reference to these records and their locations may be used. Information the department considers important to decommissioning consists of the following:

a. records of spills or other unusual occurrences involving the spread of contamination in and around the facility, equipment, or site. These records may be limited to instances when contamination remains after any cleanup procedures or when there is reasonable likelihood that contaminants may have spread to inaccessible areas as in the case of possible seepage into porous materials such as concrete. These records must include any known information on identification of involved nuclides, quantities, forms, and concentrations;

b. as-built drawings and modifications of structures and equipment in restricted areas where radioactive materials are used and/or stored, and of locations of possible inaccessible contamination such as buried pipes that may be subject to contamination. If required drawings are referenced, each relevant document need not be indexed individually. If drawings are not available, the licensee shall

substitute appropriate records of available information concerning these areas and locations;

c. records of the cost estimate performed for the decommissioning funding plan or of the amount certified for decommissioning, and records of the funding method used for assuring funds if either a funding plan or certification is used;

d. except for areas containing only sealed sources (provided the sources have not leaked or no contamination remains after any leakage has occurred) or radioactive materials having only half-lives of less than 65 days, a list contained in a single document and updated every two years that shall be kept on the following:

i. all areas designated and formerly designated *restricted areas* as defined in LAC 33:XV.102;

ii. all areas outside of restricted areas that require documentation under Subparagraph D.8.a of this Section;

iii. all areas outside of restricted areas where current and previous wastes have been buried, as documented under LAC 33:XV.478; and

iv. all areas outside of restricted areas that contain material such that, if the license expired, the licensee would be required to either decontaminate the area to meet the criteria for decommissioning in LAC 33:XV.332.E, or apply for approval for disposal under LAC 33:XV.461.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Nuclear Energy Division, LR 13:569 (October 1987), amended by the Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 18:34 (January 1992), LR 23:1140 (September 1997), LR 24:2091 (November 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:1017 (May 2000), LR 26:2568 (November 2000), LR 27:1227 (August 2001), amended by the Office of Environmental Assessment, LR 31:44 (January 2005), LR 31:1578 (July 2005).

## **Subchapter Z. Appendices**

### **§399. Schedules A and B, and Appendices A, B, C, D, E, and F**

Schedule A - Appendix D, Note, Note. ...

#### **Appendix E**

#### **Criteria Relating to Use of Financial Tests and Self-Guarantee for Providing Reasonable Assurance of Funds for Decommissioning by Commercial Companies That Have No Outstanding Rated Bonds**

A. Introduction. An applicant or licensee may provide reasonable assurance of the availability of funds for decommissioning based on furnishing its own guarantee that funds will be available for decommissioning costs and on a demonstration that the company passes the financial test of Subsection B of this Appendix. The terms of the self-guarantee are in Subsection C of this Appendix. This Appendix establishes criteria for passing the financial test for the self-guarantee and establishes the terms for a self-guarantee.

##### **B. Financial Test**

1. To pass the financial test a company must meet the following criteria:

a. tangible net worth greater than \$10 million, or at least 10 times the total current decommissioning cost estimate (or the current amount required if certification is used), whichever is greater, for all decommissioning

activities for which the company is responsible as self-guaranteeing licensee and as parent-guarantor;

b. assets located in the United States amounting to at least 90 percent of total assets or at least 10 times the total current decommissioning cost estimate (or the current amount required if certification is used) for all decommissioning activities for which the company is responsible as self-guaranteeing licensee and as parent-guarantor;

c. a ratio of cash flow divided by total liabilities greater than 0.15 and a ratio of total liabilities divided by net worth less than 1.5.

2. In addition, to pass the financial test, a company must meet all of the following requirements.

a. The company's independent certified public accountant must have compared the data used by the company in the financial test, which is required to be derived from the independently audited year-end financial statements, based on United States generally accepted accounting practices, for the latest fiscal year, with the amounts in such financial statements. In connection with that procedure, the licensee shall inform the department within 90 days of any matters that may cause the auditor to believe that the data specified in the financial test should be adjusted and that the company no longer passes the test.

b. After the initial financial test, the company shall repeat passage of the test within 90 days after the close of each succeeding fiscal year.

c. If the licensee no longer meets the requirements of Paragraph B.1 of this Appendix, the licensee shall send notice to the department of intent to establish alternative financial assurance as specified in department regulations. The notice shall be sent by certified mail, return receipt requested, within 90 days after the end of the fiscal year for which the year-end financial data show that the licensee no longer meets the financial test requirements. The licensee must provide alternative financial assurance within 120 days after the end of such fiscal year.

C. Company Self-Guarantee. The terms of a self-guarantee that an applicant or licensee furnishes must provide for the following.

1. The guarantee shall remain in force unless the licensee sends notice of cancellation by certified mail, return receipt requested, to the department. Cancellation may not occur until an alternative financial assurance mechanism is in place.

2. The licensee shall provide alternative financial assurance as specified in department regulations within 90 days following receipt by the department of a notice of cancellation of the guarantee.

3. The guarantee and financial test provisions shall remain in effect until the department has terminated the license or until another financial assurance method acceptable to the department has been put into effect by the licensee.

4. The applicant or licensee shall provide to the department a written guarantee (a written commitment by a corporate officer) that states that the licensee will fund and carry out the required decommissioning activities or, upon issuance of an order by the department, the licensee will set up and fund a trust in the amount of the current cost estimates for decommissioning.

## Appendix F

### Criteria Relating to Use of Financial Tests and Self-Guarantee for Providing Reasonable Assurance of Funds for Decommissioning by Nonprofit Colleges, Universities, and Hospitals

A. Introduction. An applicant or licensee may provide reasonable assurance of the availability of funds for decommissioning based on furnishing its own guarantee that funds will be available for decommissioning costs and on a demonstration that the applicant or licensee passes the financial test of Subsection B of this Appendix. The terms of the self-guarantee are in Subsection C of this Appendix. This Appendix establishes criteria for passing the financial test for the self-guarantee and establishes the terms for a self-guarantee.

#### B. Financial Test

1. For colleges and universities, to pass the financial test a college or university must meet either the criteria in Subparagraph B.1.a or the criteria in Subparagraph B.1.b of this Appendix:

a. for an applicant or licensee that issues bonds, a current rating for its most recent uninsured, uncollateralized, and unencumbered bond issuance of AAA, AA, or A as issued by Standard and Poors (S&P), or Aaa, Aa, or A as issued by Moodys;

b. for an applicant or licensee that does not issue bonds, unrestricted endowment consisting of assets located in the United States of at least \$50 million, or at least 30 times the total current decommissioning cost estimate (or the current amount required if certification is used), whichever is greater, for all decommissioning activities for which the college or university is responsible as a self-guaranteeing licensee.

2. For hospitals, to pass the financial test a hospital must meet either the criteria in Subparagraph B.2.a or the criteria in Subparagraph B.2.b of this Appendix:

a. for an applicant or licensee that issues bonds, a current rating for its most recent uninsured, uncollateralized, and unencumbered bond issuance of AAA, AA, or A as issued by Standard and Poors (S&P), or Aaa, Aa, or A as issued by Moodys;

b. for an applicant or licensee that does not issue bonds, all of the following tests must be met:

i. total revenues less total expenditures, divided by total revenues, shall be equal to or greater than 0.04;

ii. long term debt divided by net fixed assets shall be less than or equal to 0.67;

iii. current assets and depreciation fund, divided by current liabilities, shall be greater than or equal to 2.55;

iv. operating revenues shall be at least 100 times the total current decommissioning cost estimate (or the current amount required if certification is used) for all decommissioning activities for which the hospital is responsible as a self-guaranteeing licensee.

3. In addition, to pass the financial test, a licensee must meet all of the following requirements.

a. The licensee's independent certified public accountant must have compared the data used by the licensee in the financial test, which is required to be derived from the independently audited year-end financial statements, based on United States generally accepted accounting practices, for the latest fiscal year, with the

amounts in such financial statements. In connection with that procedure, the licensee shall inform the department within 90 days of any matters coming to the attention of the auditor that cause the auditor to believe that the data specified in the financial test should be adjusted and that the licensee no longer passes the test.

b. After the initial financial test, the licensee shall repeat passage of the test within 90 days after the close of each succeeding fiscal year.

c. If the licensee no longer meets the requirements of Paragraph B of this Appendix, the licensee shall send notice to the department of its intent to establish alternative financial assurance as specified in department regulations. The notice shall be sent by certified mail, return receipt requested, within 90 days after the end of the fiscal year for which the year-end financial data show that the licensee no longer meets the financial test requirements. The licensee must provide alternate financial assurance within 120 days after the end of such fiscal year.

C. Self-Guarantee. The terms of a self-guarantee that an applicant or licensee furnishes must provide for the following.

1. The guarantee shall remain in force unless the licensee sends notice of cancellation by certified mail, and/or return receipt requested, to the department. Cancellation may not occur unless an alternative financial assurance mechanism is in place.

2. The licensee shall provide alternative financial assurance as specified in department regulations within 90 days following receipt by the department of a notice of cancellation of the guarantee.

3. The guarantee and financial test provisions shall remain in effect until the department has terminated the license or until another financial assurance method acceptable to the department has been put into effect by the licensee.

4. The applicant or licensee shall provide to the department a written guarantee (a written commitment by a corporate officer or officer of the institution) that states that the licensee will fund and carry out the required decommissioning activities or, upon issuance of an order by the department, the licensee will set up and fund a trust in the amount of the current cost estimates for decommissioning.

5. If, at any time, the licensee's most recent bond issuance ceases to be rated in any category of "A" or above by either Standard and Poors or Moodys, the licensee shall provide notice in writing of such fact to the department within 20 days after publication of the change by the rating service.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Nuclear Energy Division, LR 13:569 (October 1987), amended by the Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 18:34 (January 1992), LR 20:180 (February 1994), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2574 (November 2000), LR 27:1228 (August

2001), amended by the Office of Environmental Assessment, LR 31:46 (January 2005), LR 31:1580 (July 2005).

Wilbert F. Jordan, Jr.  
Assistant Secretary

0507#024

## RULE

### Department of Health and Hospitals Board of Medical Examiners

Physicians and Surgeons—Licensure  
(LAC 46:XLV.303, 311, 353, 385, 407,  
413, 415, 418, 419, 437 and 447)

In accordance with R.S. 49:953, the Louisiana Medical Practice Act, R.S. 37:1261-1292, and the provisions of the Louisiana Administrative Procedure Act, the Louisiana State Board of Medical Examiners has amended its rules governing the licensure of physicians LAC 46:XLV, Subpart 2, Chapter 3, §§303, 311, 353, 385, 407, 413, 415, 418, 419, 437 and 447, to recognize and accept the Comprehensive Osteopathic Medical Licensing Examination ("COMLEX-USA")—offered by the National Board of Osteopathic Medical Examiners (the "NBOME") and the predecessor examination to the COMLEX-USA, the NBOME, in satisfaction of the requirements prerequisite to consideration for full and unrestricted medical licensure in Louisiana. Such amendments also recognize and accept specialty board certification granted by the American Osteopathic Association and clinical competency testing in the form of the Comprehensive Osteopathic Medical Variable-Purpose Examination-USA ("COMVEX-USA"), in satisfaction of the requirements prerequisite to medical licensure consideration based on reciprocity and other purposes specified in the this Rule. The Rule amendments are set for below.

#### Title 46

### PROFESSIONAL AND OCCUPATIONAL STANDARDS

#### Part XLV. Medical Professions

#### Subpart 2. Licensure and Certification

#### Chapter 3. Physicians

#### Subchapter A. General Provisions

#### §303. Definitions

A. As used in this Chapter, the following terms shall have the meanings specified.

*ABMS*—the American Board of Medical Specialties.

*AOA*—the American Osteopathic Association.

\* \* \*

*COMLEX-USA*—the Comprehensive Osteopathic Medical Licensing Examination-USA.

*COMVEX-USA*—the Comprehensive Osteopathic Medical Variable-Purpose Examination-USA administered under the auspices of the NBOME.

*FSMB*—the Federation of State Medical Boards of the United States, Inc.

\* \* \*

NBOME—the National Board of Osteopathic Medical Examiners.

\* \* \*

SPEX—the Special Purpose Examination administered under the auspices of the FSMB.

\* \* \*

USMLE—the United States Medical Licensing Examination.

B. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270, R.S. 37:1271 and R.S. 37:1274.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Medical Examiners, LR 10:908 (November 1984), amended by the Department of Health and Hospitals, Board of Medical Examiners, LR 16:513 (June 1990), LR 27:835 (June 2001), LR 31:1582 (July 2005).

### **Subchapter B. Graduates of American and Canadian Medical Schools and Colleges**

#### **§311. Qualifications for License**

A. To be eligible for a license, an applicant shall:

1. - 4.b. ...

5. have within the prior 10 years, in conformity with the restrictions and limitations prescribed by §387 of these rules, and subject to the exception provided for certain applicants for licensure by reciprocity provided by §353, taken and passed:

a. - g. ...

h. all three levels of the COMLEX-USA examination, or its predecessor, the NBOME, or any combination thereof; and

6. have completed at least one year of postgraduate clinical training in a medical internship or equivalent program accredited by the American Council on Graduate Medical Education (ACGME) of the American Medical Association, or by the American Osteopathic Association (AOA), or by the Royal College of Physicians and Surgeons (RCPS) of Canada, and approved by the board.

B. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270, R.S. 37:1271, R.S. 37:1272, R.S. 37:1274 and R.S. 37:1275.1.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Medical Examiners, LR 10:908 (November 1984), amended by the Department of Health and Hospitals, Board of Medical Examiners, LR 16:513 (June 1990), LR 22:207 (March 1996), withdrawal LR 22:280 (April 1996), amended LR 27:836 (June 2001), LR 31:1583 (July 2005)

### **Subchapter E. Licensure by Reciprocity**

#### **§353. Qualifications for Medical Licensure by Reciprocity**

A. An applicant who possesses and meets all of the qualifications and requirements specified by §§311 and 313 of this Chapter, save for successfully passing the examinations in the manner specified by §311.A.5.a-h within the prior 10 years, shall nonetheless be eligible for licensing if such applicant possesses, as of the time the application is filed and at the time the board passes upon such application, a current, unrestricted license to practice medicine issued by the medical (whether allopathic or osteopathic) licensing authority of another state, and the applicant has, within 10 years prior to the date of application, taken and successfully passed a written certification or recertification examination administered by and leading to certification or recertification by a specialty board recognized by the American Board of

Medical Specialties (ABMS) or the American Osteopathic Association (AOA).

B. An applicant who possesses all of the qualifications for licensure by reciprocity specified by §353.A, save for having taken or passed a written medical competence examination within 10 years of the date of application, shall nonetheless be considered eligible for licensure by reciprocity if such applicant has, within 10 years prior to the date of application, taken and successfully passed the Special Purpose Examination (SPEX), administered under the auspices of the Federation of State Medical Boards of the United States, Inc. (FSMB), or the Comprehensive Osteopathic Medical Variable-Purpose Examination-USA (COMVEX-USA), administered under the auspices of the NBOME, as may be determined by the board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270 and R.S. 37:1276.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Medical Examiners, LR 10:910 (November 1984), amended LR 14:149 (March 1988), amended by the Department of Health and Hospitals, Board of Medical Examiners, LR 16:516 (June 1990), LR 22:209 (March 1996), withdrawal LR 22:280 (April 1996), amended LR 27:839 (June 2001), LR 31:1583 (July 2005)

### **Subchapter G. Examination**

#### **§385. Passing Scores**

A. - B. ...

C. A person who is required to and does take the SPEX or COMVEX-USA examination will be deemed to have successfully passed the examination if he attains a score of at least 75.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270, R.S. 37:1272 and R.S. 37:1273.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Medical Examiners, LR 10:912 (November 1984), amended by the Department of Health and Hospitals, Board of Medical Examiners, LR 16:519 (June 1990), LR 22:211 (March 1996), withdrawal LR 22:280 (April 1996), amended LR 27:842 (June 2001), LR 31:1583 (July 2005).

### **Subchapter H. Restricted Licensure, Permits**

#### **§407. Permit Pending Examination Results**

A. ...

B. The board may issue a temporary permit to an applicant for licensure by reciprocity (§§351 to 353) who is required by §353 to take the SPEX, the COMVEX-USA or a certification or recertification examination, but who has not yet taken SPEX, the COMVEX-USA or a certification or recertification examination or whose scores have not yet been reported to the board or the applicant, provided that the applicant possesses and meets all of the qualifications and requirements for licensure provided by this Chapter save for having successfully passed the SPEX, the COMVEX-USA or a certification or recertification examination (§353), and provided further that the applicant has registered for the next available administration of the SPEX, the COMVEX-USA or a certification or recertification examination and has not previously taken and failed to achieve a passing score on the SPEX, the COMVEX-USA or any portion of a certification or recertification examination more than three times.

C. A permit issued under this Section shall expire, and thereby become null, void, and to no effect on the date that:

1. the board gives written notice to the permit holder that he has failed to achieve a passing score on the USMLE,



COMLEX-USA, SPEX or COMVEX-USA examination for which he was registered;

2. - 3. ...

4. the holder of a permit issued under §407.B fails to appear for and take the SPEX, the COMVEX-USA or the certification or recertification examination for which he is registered or the earlier of the date on which the board or the permit holder receives notice from the entity or specialty board administering such examination that he has failed to achieve a passing score on any portion of the certification or recertification examination for which he was registered.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270, R.S. 37:1272, R.S. 37:1273 and R.S. 37:1275.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Medical Examiners, LR 10:914 (November 1984), amended by the Department of Health and Hospitals, Board of Medical Examiners, LR 16:521 (June 1990), LR 22:212 (March 1996), withdrawal LR 22:280 (April 1996), amended LR 27:846 (June 2001), LR 31:1583 (July 2005).

### **Subchapter I. License Issuance, Termination, Renewal and Reinstatement**

#### **§413. Issuance of License**

A. ...

B. A license issued under §311 of this Chapter shall be issued by the board within 30 days following the reporting of the applicant's passing scores to the board. A license issued under any other section of this Chapter shall be issued by the board within 15 days following the meeting of the board next following the date on which the applicant's application, evidencing all requisite qualifications, is completed in every respect.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270 and R.S. 37:1274.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Medical Examiners, LR 10:914 (November 1984), amended by the Department of Health and Hospitals, Board of Medical Examiners, LR 16:523 (June 1990), LR 22:212 (March 1996), withdrawal LR 22:280 (April 1996), amended LR 27:848 (June 2001), LR 31:1584 (July 2005).

#### **§415. Expiration of Licenses and Permits**

A. ...

B. A license issued pursuant to the waiver of qualifications provided by §315 of this Chapter shall become null and void on the earlier of the date prescribed by §415.A or the date on which the physician's appointment as a professor to the medical school or college, upon which the waiver was granted by the board, is terminated.

C. The timely submission of a properly completed application for renewal of a license, but not a permit, as provided by §417 of this Chapter, shall operate to continue the expiring licensing in full force and effect pending issuance of the renewal license.

D. Permits are not subject to renewal, except as expressly provided in these rules.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270 and R.S. 37:1280.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Medical Examiners, LR 10:914 (November 1984), amended by the Department of Health and Hospitals, Board of Medical Examiners, LR 16:523 (June 1990), LR 22:212 (March 1996), withdrawal LR 22:280 (April 1996), amended LR 24:1500 (August 1998), LR 27:848 (June 2001), LR 31:1584 (July 2005).

#### **§418. Reduced Renewal Fees for Certain Physicians**

A. - B.3. ...

C. A physician whose medical license is renewed pursuant to this Section shall not thereafter engage or seek to engage in the active practice of medicine in this state or to prescribe, dispense, or administer controlled substances or other prescription medications except upon prior application to and approval by the board, which, in its discretion, as a condition to reinstatement of full licensure, may require that:

1. the physician take and successfully pass all or a designated portion of the USMLE, COMLEX-USA, SPEX, or COMVEX-USA examination; and/or

2. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270, R.S. 37:1280 and R.S. 37:1281.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 16:523 (June 1990), LR 22:213 (March 1996), withdrawal LR 22:280 (April 1996), repromulgated LR 27:848 (June 2001), LR 31:1584 (July 2005).

#### **§419. Reinstatement of Expired License**

A. ...

B. An applicant seeking reinstatement more than one year from the date on which his license expired shall demonstrate, as a condition of reinstatement, satisfaction of the continuing medical education requirements of §§433-449 of Subchapter K of these rules for each year since the date of the expiration of licensure. As additional conditions of reinstatement the board may require:

1. - 2. ...

3. if the applicant does not at the time of the application for reinstatement possess a current, unrestricted license issued by another state, that the applicant take and successfully pass:

a. all or a designated portion of the USMLE, COMLEX-USA, SPEX or COMVEX-USA examination; or

b. a written certification or recertification examination by a specialty board recognized by the American Board of Medical Specialties (ABMS) or the American Osteopathic Association (AOA).

C. - E.3. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Medical Examiners, LR 10:914 (November 1984), amended LR 14:86 (February 1988), amended by the Department of Health and Hospitals, Board of Medical Examiners, LR 16:524 (June 1990), LR 22:213 (March 1996), withdrawal LR 22:280 (April 1996), amended LR 24:1500 (August 1998), LR 26:695 (April 2000), LR 27:849 (June 2001), LR 31:1584 (July 2005).

### **Subchapter K. Continuing Medical Education**

#### **§437. Qualifying Continuing Medical Education Programs**

A. Any program, course, seminar or other activity offering Category I CME shall be deemed approved for purposes of satisfying the continuing medical education requirements under this Subchapter, if sponsored or offered by:

1. ...

2. a member board of the American Board of Medical Specialties or a specialty board recognized by the AOA;

3. - 6. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270, 37:1270(A)(8).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 26:695 (April 2000), amended LR 31:1584 (July 2005).

**§447. Exceptions to the Continuing Medical Education Requirements**

A. Except as provided in §449, the CME requirements prescribed by this Subchapter prerequisite to renewal or reinstatement of licensure shall not be applicable to a physician:

1. - 2. ...

3. who has within the past year been certified or recertified by a member board of the American Board of Medical Specialties or a specialty board recognized by the AOA;

4. - 5. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270, 37:1270(A)(8).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 26:697 (April 2000), amended LR 31:1585 (July 2005).

John B. Bobear, M.D.  
Executive Director

0507#042

**RULE**

**Department of Health and Hospitals  
Board of Nursing**

Disciplinary Proceedings; Alternative to Disciplinary Proceedings (LAC 46:XLVII.3403-3411 and 3419)

Notice is hereby given, in accordance with the provisions of the Administrative Procedure Act, R.S.49:950 et seq., that the Board of Nursing (Board) pursuant to the authority vested in the board by R.S. 37:918, R.S. 37:921, R.S. 37:922, R.S. 37:923 and R.S. 37:925 adopts rules amending the Professional and Occupational Standards pertaining to Disciplinary Proceedings; Alternative to Disciplinary Proceedings. The amendments of the Rule are set forth below.

**Title 46**

**PROFESSIONAL AND OCCUPATIONAL  
STANDARDS**

**Part XLVII. Nurses**

**Subpart 2. Registered Nurses**

**Chapter 34. Disciplinary Proceedings; Alternative to  
Disciplinary Proceedings**

**§3403. Proceedings against a Registered Nurse,  
Advanced Practice Registered Nurse, Registered  
Nurse Applicant, APRN Applicant or a Student  
Nurse**

A. - B. ...

C. A complaint that an individual has engaged in, or is engaging in, any conduct proscribed by R.S. 37:921, may be made by any person or the board. Such complaints shall be in writing.

D. - D.9. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:918, R.S. 37:921, R.S. 37:922 and R.S. 37:923.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Nursing, LR 7:74 (March 1981), amended by the Department of Health and Hospitals, Board of Nursing, LR 24:1293 (July 1998), LR 26:1614 (August 2000), LR 31:1585 (July 2005).

**§3405. Definition of Terms**

A. ...

\*\*\*

*Other Causes*—includes, but is not limited to:

a. - j. ...

k. failure to act, or negligently or willfully committing any act that adversely affects the physical or psychosocial welfare of the patient, including but not limited to, failing to practice in accordance with the Federal Centers for Disease Control recommendations for preventing transmission of human immunodeficiency virus (HIV), hepatitis B virus (HBV), and hepatitis C virus (HCV);

l. - r. ...

s. failure to cooperate with the board by:

i. not furnishing in writing a full and complete explanation covering a matter requested by the board; or

ii. not responding to subpoenas issued by the board in connection with any investigation or hearing;

iii. not completing evaluations required by the board;

t. - u. ...

v. attempted to or obtained a license (including renewals), permit or permission to practice as a registered nurse, nurse applicant, or student nurse by fraud, perjury, deceit or misrepresentation;

w. false statement on application;

x. failure to comply with an agreement with the board.

\*\*\*

*Sexual Misconduct*—an extreme boundary violation which involves the use of power, influence and/or knowledge inherent in one's profession in order to obtain sexual gratification, romantic partners and/or sexual deviant outlets. Any behavior toward a patient by a nurse that is seductive, sexually demeaning, harassing or sexually inappropriate is a violation of the nurse's fiduciary responsibility to the patient.

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AUTHORITY NOTE: Promulgated in accordance with R.S. 37:918(K), R.S. 37:921, and R.S. 37:1744-1747.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Nursing, LR 7:74 (March 1981), amended by the Department of Health and Hospitals, Board of Nursing, LR 19:1145 (September 1993), LR 21:271 (March 1995), LR 24:1293 (July 1998), LR 31:1585 (July 2005).

**§3407. Disciplinary Process and Procedures**

A. - B.1.a. ...

b. The information is investigated by the board's employees to determine if there is sufficient evidence to warrant disciplinary proceedings. Information received by the board shall not be considered a complaint until the individual furnishing that information submits the information in writing to the board. The executive director or designee may issue a subpoena prior to the filing of charges if, in the opinion of the executive director, such a subpoena is necessary to investigate any potential violation or lack of compliance with R.S. 37:911 et seq., or the rules,

regulations, or orders of the board. The subpoena may be to compel the attendance of any person to appear for the purposes of giving sworn testimony and/or to compel the production of books, records, papers, or other objects.

B.2. - C.1.c. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:918, R.S. 37:921, R.S. 37:922 and R.S. 37:923.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Nursing, LR 7:75 (March 1981), amended by the Department of Health and Hospitals, Board of Nursing, LR 24:1293 (July 1998), LR 31:1585 (July 2005).

### **§3409. Formal Disciplinary Action**

A. - C.3. ...

D. Consent Order. An order involving some type of disciplinary action may be made by the board with the consent of the individual.

1. The executive director, compliance director or legal counsel is authorized to offer the individual the choice of a consent order in lieu of an administrative hearing.

D.2. - E.2. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:918, R.S. 37:921, R.S. 37:922 and R.S. 37:923.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Nursing, LR 21:269 (March 1995), amended LR 24:1293 (July 1998), LR 31:1586 (July 2005).

### **§3411. Formal Hearing**

A. - I.2.b. ...

J. Adjudged Incompetence

1. If the board is notified that a licensee has been judged incompetent to handle his/her own affairs, that licensee shall be notified that his/her Louisiana license is automatically suspended.

2. The licensee may have his/her license reinstated provided that:

a. he/she provides evidence that the reason for the suspension no longer exists;

b. he/she meets requirements for reinstatement of license as described in this Chapter.

K. Costs of Disciplinary Proceedings

1. In addition to disciplinary fines, costs will be assessed to individuals for the following activities:

a. consent order;

b. settlement order;

c. administrative hearings;

d. monitoring fine for probated licenses.

2. All fines shall be paid within 30 days of the order, unless other arrangements have been ordered or stipulated in the order, consent order or settlement order. Failure to pay the costs and fines within the stated time shall result in automatic suspension of the license, or denial of reinstatement of licensure, or denial of licensure.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:918, R.S. 37:921, R.S. 37:922 and R.S. 37:923.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Nursing, LR 7:75 (March 1981), amended by the Department of Health and Hospitals, Board of Nursing, LR 24:1293 (July 1998), LR 31:1586 (July 2005).

### **§3419. Alternative to Disciplinary Proceedings**

A. - E.6.d. ...

F. Admission and Progression. The following procedures shall apply to RNP participants.

1. For nurses who have met criteria in §3419.D and have entered the program confidentially with no disciplinary action will upon entry:

a. sign RNP agreement for three years;

b. refrain from the practice of nursing until approved by RNP;

c. complete and submit to the board a 5-7 day inpatient evaluation and treatment as recommended from a board recognized treatment facility. Admission shall be within 10 days unless approved by RNP or board's professional staff;

d. submit to the board a "Fitness for Employment" release form completed by a board approved addictionologist prior to approval by RNP to return to work;

e. be granted confidentiality and no disciplinary action will be taken against the license.

2. At first relapse/non-compliance for nurses in the program confidentially, the following steps will be taken.

a. Refrain from the practice of nursing until approved by RNP.

b. Complete a 5-7 day inpatient relapse evaluation at a board recognized treatment facility and follow treatment recommendations. Admission shall be within 10 days unless prior approval by RNP or board's professional staff.

c. Sign RNP agreement for four years.

i. Complete and submit to the board a 5-7 day inpatient relapse evaluation and treatment as recommended at a board approved treatment facility.

ii. Submit to the board a "Fitness for Employment" release form completed by a board approved addictionologist prior to approval by RNP to return to work.

3. At second relapse/non-compliance for nurses in the program confidentially, the following steps will be taken.

a. Be referred to board's professional staff for disciplinary action against license including automatic indefinite suspension with minimum of six months.

b. Be required to take the following steps prior to reinstatement of license:

i. documented evidence of continuous sobriety for a minimum of six months;

ii. complete and submit to the board a re-evaluation and treatment as recommended by a board approved addictionologist;

iii. submit to the board a release form completed by a board approved addictionologist at the time reinstatement is requested;

iv. board hearing or consent order will be required prior to reinstatement;

v. submit fine/costs as imposed.

4. A third relapse/non-compliance will result in an automatic suspension for a minimum of two years and show cause order for revocation.

G. Nurses Leaving the State

1. A participant who moves from Louisiana to another state with an alternative program shall have records transferred to that program.

2. A participant nurse or student nurse who moves to a state where there is no alternative program shall have the nurse's records transferred to the board in the receiving state.

H. - H.2. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:918.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Nursing, LR 24:1293 (July 1998), amended LR 27:727 (May 2001), LR 31:1586 (July 2005).

Barbara L. Morvant  
Executive Director

0507#043

**RULE**

**Department of Health and Hospitals  
Board of Practical Nursing Examiners**

**Program Closure and Reapplication  
(LAC 46:XLVII.701 and 1503)**

The Board of Practical Nurse Examiners hereby amends LAC 46:XLVII.101 et seq., in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., and the Practical Nursing Practice Act, R.S. 37:961-979.

The Rule change provides that the board determine, on a case-by-case basis, whether to allow currently enrolled students to complete a practical nursing program closed for cause; provides that any program closed by the board for cause must wait three years before re-application; and provides that any person affiliated with a program closed by the board for cause may only apply for a program after an affirmative showing that it is in the best interest of the public health, safety and welfare.

Student nurses provide direct patient care, under the supervision of their instructors. In certain cases, program deficiencies may be so egregious that it would not be safe to allow the students to continue in the program. In addition, the statute regulating practical nursing requires that the board appraise a program of deficiencies and allow time for corrective action to be implemented prior to initiating administrative proceedings to close a program. If the program is unable to make the necessary corrections, then, after a hearing before the board, with charges detailed, the program may be closed. Programs not able to satisfactorily address their deficiencies prior to the board voting for closure, need sufficient time to evaluate problem areas and ensure that these deficiencies do not reoccur. Furthermore, in an attempt to prevent circumvention of the new Rule, a section has been added which provides that a new program request by any person(s) affiliated with a program closed (within the last three years) for cause must affirmatively show that their new program is in the best interest of the public health, safety and welfare.

**Title 46**

**PROFESSIONAL AND OCCUPATIONAL  
STANDARDS**

**PART XLVII. Nurses**

**Subpart 1. Practical Nurses**

**Chapter 7. Program Establishment**

**§701. Initial Request**

A. - A.6. ...

B. Any institution or program closed by the board, under §1503 of these rules and regulations, must comply with the

provisions of that Section and may apply only after three years from the date of closure.

C. An institution with any affiliation with any principal, agent and/or personnel, including faculty, who has been associated with any practical nursing program closed within three years, may only apply after an affirmative showing that such application is in the best interest of the public health, safety and welfare.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:969 and R.S. 37:976.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Practical Nurse Examiners, LR 3:194 (April 1977), amended LR 10:337 (April 1984), amended by the Department of Health and Hospitals, Board of Practical Nurse Examiners, LR 31:1587 (July 2005).

**Chapter 15. Discontinuation of a Program  
§1503. Involuntary**

A. ...

B. If the board's findings warrant withdrawal of accreditation/approval or closure, only those students presently enrolled may be permitted to complete the program and apply for licensure; the program shall, nonetheless, comply fully with the provisions of §1501, regarding arrangements for the transfer of students and/or records and transfer, protection and accessibility of all records.

C. Institutions may reapply for a program in practical nursing only after three years from the date of closure and after minimum requirements have been incorporated. Reapplication may be accomplished by proceeding as required for program establishment.

D. An institution with any affiliation with any principal, agent and/or personnel, including faculty, who has been associated with any practical nursing program closed within three years may only apply after an affirmative showing that such application is in the best interest of the public health, safety and welfare.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:969 and 37:976.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Practical Nurse Examiners, LR 3:199 (April 1977), amended LR 10:341 (April 1984), amended by the Department of Health and Hospitals, Board of Practical Nurse Examiners, LR 18:1129 (October 1992), repromulgated LR 18:1262 (November 1992), amended LR 31:1587 (July 2005).

Claire Doody Glaviano  
Executive Director

0507#004

**RULE**

**Department of Health and Hospitals  
Office of Public Health**

**Lead Poisoning Prevention Program  
(LAC 48:V.7005, 7007, and 7009)**

Under the authority of R.S. 40:5 and R.S. 40:1299.21, 22, 23 and 25 and in accordance with the Administrative Procedure Act, R.S. 49:950 et seq., the Department of Health and Hospitals, Office of Public Health amends LAC 48:V.7005-7007. The proposed Rule pertains to mandatory blood lead screening in designated high risk geographical

areas pursuant to Act 893 of 2004. The former §§7005 and 7007, pertaining to case reporting and surveillance reporting, are restated with some changes and recodified as §§7007 and 7009 respectively as the new blood lead screening regulation occupies §7005. Also, some of the reportable data fields for surveillance reporting that had been optional are required fields to report.

#### **Title 48**

### **PUBLIC HEALTH—GENERAL**

#### **Part V. Public Health Services**

#### **Subpart 19. Genetic Diseases Services**

### **Chapter 70. Lead Poisoning Prevention Program**

#### **§7005. Mandatory Blood Lead Screening of Children in High Risk Geographical Areas**

A. Based on surveillance data gathered by the State Childhood Lead Poisoning Prevention Program and review by the State Health Officer and representatives from medical schools in the state, the following parishes are identified as high risk for lead poisoning: Orleans, Tensas, West Carroll, Morehouse.

B. Medical providers providing routine primary care services to children age 6 months to 72 months residing or spending more than 10 hours per week in these parishes must have such children screened in accordance to practices consistent with current Center for Disease Control and Prevention guidelines, which include the following specifications:

1. administration of a risk assessment questionnaire at every well baby visit;
2. use a blood lead test to screen all children ages 1 and 2 years old;
3. blood lead levels  $\leq 15 \text{ Fg/dL}$  obtained from finger stick sample will be confirmed using a venous blood sample;
4. screen all children 36 to 72 months of age who have not been previously screened.

C. Identified high-risk areas will be assessed every June and any additions or deletions will be provided through amendment of LAC 48:V.7005.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 49:950 et seq., and under the authority of R.S. 40:5, 40:1299.21, 40:1299.22, 40:1299.23, and 40:1299.25.

**HISTORICAL NOTE:** Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 31:1588 (July 2005).

#### **§7007. Mandatory Case Reporting by Health Care Providers**

A. Medical providers must report a lead case to the Lead Poisoning Prevention Program, Office of Public Health within 48 hours to ensure appropriate and timely follow-up. All health care providers shall assure that all the following information is completed for all blood lead analysis ordered by the health care provider and that this information accompanies the sample to the testing laboratory:

1. child's name;
2. parent's or the guardian's name;
3. child's street and mailing address, including the city, state, parish, and zip code;
4. child's date of birth;
5. child's sex;
6. child's race;
7. child's national origin;
8. child's social security number;
9. phone number where the child can be reached;

10. Medicaid number, if any;
11. type of sample (venous or capillary);
12. sample date;
13. type of test: first, annual, or repeat test;
14. blood lead level results in micrograms per deciliter (Fg/dl).

B. Lead cases along with the specified information can be reported either by fax at (504) 568-7722 or by telephone at (504) 568-5070, and followed up by the mailing of the information to the Louisiana Childhood Lead Poisoning Prevention Program, Office of Public Health, Room 308, 325 Loyola Avenue, New Orleans, LA. 70112.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 49:950 et seq., and under the authority of R.S. 40:5, 40:1299.21, 40:1299.22, 40:1299.23, and 40:1299.25.

**HISTORICAL NOTE:** Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 26:85 (January 2000), amended LR 27:52 (January 2001), LR 31:1588 (July 2005).

#### **§7009. Reporting Requirements of Blood Lead Levels by Laboratories for Public Health Surveillance**

A. Clinical laboratories responsible for conducting analysis to determine blood lead levels, and/or responsible for reporting the results of analysis to referring laboratories and other health care providers, shall also report the results to the Louisiana Office of Public Health at least monthly to the Lead Poisoning Prevention Program at the address listed in §7007.B. The following information is mandatory and essential for appropriate monitoring, screening and treatment of lead poisoning.

1. All results of blood lead testing for children between the ages of 6 to 72 months of age must be reported, regardless of the test results.

2. Laboratories must collect and report all of the information specified in items §7007.A.1-14. However, a reporting laboratory shall not be responsible for reporting the required patient information when a medical provider fails to furnish this information to the said laboratory.

3. Laboratories can report the information required by this rule to the Office of Public Health by electronic transfer.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 49:950 et seq., and under the authority of R.S. 40:5, 40:1299.21, 40:1299.22, 40:1299.23, and 40:1299.25.

**HISTORICAL NOTE:** Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 26:85 (January 2000), amended LR 27:53 (January 2001), LR 31:1588 (July 2005).

Frederick P. Cerise, M.D., MPH  
Secretary

0507#059

#### **RULE**

### **Department of Health and Hospitals Office of the Secretary Bureau of Health Services Financing**

Adult Dentures  
(LAC 50:XXV.101, 301, 303, 501, 503, and 701)

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing repeals the provisions contained in LAC 50:XVII.30101, 30301, 30303, 30501, 30503, and 30701 and repromulgates these provisions as LAC 50:XXV.101, 301, 303, 501, 503, and

701 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.

## **Title 50**

### **PUBLIC HEALTH—MEDICAL ASSISTANCE**

#### **Part XXV. Adult Dentures**

##### **Chapter 1. General Provisions**

###### **§101. Prior Authorization**

A. Only those services specified as covered under the Adult Denture Program are reimbursable and then only as allowed by this Part XXV.

B. Prior authorization is required for all adult denture services except for denture repairs. Items requiring prior authorization are noted with an asterisk in §501.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 31:80 (January 2005), repromulgated LR 31:1589 (July 2005).

##### **Chapter 3. Provider Participation and Recipient Criteria**

###### **§301. Participation Requirement**

A. Provider participation is limited to those dentists who are duly licensed and authorized to practice dentistry in the state of Louisiana and who are enrolled in the Medicaid Program as a dental 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 and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 31:80 (January 2005), repromulgated LR 31:1589 (July 2005).

###### **§303. Recipient Qualifications**

A. Medicaid recipients who are 21 years of age and older and whose Medicaid coverage includes the full range of Medicaid services are eligible for denture services. Recipients who are not eligible for adult denture services include, but are not limited to, recipients who are certified as Qualified Medicare Beneficiary only (QMB only), adult recipients who are certified for Medicaid in the Medically Needy Program and pregnant women who are certified with presumptive eligibility.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 31:80 (January 2005), repromulgated LR 31:1589 (July 2005).

##### **Chapter 5. Covered Services**

###### **§501. Adult Denture Services**

A. Only the following services are reimbursable under the Adult Denture Program and only in accordance with program policy and guidelines:

1. comprehensive oral examination\*;
2. intraoral radiographs, complete series\*;
3. complete denture, maxillary\*;
4. complete denture, mandibular\*;

5. immediate denture, maxillary\*;
6. immediate denture, mandibular\*;
7. maxillary partial denture, resin base (including clasps)\*;
8. mandibular partial denture, resin base (including clasps)\*;
9. repair broken complete denture base;
10. replace missing or broken tooth, complete denture, per tooth;
11. repair resin denture base, partial denture;
12. repair or replace broken clasp, partial denture;
13. replace broken teeth, partial denture, per tooth;
14. add tooth to existing partial denture;
15. add clasp to existing partial denture;
16. reline complete maxillary denture (laboratory)\*;
17. reline complete mandibular denture (laboratory)\*;
18. reline maxillary partial denture (laboratory)\*;
19. reline mandibular partial denture (laboratory)\*;
20. unspecified removable prosthodontic procedure, by report\*.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 31:81 (January 2005), repromulgated LR 31:1589 (July 2005).

###### **§503. Denture Replacement and Denture Reline**

A. Only one complete or partial denture per arch is allowed in a seven-year period. The seven-year time period begins from the date the previous complete or partial denture for the same arch was delivered. A combination of two complete or partial denture relines per arch or one complete or partial denture and one reline per arch is allowed in a seven-year period, as prior authorized by BHSF or its designee.

B. For relines, at least one year shall have elapsed since the complete or partial denture was delivered or last relined.

C. Cast partial dentures continue to be a noncovered service in the Adult Denture 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 and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 31:81 (January 2005), repromulgated LR 31:1589 (July 2005).

##### **Chapter 7. Reimbursement**

###### **§701. Fees**

A. Fees for these services shall be reimbursed as established in the Adult Denture Program fee schedule.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 31:81 (January 2005), repromulgated LR 31:1589 (July 2005).

Frederick P. Cerise, M.D., M.P.H.  
Secretary

0507#070

**RULE**

**Department of Health and Hospitals  
Office of the Secretary  
Bureau of Health Services Financing**

Health Care Facilities—Sanctions (LAC 50:I.5503)

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing amends LAC 50:I.5503 under the Medical Assistance Program as authorized by R.S. 40:2199 and pursuant to Title XIX of the Social Security Act. This proposed Rule is promulgated in accordance with the Administrative Procedure Act, R.S. 49:950 et seq.

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing amends the July 20, 2000 Rule governing health care facility sanctions.

**Title 50**

**PUBLIC HEALTH—MEDICAL ASSISTANCE**

**Part I. Administration**

**Subpart 7. Sanctions**

**Chapter 55. Health Care Facility Sanctions**

**§5503. Description of Violation and Applicable Civil**

**Fines**

**A. "Class A" Violations**

1. - 2. ...

3. If it is determined that an Intermediate Care Facility for the Mentally Retarded (ICF/MR) has a violation of a direct care rule or regulation related to the maintenance or operation of the facility which creates a condition or occurrence that results in death or serious harm to a resident, a 94 percent direct care floor will be established for the fiscal year in which the citation occurs and for the two immediately subsequent years.

**B. "Class B" Violations**

1. - 2. ...

3. If it is determined that an ICF/MR has a violation of a direct care rule or regulation related to the maintenance or operation of the facility which creates a condition or occurrence that has a substantial probability that death or serious harm to a resident will result if the condition or occurrence remains uncorrected, a 90 percent direct care floor will be established for the fiscal year in which the citation occurs and for the two immediately subsequent years.

**C. "Class C" Violations**

1. - 2. ...

3. If it is determined that an ICF/MR has a repeat violation of a direct care rule or regulation related to the maintenance or operation of the facility which creates a condition or occurrence that threatens the health, safety, or welfare of a resident, an 85 percent direct care floor will be established for the fiscal year in which the repeat violation is determined and for the two immediately subsequent years.

**D. - G.2. ...**

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2199.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of Family Security, LR 11:37 (January 1985), amended LR 11:770 (August 1985), amended by the Department of Health and Hospitals, Office of the Secretary,

Bureau of Health Services Financing, LR 18:189 (February 1992), LR 26:1448 (July 2000), LR 31:1590 (July 2005).

Frederick P. Cerise, M.D., M.P.H.  
Secretary

0507#071

**RULE**

**Department of Health and Hospitals  
Office of the Secretary  
Bureau of Health Services Financing**

Intermediate Care Facilities for the Mentally Retarded  
Standards for Payment  
(LAC 50:II.10303, 10307, 10351 and 10375-10385)

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing amends LAC 50:II.10303 and 10307; repeals 10351 and adopts LAC 50:II.10375-10385 under the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This Rule is promulgated in accordance with the Administrative Procedure Act, R.S. 49:950 et seq.

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing amends the standards for payment for intermediate care facilities for the mentally retarded effective August 1, 2005.

**Title 50**

**PUBLIC HEALTH—MEDICAL ASSISTANCE**

**Part II. Medical Assistance**

**Subpart 3. Standards for Payment**

**Chapter 103. Standards for Payment for Intermediate  
Care Facilities for the Mentally Retarded**

**Subchapter A. Forward, Definitions and Acronyms**

**§10303. Definitions and Acronyms Specific to Mental  
Retardation and Other Developmental  
Disabilities**

A. - C. ...

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*Acuity Factor*—an adjustment factor which will modify the direct care portion of the Inventory for Client and Agency Planning (ICAP) rate based on the ICAP level for each resident.

\*\*\*

*Administrative and Operating Costs*—include:

- a. in-house and contractual salaries;
- b. benefits;
- c. taxes for administration and plant operation maintenance staff;
- d. utilities;
- e. accounting;
- f. insurances;
- g. maintenance staff;
- h. maintenance supplies;
- i. laundry and linen;
- j. housekeeping; and
- k. other administrative type expenditures.

\*\*\*

*Capital Costs*—include:

- a. depreciation;
- b. interest expense on capital assets;
- c. leasing expenses;

- d. property taxes; and
- e. other expenses related to capital assets.

*Care Related Costs*—include in-house and contractual salaries, benefits, taxes, and supplies that help support direct care but do not directly involve caring for the patient and ensuring their well being (e.g., dietary and educational). Care related costs would also include personal items, such as clothing, personal hygiene items (soap, toothpaste, etc.), hair grooming, etc.

\* \* \*

*DHH*—Department of Health and Hospitals or its designee.

\* \* \*

*Direct Care Costs*—consist of all costs related to the direct care interaction with the patient. *Direct care costs* include:

- a. in-house and contractual salaries;
- b. benefits; and
- c. taxes for all positions directly related to patient care, including:
  - i. medical;
  - ii. nursing;
  - iii. therapeutic and training;
  - iv. ancillary in-house services; and
  - v. recreational.

\* \* \*

*ICAP—Inventory for Client and Agency Planning.* A standardized instrument for assessing adaptive and maladaptive behavior and includes an overall service score. This ICAP service score combines adaptive and maladaptive behavior scores to indicate the overall level of care, supervision or training required.

*ICAP Service Level*—ranges from 1 to 9 and indicates the service need intensity. The lower the score the greater is the client need.

*ICAP Service Score*—indicates the level of service intensity required by an individual, considering both adaptive and maladaptive behavior.

NOTE: The relationship between the service level and service score for ICAP support levels is as follows.

ICAP Relationship Graph		
ICAP Service Level	ICAP Service Score	ICAP Support Levels
		Pervasive +
1	1-19	Pervasive
2	20-29	
3	30-39	Extensive
4	40-49	
5	50-59	Limited
6	60-69	
7	70-79	Intermittent
8	80-89	
9	90+	

*Index Factor*—this factor will be based on the *Skilled Nursing Home without Capital Market Basket Index* published by Data Resources Incorporated or a comparable index if this index ceases to be published.

\* \* \*

*Pass through Cost Component*—includes the provider fee.

*Peer Group*—the administrative and operating per diem rate and the capital per diem rate are tiered based on peer group size. Peer groups are as follows:

- a. 1-8 beds;
- b. 9-15 beds;
- c. 16-32 beds;
- d. 33 or more beds.

\* \* \*

*Rate Year*—a one-year period corresponding to the state fiscal year from July 1 through June 30.

*Rebasing*—recalculation of the per diem rate components using the latest available audited or desk reviewed cost reports.

\* \* \*

*Support Levels*—describe the levels of support needed by individuals with mental retardation and other developmental disabilities. The five descriptive levels of service intensity using the ICAP assessment are summarized in Subparagraphs a-e below.

a. *Intermittent*—supports on an as needed basis. Characterized as episodic in nature, the person does not always need the support(s), or short-term supports needed during life-span transition (e.g., job loss or an acute medical crisis). Intermittent supports may be high or low intensity when provided.

b. *Limited*—supports characterized by consistency over time, time-limited but not of an intermittent nature, may require fewer staff members and less costs than more intense levels of support (e.g., time-limited employment training or transitional supports during the school to adult provided period).

c. *Extensive*—supports characterized by regular involvement (e.g., daily) in at least some environment (such as work or home) and not time-limited (e.g., long term support and long-term home living support).

d. *Pervasive*—supports characterized by their constancy, high intensity; provided across environments; potential life-sustaining nature. Pervasive supports typically involve more staff members and intrusiveness than do extensive or time-limited supports.

e. *Pervasive Plus*—a time-limited specific assignment to supplement required Level of Need services or staff to provide life sustaining complex medical care or to supplement required direct care staff due to dangerous life threatening behavior so serious that it could cause serious physical injury to self or others and requires additional trained support staff to be at "arms length" during waking hours.

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 Human Resources, Office of Family Security, LR 13:578 (October 1987), amended by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 25:676 (April 1999), LR 31:1590 (July 2005).

**Subchapter B. Participation**

**§10307. Payments**

A. - B.10. ...

C. - C.3. Repealed.

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



HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of Family Security, LR 13:578 (October 1987), amended by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 25:682 (April 1999), LR 31:1591 (July 2005).

**Subchapter G. Admission Review**

**§10351. Audits**

Repealed.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources LR:13:578 (October 1987) and amended by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 25:699 (April 1999), repealed LR 31:1592 (July 2005).

**Subchapter H. Reimbursement**

**§10375. Cost Reports**

A. Intermediate Care Facilities for the Mentally Retarded (ICFs-MR) are required to file annual cost reports to the bureau in accordance with the following instructions.

1. Each ICF-MR is required to report all reasonable and allowable costs on a regular facility cost report including any supplemental schedules designated by the bureau.

2. Separate cost reports must be submitted by central/home offices and habilitation programs when costs of those entities are reported on the facility cost report.

B. Cost reports must be prepared in accordance with cost reporting instructions adopted by the bureau using definitions of allowable and non-allowable cost contained in the Medicare provider reimbursement manual unless other definitions of allowable and non-allowable cost are adopted by the bureau.

1. Each provider shall submit an annual cost report for fiscal year ending June 30. The cost reports shall be filed within 90 days after the state's fiscal year ends.

2. Exceptions. Limited exceptions for extensions to the cost report filing requirements will be considered on an individual facility basis upon written request by the provider to the Medicaid Director or designee. Providers must attach a statement describing fully the nature of the exception request. The extension must be requested by the normal due date of the cost report.

C. Direct Care Floor

1. A facility wide direct care floor may be enforced upon deficiencies related to direct care staffing requirements noted during the HSS Annual Review or during a complaint investigation in accordance with the LAC 50:1.5501 et seq.

2. For providers receiving pervasive plus supplements, the facility wide direct care floor is established at 94 percent of the per diem direct care payment and the pervasive plus supplement. The direct care floor will be applied to the cost reporting year in which the facility receives a pervasive plus supplement. In no case, however, shall a facility receiving a pervasive plus supplement have total facility payments reduced to less than 104 percent of the total facility cost as a result of imposition of the direct care floor.

3. For facilities for which the direct care floor applies, if the direct care cost the facility incurred on a per diem basis is less than the appropriate facility direct care floor, the facility shall remit to the bureau the difference between these two amounts times the number of facility Medicaid days

paid during the cost reporting period. This remittance shall be payable to the bureau upon submission of the cost report.

4. Upon completion of desk reviews or audits, facilities will be notified by the bureau of any changes in amounts due based on audit or desk review adjustments.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 31:1592 (July 2005).

**§10377. Rate Determination**

A. Resident per diem rates are calculated based on information reported on the cost report. ICFs-MR will receive a rate for each resident. The rates are based on cost components appropriate for an economic and efficient ICF-MR providing quality service. The resident per diem rates represent the best judgment of the state to provide reasonable and adequate reimbursement required to cover the costs of economic and efficient ICFs-MR.

B. The cost data used in setting base rates will be from the latest available audited or desk reviewed cost reports. The initial rates will be adjusted to maintain budget neutrality upon transition to the ICAP reimbursement methodology. For rate periods between rebasing, the rates will be trended forward using the index factor contingent upon appropriation by the legislature.

C. For dates of service on or after August 1, 2005, a resident's per diem rate will be the sum of:

1. direct care per diem rate;
2. care related per diem rate;
3. administrative and operating per diem rate;
4. capital rate; and
5. provider fee.

D. Determination of Rate Components

1. The direct care per diem rate shall be a set percentage over the median adjusted for the acuity of the resident based on the ICAP, tier based on peer group. The direct care per diem rate shall be determined as follows.

a. Median Cost. The direct care per diem median cost for each ICF-MR is determined by dividing the facility's total direct care costs reported on the cost report by the facility's total days during the cost reporting period. Direct care costs for providers in each peer group are arrayed from low to high and the median (50th percentile) cost is determined for each peer group.

b. Median Adjustment. The direct care component shall be adjusted to 105 percent of the direct care per diem median cost in order to achieve reasonable access to care.

c. Inflationary Factor. These costs shall be trended forward from the midpoint of the cost report period to the midpoint of the rate year using the index factor.

d. Acuity Factor. Each of the ICAP levels will have a corresponding acuity factor. The median cost by peer group, after adjustments, shall be further adjusted by the acuity factor (or multiplier) as follows.

ICAP Support Level	Acuity Factor (Multiplier)
Pervasive	1.35
Extensive	1.17
Limited	1.00
Intermittent	.90

2. The care related per diem rate shall be a statewide price at a set percentage over the median and shall be determined as follows.

a. Median Cost. The care related per diem median cost for each ICF-MR is determined by dividing the facility's total care related costs reported on the cost report by the facility's actual total resident days during the cost reporting period. Care related costs for all providers are arrayed from low to high and the median (50th percentile) cost is determined.

b. Median Adjustment. The care related component shall be adjusted to 105 percent of the care related per diem median cost in order to achieve reasonable access to care.

c. Inflationary Factor. These costs shall be trended forward from the midpoint of the cost report period to the midpoint of the rate year using the index factor.

3. The administrative and operating per diem rate shall be a statewide price at a set percentage over the median, tier based on peer group. The administrative and operating component shall be determined as follows.

a. Median Cost. The administrative and operating per diem median cost for each ICF-MR is determined by dividing the facility's total administrative and operating costs reported on the cost report by the facility's actual total resident days during the cost reporting period. Administrative and operating costs for all providers are arrayed from low to high and the median (50th percentile) cost is determined.

b. Median Adjustment. The administrative and operating component shall be adjusted to 103 percent of the administrative and operating per diem median cost in order to achieve reasonable access to care.

c. Inflationary Factor. These costs shall be trended forward from the midpoint of the cost report period to the midpoint of the rate year using the index factor.

4. The capital per diem rate shall be a statewide price at a set percentage over the median, tier based on peer group. The capital per diem rate shall be determined as follows.

a. Median Cost. The capital per diem median cost for each ICF-MR is determined by dividing the facility's total capital costs reported on the cost report by the facility's actual total resident days during the cost reporting period. Capital costs for providers of each peer group are arrayed from low to high and the median (50th percentile) cost is determined for each peer group.

b. Median Adjustment. The capital cost component shall be adjusted to 103 percent of the capital per diem median cost in order to achieve reasonable access to care.

c. Inflationary Factor. Capital costs shall not be trended forward.

d. The provider fee shall be calculated by the Department in accordance with state and federal rules.

E. The rates for the 1-8 bed peer group shall be set based on costs in accordance with §10377.B-D. The reimbursement rates for peer groups of larger facilities will also be set in accordance with §10377.B-D.; however, the rates will be limited as follows.

1. The 9-15 peer group reimbursement rates will be limited to 95 percent of the 1-8 bed peer group reimbursement rates.

2. The 16-32 bed peer group reimbursement rates will be limited to 95 percent of the 9-15 bed peer group reimbursement rates.

3. The 33 and greater bed peer group reimbursement rates will be set in accordance with §10377.B-D, limited to 95 percent of the 16-32 bed peer group reimbursement rates.

F. Rebasing of rates will occur at least every three years utilizing the most recent audited and/or desk reviewed cost reports.

G. Adjustments to the Medicaid daily rate may be made when changes occur that eventually will be recognized in updated cost report data (such as a change in the minimum wage or FICA rates). These adjustments would be effective until such time as the data base used to calculate rates fully reflect the change. Adjustments to rates may also be made when legislative appropriations would increase or decrease the rates calculated in accordance with this rule. The secretary of the Department of Health and Hospitals makes the final determination as to the amount and when adjustments to rates are warranted.

H. A facility requesting a Pervasive Plus rate supplement shall bear the burden of proof in establishing the facts and circumstances necessary to support the supplement in a format and with supporting documentation specified by the DHH ICAP Review Committee.

1. The DHH ICAP Review Committee shall make a determination of the most appropriate staff required to provide requested supplemental services.

2. The amount of the pervasive plus supplement shall be calculated using the Louisiana Civil Service pay grid for the appropriate position as determined by the DHH ICAP Review Committee and shall be the 25th percentile salary level plus 20 percent for related benefits times the number of hours approved.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 31:1592 (July 2005).

#### **§10379. ICAP Requirements**

A. An ICAP must be completed for each recipient of ICF-MR services upon admission and while residing in an ICF-MR in accordance with departmental regulations.

B. Providers must keep a copy of the recipient's current ICAP protocol and computer scored summary sheets in the recipient's file. If a recipient has changed ICAP service level, providers must also keep a copy of the recipient's ICAP protocol and computer scored summary sheets supporting the prior level.

C. ICAPs must reflect the resident's current level of care.

D. Providers must submit a new ICAP to the Regional Health Standards office when the resident's condition reflects a change in the ICAP level that indicates a change in reimbursement.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 31:1593 (July 2005).

### **§10381. ICAP Monitoring**

A. ICAP scores and assessments will be subject to review by DHH and its contracted agents. The reviews of ICAP submissions include, but are not limited to:

1. reviews when statistically significant changes occur within an ICAP submission or submissions;
2. random selections of ICAP submissions;
3. desk reviews of a sample of ICAP submissions; and
4. on-site field reviews of ICAPs.

#### **B. ICAP Review Committee**

1. Requests for Pervasive Plus must be reviewed and approved by the DHH ICAP Review Committee.

2. The ICAP Review Committee shall represent DHH should a provider request an informal reconsideration regarding the Regional Health Standards determination.

3. The ICAP Review Committee shall make final determination on any ICAP Level of Care changes prior to the appeals process.

4. The ICAP Review Committee shall be made up of the following:

- a. the director of the Health Standards Section or his/her appointee;
- b. the director of Rate and Audit Review Section or his/her appointee;
- c. the assistant secretary for the Office for Citizens with Developmental Disabilities or his/her appointee.
- d. other persons as appointed by the secretary.

C. When an ICAP score is determined to be inaccurate, the department shall notify the provider and request documentation to support the level of care. If the additional information does not support the level of care, an ICAP rate adjustment will be made to the appropriate ICAP level effective the first day of the month following the determination.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 31:1594 (July 2005).

### **§10383. Audits**

A. Each ICF-MR shall file an annual facility cost report and a central office cost report.

B. ICF-MR shall be subject to financial and compliance audits.

C. All providers who elect to participate in the Medicaid Program shall be subject to audit by state or federal regulators or their designees. Audit selection for the department shall be at the discretion of DHH.

1. A representative sample of the ICF-MR shall be fully audited to ensure the fiscal integrity of the program and compliance of providers with program regulations governing reimbursement.

2. Limited scope and exception audits shall also be conducted as determined by DHH.

3. DHH conducts desk reviews of all the cost reports received. DHH also conducts on-site audits of provider records and cost reports.

a. DHH seeks to maximize the number of on-site audited cost reports available for use in its cost projections although the number of on-site audits performed each year may vary.

b. Whenever possible, the records necessary to verify information submitted to DHH on Medicaid cost

reports, including related-party transactions and other business activities engaged in by the provider, must be accessible to DHH audit staff in the state of Louisiana.

#### **D. Cost of Out-of-State Audits**

1. When records are not available to DHH audit staff within Louisiana, the provider must pay the actual costs for DHH staff to travel and review the records out-of-state.

2. If a provider fails to reimburse DHH for these costs within 60 days of the request for payment, DHH may place a hold on the vendor payments until the costs are paid in full.

E. In addition to the exclusions and adjustments made during desk reviews and on-site audits, DHH may exclude or adjust certain expenses in the cost-report data base in order to base rates on the reasonable and necessary costs that an economical and efficient provider must incur.

F. The facility shall retain such records or files as required by DHH and shall have them available for inspection for five years from the date of service or until all audit exceptions are resolved, whichever period is longer.

G. If DHH's auditors determine that a facility's records are unauditably, the vendor payments may be withheld until the facility submits an acceptable plan of correction to reconstruct the records. Any additional costs incurred to complete the audit shall be paid by the provider.

H. Vendor payments may also be withheld under the following conditions:

1. a facility fails to submit corrective action plans in response to financial and compliance audit findings within 15 days after receiving the notification letter; or

2. a facility fails to respond satisfactorily to DHH's request for information within 15 days after receiving the department's letter.

I. If DHH's audit of the residents' personal funds account indicate a material number of transactions were not sufficiently supported or material non-compliance, then DHH shall initiate a full scope audit of the account. The cost of the full scope audit shall be withheld from the vendor payments.

J. The ICF-MR shall cooperate with the audit process by:

1. promptly providing all documents needed for review;

2. providing adequate space for uninterrupted review of records;

3. making persons responsible for facility records and cost report preparation available during the audit;

4. arranging for all pertinent personnel to attend the exit conference;

5. insuring that complete information is maintained in client's records; and

6. correcting areas of noncompliance with state and federal regulations immediately after the exit conference time limit of 15 days.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 31:1594 (July 2005).

### **§10385. Exclusions from Database**

A. Providers with disclaimed audits and providers with cost reports for other than a 12-month period will be excluded from the database used to calculate the rates.

B. Providers who do not submit ICAP scores will be paid at the Intermittent level until receipt of ICAP scores.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 31:1594 (July 2005).

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

Frederick P. Cerise, M.D., M.P.H.  
Secretary

0507#072

## RULE

### Department of Health and Hospitals Office of the Secretary Bureau of Health Services Financing

#### Pharmacy Benefits Management Program Reimbursement Methodology

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing promulgates the following proposed Rule under the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This Rule is promulgated in accordance with the Administrative Procedure Act, R.S.49:950 et seq.

#### Rule

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing adopts the following provisions under the Medicaid Pharmacy Benefits Management Program.

##### A. Definitions

*Actual Acquisition Cost*—the covered entity's net payment made to purchase a drug product, after taking into account such items as purchasing allowances, discounts, wholesaler fees and rebates.

*Contract Pharmacy*—a pharmacy under contract with a covered entity that lacks its own pharmacy whereby the contract pharmacy is authorized to dispense 340B-discounted drugs on behalf of the covered entity in accordance with 1996 Health Resources and Services Administration (HRSA) guidelines (61 FR 43549, August 23, 1996). Contract pharmacies may also serve as billing agents for covered entities.

*Covered Entity*—a provider or program that meets the eligibility criteria for participating in the 340B Program as set forth in Section 340B(a)(4) of the Public Health Service Act. Covered entities include eligible disproportionate share hospitals that are owned by or under contract with state or local government, community health centers, migrant health centers, health centers for public housing, health centers for the homeless, AIDS drug assistance programs and other AIDS clinics and programs, black lung clinics, hemophilia treatment centers, native Hawaiian health centers, urban Indian clinics/638 tribal centers, 340s school-based programs, Title X family planning clinics, sexually-transmitted disease clinics, and tuberculosis clinics.

*Dispensing Fee*—the fee paid by Medicaid for the professional services provided by a pharmacist when dispensing a prescription, including the \$.10 provider fee assessed for each prescription filled in the state of Louisiana per legislative mandate.

*Medicaid Carve-Out*—a billing mechanism available to covered entities that implements the 340B requirement protecting manufacturers from giving a 340B discount and paying a Medicaid rebate on the same drug. If a covered entity elects to implement the Medicaid carve-out option, the covered entity only purchases through the 340B Program covered drugs dispensed to non-Medicaid patients; drugs dispensed to Medicaid patients are purchased outside the 340B Program.

*Patient*—an individual eligible to receive 340B-discounted drugs from a covered entity by virtue of being the covered entity's patient as defined in HRSA's 1996 patient definition guideline (61 FR 55156, October 24, 1996).

*340B Program*—the federal drug discount program established under Section 340B of the Public Health Service Act and administered by the Office of Pharmacy Affairs within HRSA.

##### B. Reimbursement

1. Self-administered drugs that are purchased by a covered entity through the 340B program and dispensed to patients who are covered by Medicaid shall be billed to Medicaid at actual acquisition cost unless the covered entity has implemented the Medicaid carve-out option, in which case such drugs shall be billed in accordance with existing state Medicaid reimbursement methodologies.

2. Contract Pharmacies. In the event that the covered entity has entered into a contract pharmacy arrangement and the contract pharmacy serves as the covered entity's billing agent, the contract pharmacy shall bill Medicaid at actual acquisition cost under the covered entity's Medicaid pharmacy billing number, unless the covered entity has implemented the Medicaid carve-out option, in which case such drugs shall be billed in accordance with existing state Medicaid reimbursement methodologies under the contract pharmacy's Medicaid pharmacy billing number.

3. Dispensing Fees. The covered entity shall be paid a dispensing fee of \$.10 for each prescription dispensed to a Medicaid patient, unless the covered entity has implemented the carve-out option, in which case the covered entity shall be paid the state's existing maximum allowable overhead cost. With respect to contract pharmacy arrangements in which the contract pharmacy also serves as the covered entity's billing agent, the contract pharmacy shall be paid the \$.10 dispensing fee on behalf of the covered entity, unless the covered entity elects the Medicaid carve-out, in which case the contract pharmacy shall be paid the state's existing maximum allowable overhead cost.

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

Frederick P. Cerise, M.D., M.P.H.  
Secretary

0507#074

**RULE**

**Department of Health and Hospitals  
Office of the Secretary  
Bureau of Health Services Financing**

Nursing Facilities—Reimbursement Methodology  
(LAC 50:VII.1305 and 1309)

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing amends LAC:50.VII.1305 and 1309 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.

**Title 50**

**PUBLIC HEALTH—MEDICAL ASSISTANCE**

**Part VII. Long Term Care Services**

**Subpart 1. Nursing Facilities**

**Chapter 13. Reimbursement**

**§1305. Rate Determination**

A.- D.4.a. ...

b. Effective August 1, 2005, the pass-through rate will include a flat statewide fee for the cost of durable medical equipment and supplies required to comply with the plan of care for Medicaid recipients residing in nursing facilities.

D.5. ...

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 28:1474 (June 2002), repromulgated LR 28:1791 (August 2002), amended LR 31:1596 (July 2005).

**§1309. State-Owned or Operated and Nonstate Government-Owned or Operated Facilities**

A. ...

B. State-owned or operated nursing facilities are paid a prospective reimbursement rate. Effective August 1, 2005, this prospective reimbursement rate will include the cost of durable medical equipment and supplies required to comply with the plan of care for Medicaid recipients residing in nursing facilities. The payment rate for each of these facilities will be the nursing facility's allowable cost from the most recent filed Medicaid cost report trended forward to the midpoint of the rate year.

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 28:1476 (June 2002), repromulgated LR 28:1793 (August 2002), amended LR 30:53 (January 2004) LR 31:1596 (July 2005).

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

Frederick P. Cerise, M.D., M.P.H.  
Secretary

0507#076

**RULE**

**Department of Health and Hospitals  
Office of the Secretary  
Bureau of Health Services Financing**

Professional Services Program—Nurse Practitioners,  
Nurse-Midwives, and Clinical Nurse Specialists

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing promulgates the following Rule under the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This Rule is promulgated in accordance with the Administrative Procedure Act, R.S.49:950 et seq.

**Rule**

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing adopts the following provisions governing services rendered by nurse practitioners, nurse-midwives and clinical nurse specialists under the Professional Services Program.

In order to participate in the Medicaid Program, a nurse practitioner, nurse-midwife, or clinical nurse specialist must enroll as a provider and obtain an individual Medicaid provider number. Effective for dates of service on or after August 1, 2005, all claims filed for reimbursement must identify the nurse practitioner, nurse-midwife, or clinical nurse specialist as the attending provider if he/she is employed by or under contract with a Medicaid enrolled physician or physician group.

Unless otherwise excluded by the Medicaid Program, service coverage shall be determined by individual licensure, scope of practice, and the terms of the physician collaborative agreement. The collaborating physician must be a Medicaid enrolled provider. Collaborative agreements must be available for review upon request by authorized representatives of the Medicaid Program.

The reimbursement rate shall be 80 percent of the rate on file on the professional services fee schedule for covered services and 100 percent of the rate on file for a designated group of procedures as determined by the Medicaid Program.

Nurse practitioners, nurse-midwives, and clinical nurse specialists shall not bill separately for their services when they are employed by or under contract with Medicaid enrolled providers whose reimbursement is based on cost reports that include the cost of their salaries.

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

Frederick P. Cerise, M.D., M.P.H.  
Secretary

0507#073

## RULE

### Department of Health and Hospitals Office of the Secretary Bureau of Health Services Financing

#### Prosthetics

(LAC 50:XVII.Chapters 1, 3, 5, 15, 17, 19, 101, and 103)

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing proposes to repeal and repromulgate LAC 50:Part XVII. 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.

#### Title 50

### PUBLIC HEALTH—MEDICAL ASSISTANCE

#### Part XVII. Prosthetics and Orthotics

##### Subpart 1. General Provisions

#### Chapter 1. Prior Authorization

##### §101. Purchase and Repairs

A. Prior authorization is required before payment can be issued for the purchase or repair of prosthetics and orthotics.

B. Prior authorization is performed by the Medicaid fiscal intermediary under contractual arrangement with the Bureau of Health Services Financing and is the responsibility of the Prior Authorization Unit (PAU).

C. Every prior authorization request shall contain:

1. medical information from a physician, including:
  - a. a written prescription from a licensed physician or a physician's order form signed by the prescribing physician;
  - b. the diagnosis related to the request; and
  - c. other medical information to support the need for the requested item, including documentation that the medical criteria specific to the requested items are met;

2. if pertinent, a statement from the prescribing physician or appropriate licensed rehabilitation therapist as to whether the recipient's age and circumstances indicate that he can adapt to or be trained to use the item effectively; and

3. any other pertinent information, such as measurements to assure correct size of the prosthetic or orthotic item.

D. Emergency Requests. Emergency requests for prior authorization decisions may be considered for prosthetics or orthotics requested during hospitalization of a recipient which is medically necessary for hospital discharge and is to be furnished for use in an outpatient setting.

E. Requests for Repairs, Modification, or Additional Components to Equipment

1. Requests for basic repairs to a prosthetic or orthotic item shall contain medical information from a physician that is required for purchase of the item.

2. Requests for repairs or replacements of original equipment components or parts that were previously approved for purchase by Medicaid do not require a submittal of a new prescription or medical information unless the provider does not have the following identified information:

- a. a copy of the original request for approval;
- b. the original prior authorization number; or
- c. a copy of the original prescription.

F. If one or more of these items are available, the provider may submit the prior authorization request with the original prescribing physician's name, prescription date, and diagnosis codes. The original approval date or prior authorization number shall be noted on the request form or a copy of the original prescription attached.

G. If these items are not available, a new request with all required information must be submitted for 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 and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 31:85 (January 2005), repromulgated LR 31:1597 (July 2005).

#### Chapter 3. Provider Participation

##### §301. Provider Responsibilities

A. Providers may not deliver more than one month's approval of supplies initially and all subsequently approved supplies must be delivered in increments not to exceed one month's rations.

B. The recipient must be Medicaid eligible on the date of service for payment to be made. The date of service is the date of delivery.

C. The date of shipping will be considered the date of service for all items delivered through mail courier service.

D. Providers who make or sell prosthetic or orthotic items must provide a warranty which lasts at least one year from the time the item is delivered to the customer. If, during that year, the item does not work, the manufacturer or dealer must repair or replace the item.

E. For any appliance which requires skill and knowledge to use, the item provider must provide appropriate training for the recipient and must provide documentation of plans for training upon the request of the prior authorization unit.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 31:85 (January 2005), repromulgated LR 31:1597 (July 2005).

#### Chapter 5. Reimbursement

##### §501. Reimbursement Methodology

A. Reimbursement is 70 percent of the Medicare Fee Schedule amount or billed charges, whichever is the lesser amount, unless otherwise stipulated. If an item is not available at 70 percent of the Medicare fee schedule amount, the flat fee that will be utilized is the lowest cost at which the item has been determined to be widely available by analyzing usual and customary fees charged in the community. If an item is not available at the rate of 70 percent of the Medicare fee schedule amount, the flat fee that will be utilized is the lowest cost at which the item has been determined to be widely available by analyzing usual and customary fees charged in the community for the HCPC procedure code.

B. Jobst stockings are reimbursed at 80 percent of the Medicare fee schedule.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 30:1031 (May 2004), repromulgated LR 31:1597 (July 2005).

### §503. Medicare Part B Claims

A. The Medicare payment to the Medicaid rate on file is compared to the Medicare Part B claims for the prosthetic or orthotic item. If the Medicare payment exceeds the Medicaid rate, the claim is adjudicated as a paid claim with a zero payment. If the Medicaid rate exceeds the Medicare payment, the claim is reimbursed at the lesser of the co-insurance and deductible or up to the Medicaid maximum payment.

B. If the Medicaid payment is reduced or eliminated as a result of the Medicare/Medicaid payment comparison, the amount of the Medicare payment plus the amount of the Medicaid payment (if any) shall be considered to be payment in full for the service. The recipient does not have any legal liability to make payment for the service.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 30:1027 (May 2004), repromulgated LR 31:1598 (July 2005).

#### Subpart 3. Prothethic Devices

### Chapter 15. Artificial Eyes, Scleral Shell, and Related Services

#### §1501. Introduction

##### A. Definitions

*Artificial Eye or Ocular Prosthesis*—a replacement for a missing or damaged, unsightly eye.

*Full Ocular Prosthesis*—used for individuals who have the globe removed allowing for the fitting of a regular artificial eye.

*Related Services*—include polishing or resurfacing of ocular prosthetics, enlargements or reductions of ocular prosthetics, and fabrication or fitting of ocular conformer.

*Scleral Shell (or Shield)*—

a. a custom-made, thin ocular prosthesis fitted directly over a blind and shrunken globe. It includes the iris (the colored part of the eye) and the sclera (the white part of the eye);

b. a term utilized to describe different types of hard scleral contact lenses. A shell fits over the entire exposed surface of the eye as opposed to a corneal contact lens which covers only the central nonwhite area encompassing the pupil and iris.

B. These procedures require prior authorization.

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 30:2830 (December 2004), repromulgated 31:1598 (July 2005).

#### §1503. Medical Necessity

A. An artificial eye and related services shall be approved if an eyeball is removed and replacement and repair and/or upkeep of an artificial eye are necessary to maintain the contour of the face.

B. A scleral shell may be authorized when the medical criteria as stated in this §1503 are met. A scleral shell may, among other things, obviate the need for surgical enucleation and prosthetic implant and act to support the surrounding orbital tissue of an eye that has been rendered sightless and shrunken by inflammatory disease. In such a case, the device serves essentially as an artificial eye. In this situation, authorization of payment may be made for a scleral shell.

Scleral shells are occasionally used in combination with artificial tears in the treatment of "dry eye" of diverse etiology. Tears ordinarily dry at a rapid rate, and are continually replaced by the lacrimal gland. When the lacrimal gland fails, the half-life of artificial tears may be greatly prolonged by the use of the scleral contact lens as a protective barrier against the drying action of the atmosphere. Thus, the difficult and sometimes hazardous process of frequent installation of artificial tears may be avoided. The lens acts in this instance to substitute, in part, for the functioning of the diseased lacrimal gland and may be covered as a prosthetic device in the rare case when it is used in the treatment of "dry eye."

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 30:2830 (December 2004), repromulgated LR 31:1598 (July 2005).

#### §1505. Reimbursement

A. Reimbursement for artificial eyes, scleral shells, and the related services shall be at 90 percent of the 2004 Medicare fee schedule or billed charges; whichever is the lesser amount. If not available at the established flat fee, the flat fee that shall be utilized is the lowest cost at which the item has been determined to be widely available by analyzing usual and customary fees charged 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 and Hospitals, Bureau of Health Services Financing, LR 30:1030 (May 2004), amended LR 30:2830 (December 2004), repromulgated LR 31:1598 (July 2005).

### Chapter 17. Breast or Mammary Prostheses

#### §1701. - 1705. Reserved.

#### §1707. Reimbursement

A. Reimbursement for breast prosthesis is 70 percent of the Medicare fee schedule amount or the amount of billed charges.

B. If an item is not available at the rate of 70 percent of the Medicare fee schedule amount, the flat fee that will be utilized is the lowest cost at which the item has been determined to be widely available by analyzing usual and customary fees charged in the community for the HCPC procedure code.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 30:1030 (May 2004), repromulgated LR 31:1598 (July 2005).

### Chapter 19. Support and Surgical Stockings

#### §§1901. - 1905. Reserved.

#### §1907. Reimbursement

A. Reimbursement for elastic support stockings is 70 percent of the Medicare fee schedule amount or the amount of billed charged, whichever is the lesser amount.

B. If an item is not available at the rate of 70 percent of the Medicare fee schedule amount, the flat fee that will be utilized is the lowest cost at which the item has been determined to be widely available by analyzing usual and customary fees charged in the community for the HCPC procedure code.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 30:1029 (May 2004), repromulgated LR 31:1598 (July 2005).

#### **Subpart 5. Orthotic Devices**

#### **Chapter 101. General Provisions**

**§§10101 - 10115. Reserved.**

#### **§10117. Reimbursement**

A. Reimbursement is 70 percent of the Medicare fee schedule amount or billed charges, whichever is the lesser amount.

B. If an item is not available at 70 percent of the Medicare fee schedule amount, the flat fee that will be utilized is the lowest cost at which the item has been determined to be widely available by analyzing usual and customary fees charged 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 and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 30:1031 (May 2004), repromulgated LR 31:1599 (July 2005).

#### **Chapter 103. Orthopedic Shoes and Corrections**

**§§10301 - 10305. Reserved.**

#### **§10307. Orthopedic Shoes**

A. Orthopedic shoes and corrections are approved only when the shoes are attached to braces or are needed to protect gains from surgery or casting. Payment will not be made for:

1. metatarsus adductus; or
2. internal tibial torsion.

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 Human Resources, Office of Family Security, LR 30:1030 (May 2004), repromulgated LR 31:1599 (July 2005).

Frederick P. Cerise, M.D., M.P.H.  
Secretary

0507#075

### **RULE**

#### **Department of Public Safety and Corrections Board of Private Security Examiners**

Licensure and Training  
(LAC 46:LIX.201, 203, 301, 405, 409, and 813)

Under the authority of the Private Security Regulatory and Licensing Law, R.S. 37:3270 et seq., and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the executive secretary gives notice that the Louisiana State Board of Private Security Examiners Rules, LAC 46:LIX:201, 203, 301, 405, 409, and 813, have been amended as follows.

### **Title 46**

## **PROFESSIONAL AND OCCUPATIONAL STANDARDS**

### **Part LIX. Private Security Examiners**

#### **Chapter 2. Company Licensure**

#### **§201. Qualifications and Requirements for Company Licensure**

A. - E.7. ...

8. licensing, application and examination fees prescribed by law, and the appropriate fingerprint processing fee.

F. - L.1. ...

2. To renew a company license, licensee must submit the annual renewal fee prescribed by law to the board 30 days prior to the expiration date of license. If there have been any changes in the status of the company, then a new company application must also be submitted, along with the application fee prescribed by law.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3270, et seq.

HISTORICAL NOTE: Promulgated by Department of Public Safety and Corrections, Board of Private Security Examiners, LR 13:752 (December 1987), amended LR 15:847 (October 1989), LR 18:190 (February 1992), LR 23:588 (May 1997), LR 26:1068 (May 2000), LR 28:96 (January 2002), LR 28:2203 (October 2002), LR 31:1599 (July 2005).

#### **§203. Application Procedure**

A. - H. ...

I. Renewal Provisions. The annual renewal fee prescribed by law must be submitted to the board 30 days prior to the expiration date of the license. If there have been any changes in the status of the company, then a new company application must also be submitted, along with the application fee prescribed by law.

J. - L. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3270, et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Board of Private Security Examiners, LR 13:752 (December 1987), amended LR 15:12 (January 1989), LR 15:847 (October 1989), LR 26:1070 (May 2000), LR 28:97 (January 2002), LR 28:2203 (October 2003), LR 31:1599 (July 2005).

#### **Chapter 3. Security Officer Registration**

#### **§301. Qualifications and Requirements for Security Officer Registration**

A. - K.6. ...

L. Reinstatement

1. A registrant who terminates employment from a licensee and is rehired within 60 calendar days by the same licensee may be reinstated by licensee submitting, in writing, a request to have registrant reinstated, accompanied by the reinstatement fee prescribed by law.

L.2 - N.3. ...

O. Status Change

1. A registrant's status may be changed from unarmed to armed, or vice versa, by submitting a letter to the board



requesting a status change with the status change fee prescribed by law.

O.2 - P.2. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3270, et seq.

HISTORICAL NOTE: Promulgated by Department of Public Safety and Corrections, Board of Private Security Examiners, LR 13:753 (December 1987), amended LR 15:12 (January 1989), LR 15:848 (October 1989), LR 18:191 (February 1992), LR 23:588 (May 1997), LR 26:1072 (May 2000), LR 27:1241 (August 2001), LR 28:2204 (October 2002), LR 31:1599 (July 2005).

#### **Chapter 4. Training**

##### **§405. Firearms Training**

A. - J.1. ...

2. Security officer shall qualify with a semiautomatic rifle by firing the 100-yard course of fire specified by the National Rifle Association or a nationally recognized equivalent course of fire approved by the board, which course of fire may be reduced to 24 rounds using the accumulated totals to simulate 100 yards. Qualifying score shall be an accumulated total of 80 percent of the maximum obtainable score.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3270, et seq.

HISTORICAL NOTE: Promulgated by Department of Public Safety and Corrections, Board of Private Security Examiners, LR 13:755 (December 1987), amended LR 15:13 (January 1989), LR 15:850 (October 1989), LR 18:192 (February 1992), LR 23:588 (May 1997), LR 26:1073 (May 2000), LR 27:1241 (August 2001), LR 28:2204 (October 2002), LR 31:1600 (July 2005).

##### **§409. Instructor Requirements, Responsibilities and Liability**

A. The board shall collect the instructor fees prescribed in R.S. 37:3286.

B. - F. ...

G. License Transfer

1. An instructor may transfer his license to another company by submitting to the board a transfer application, the transfer fee prescribed by law, and proof of general liability insurance coverage.

2. An in-house instructor who desires to become an outside instructor shall submit a new instructor application, the application fee prescribed by law, proof of general liability insurance and training program that will be used to teach the students.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3270, et seq.

HISTORICAL NOTE: Promulgated by Department of Public Safety and Corrections, Board of Private Security Examiners, LR 13:755 (December 1987), amended LR 18:194 (February 1992), LR 23:589 (May 1997), LR 26:1074 (May 2000), LR 31:1600 (July 2005).

#### **Chapter 8. Licensee Suitability, Records, Investigations, and Registrant Violations**

##### **§813. Unlawful Act**

A. No person shall engage in the business of providing contract security services except in accordance with Chapter 2 and the rules and regulations adopted by the board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3270, et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Board of Private Security

Examiners, LR 13:758 (December 1987), amended LR 15:852 (October 1989), LR 26:1076 (May 2000), LR 31:1600 (July 2005).

Wayne R. Rogillio  
Executive Secretary

0507#003

#### **RULE**

#### **Department of Public Safety and Corrections Corrections Services**

##### **Death Penalty (LAC 22:I.103)**

In accordance with the provisions of the Administrative Procedure Act (R.S. 49:950 et seq.), the Louisiana Department of Public Safety and Corrections, Corrections Services, amends the contents of §103, Death Penalty.

The purpose of the amendment of the aforementioned regulation is so that it may cite the statutory requirements of R.S. 15:567.1 regarding mental competency.

#### **Title 22**

#### **Part I. CORRECTIONS**

#### **Chapter 1. Secretary's Office**

##### **§103. Death Penalty**

A. Purpose. To set forth procedures to be followed for the lethal injection of those individuals sentenced to death.

B. Applicability. Chief of Operations, Assistant secretary and the wardens of the Louisiana State Penitentiary and the Louisiana Correctional Institute for Women.

C. Incarceration Prior to Execution. Male inmates sentenced to death shall be incarcerated at the Louisiana State Penitentiary at Angola, Louisiana. Female inmates sentenced to death shall be incarcerated at the Louisiana Correctional Institute for Women at St. Gabriel, Louisiana. Until the time for execution, the warden shall incarcerate the inmate in a manner affording maximum protection to the general public, the employees of the department, and the security of the institution. Female inmates shall be transported to the Louisiana State Penitentiary for execution as directed by the secretary.

D. Mental Competency. Pursuant to the provisions of R.S. 15:567.1, a person who is not competent to proceed to execution may not be executed. A person is not competent to proceed to execution when he lacks the competence to understand that he is to be executed, and the reason he is to suffer that penalty. Any person sentenced to death may raise the issue of his mental incompetence to proceed to execution by filing an appropriate petition in the sentencing court. A person acting as petitioner's "next friend" or the Secretary of the Department of Public Safety and Corrections may also file the petition. The petition shall contain the information enumerated in R.S. 15:567.1C. The sentencing court shall then determine the inmate's mental competency in accordance with R.S. 15:567.1.

E. Visits

1. Prior to the scheduled execution, the warden may approve special visits for the condemned inmate.

2. Visits will normally terminate by 3 p.m. on the day of the execution except visits with a priest, minister,

religious advisor, or attorney which will terminate at the direction of the warden or his designee.

#### F. Media Access

1. Pursuant to the provisions of Department Regulation No. C-01-013, the media may contact the warden's office to request interviews. If the warden, inmate, and attorney (if represented by counsel) consent, the interview shall be scheduled for a time convenient to the institution.

2. Should the demand for interviews be great, the warden may set a day and time for all interviews to be conducted and may specify whether interviews will be done individually or in "press conference" fashion.

#### G. Pre-Execution Activities

1. The warden shall select an appropriate area to serve as a press room.

2. In the five days prior to the execution, access to the execution room will be restricted in accordance with institution policy.

3. All persons selected as witnesses will sign copies of the witness agreement prior to being transported to the execution room.

H. Time And Place. The execution shall take place at the Louisiana State Penitentiary between the hours of 6 p.m. and 9 p.m. (R.S. 15:570C.)

#### I. Witnesses

1. The execution shall take place in the presence of the following witnesses:

- a. the warden of the Louisiana State Penitentiary or designee;
- b. the coroner of West Feliciana Parish or deputy;
- c. a physician chosen by the warden;
- d. a competent person selected by the warden to administer the lethal injection; and
- e. a priest, minister, or religious advisor, if the inmate so requests.

2. Not less than five nor more than seven other witnesses are required by law to be present. [R.S. 15:570(A)] These witnesses will be selected as follows.

a.i. Three witnesses will be members of the news media selected by the secretary from the following categories:

- (a). a representative from the Associated Press;
- (b). a representative selected from the media persons requesting to be present from the parish where the crime was committed; and
- (c). a representative selected from all other media persons requesting to be present.

ii. These witnesses must agree to act as pool reporters for the remainder of the media present and meet with all media representatives immediately following the execution.

b. The remaining witnesses will be selected by the secretary from persons who he feels have a legitimate interest in being present.

3. Victim relationship witnesses are authorized to attend the execution [R.S. 15:570(D).]

a. At least 10 days prior to the execution, the secretary shall give either written or verbal notice, (followed by written notice placed in the United States mail within five days thereafter), of the date and time of execution to the victim's parents, or guardian, spouse and any adult children who have indicated to the secretary that they desire such notice. The named parties shall be given the option of attending the execution and shall, within three days of their receipt of the notification, notify, either verbally or in writing, the secretary's office of their intention to attend.

b. The number of victim relationship witnesses may be limited to two. If more than two victim relationship witnesses desire to attend the execution, the secretary is authorized to select from the interested parties the two victim relationship witnesses who will be authorized to attend.

4. All witnesses must be residents of the state of Louisiana, over 18 years of age and all must agree to sign the report of the execution. (R.S. 15:570-571)

#### J. Procedures

1. The witnesses will enter the witness room where they will receive a copy of the inmate's written last statement, if a written statement is issued.

2. The inmate will then be taken to the lethal injection room by the escorting officers. Once in the room, the inmate will be afforded the opportunity to make a last verbal statement if he so desires. He will then be assisted onto the lethal injection table and properly secured to the table by the officers. Once the officers exit the room, the warden will close the curtain to the witness room and signal the I.V. technician(s) to enter. The I.V. technician(s) will appropriately prepare the inmate for execution and exit the room. The warden will reopen the witness room curtain.

3. The person designated by the warden and at the warden's direction, will then administer, by intravenous injection, the appropriate substances in a lethal quantity into the body of the inmate until he is deceased.

4. At the conclusion of the execution, the coroner or his deputy shall pronounce the inmate dead. The deceased shall then be immediately taken to an awaiting ambulance for transportation to a place designated by the next of kin or in accordance with other arrangements made prior to the execution.

5. The warden will make a written report reciting the manner and date of the execution which he and all of the witnesses will sign. The report shall be filed with the clerk of court in the parish where the sentence was originally imposed. (R.S. 15:571)

6. No employee, including employee witnesses to the execution, except the secretary or the warden or their designee, shall communicate with the press regarding any aspect of the execution except as required by law.

7. No cameras or recording devices, either audio or video, will be permitted in the execution room.

8. The identity of the persons, other than those specified in Subsection I.1.a, b, c, and d, 2, and 3, who participate in an execution, either directly or indirectly, shall

remain strictly confidential and shall not be subject to public disclosure in any manner whatsoever.

**AGREEMENT BY WITNESS TO EXECUTION**

I, \_\_\_\_\_, a person of full age and majority, and citizen of the state of Louisiana, hereby agree to the following conditions precedent to being a witness to the execution of a sentence of death at Louisiana State Penitentiary, Angola, Louisiana.

1. I agree that my presence at the execution is voluntary.
2. I agree to sign the report of the execution as required by law.
3. I agree to comply with all rules and regulations of the Department of Public Safety and Corrections and the Louisiana State Penitentiary during the course of the proceedings leading up to, during, and after the completion of the execution.
4. I agree that I will not electronically record or photograph any activities while I am present in the lethal injection room.
5. I agree to submit to a search of my person before and after the execution if requested to do so by the warden of the Louisiana State Penitentiary.
6. If I am a member of the press selected as a witness to the execution, I agree to act as a pool reporter for the media representatives not present at the execution, and I agree to meet with all media representatives present at the penitentiary immediately after the execution.
7. If I am an employee of the Department of Public Safety and Corrections, I agree that I will make no public statements about the execution without prior approval of the warden of the Louisiana State Penitentiary.

I have read the above agreement, understand it, and have signed it in the presence of the listed witnesses on this date \_\_\_\_\_.  
(Day, Month, Year)

WITNESSES TO SIGNATURE:

\_\_\_\_\_  
Signature of Selected Witness

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 15:567-571 (as amended by Act No. 717 of the 1990 Regular Session of the Louisiana Legislature, by Act No. 159 of the 1991 Regular Session, Act No. 145 of the 2002 First Extraordinary Session and Act No. 283 of the 2003 Regular Session).

**HISTORICAL NOTE:** Promulgated by the Department of Public Safety and Corrections, Office of the Secretary, LR 6:10 (January 1980), amended LR 7:177 (April 1981), amended by the Department of Public Safety and Corrections, Corrections Services, LR 17:202 (February 1991), LR 18:77 (January 1992), LR 24:342 (February 1998), LR 25:2410 (December 1999), LR 28:2552 (December 2002), LR 29:2847 (December 2003), amended LR 31:1600 (July 2005).

Richard L. Stalder  
Secretary

0507#060

**RULE**

**Department of Public Safety and Corrections  
Gaming Control Board**

**Approval of New Electronic Gaming Devices  
(LAC 42:VII.4209, IX.4209, and XIII.4209)**

The Louisiana Gaming Control Board hereby amends LAC 42:VII., IX., XIII.4209, in accordance with R.S. 27:15 and 24, and the Administrative Procedure Act, R.S. 49:950 et seq.

**Title 42**

**LOUISIANA GAMING**

**Part VII. Pari-Mutuel Live Racing Facility Slot Machine Gaming**

**Chapter 42. Racetracks: Electronic Gaming Devices  
§4209. Approval of New Electronic Gaming Devices**

A. - A.2.bb.ii. ...

cc. Coin Acceptors

i. EGDs which have coin comparitors installed shall meet all the following requirements.

(a). All acceptors shall be approved by the division/board or the designated gaming laboratory.

(b). Coin acceptors shall be designed to accept designated coins and to reject others.

(c). The coin receiver or an EGD shall be designed to prevent the use of cheating methods, including, but not limited to: slugging, stringing, or spooling.

(d). Coins which are accepted but not credited to the current game shall be returned to the player by activation of the hopper or credited toward the next play of the EGD control program and shall be capable of handling rapidly fed coins so that frequent occurrences of this type are prevented.

(e). EGD's shall have suitable detectors for determining the direction and speed of the coin(s) travel in the receiver. If a coin traveling at improper speed or direction is detected, the EGD shall enter an error condition and display the error condition which shall require attendant intervention to clear.

ii. EGDs which do not utilize a coin comparator or do not have the coin comparator installed shall have the coin head removed and have a permanent or non-removable plate affixed over the coin head opening. The coin head opening shall be covered in a manner which, at all times, prevents the insertion of any type of object, tool, or equipment into the interior of the device.

cc.iii. ...

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 27:15 and 24.

**HISTORICAL NOTE:** Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 26:778 (April 2000), amended LR 29:2506 (November 2003), LR 31:1602 (July 2005).

**Part IX. Landbased Casino Gaming**

**Subpart 1. Economic Development and Gaming Corporations**

**Chapter 42. Electronic Gaming Devices  
§4209. Approval of New Electronic Gaming Devices**

A. - A.2.bb.ii. ...

cc. Coin Acceptors

i. EGDs which have coin comparitors installed shall meet all the following requirements.

(a). All acceptors shall be approved by the Division/Board or the designated gaming laboratory.

(b). Coin acceptors shall be designed to accept designated coins and to reject others.

(c). The coin receiver or an EGD shall be designed to prevent the use of cheating methods, including, but not limited to: slugging, stringing, or spooling.

(d). Coins which are accepted but not credited to the current game shall be returned to the player by activation of the hopper or credited toward the next play of the EGD control program and shall be capable of handling rapidly fed coins so that frequent occurrences of this type are prevented.

(e). EGD's shall have suitable detectors for determining the direction and speed of the coin(s) travel in the receiver. If a coin traveling at improper speed or direction is detected, the EGD shall enter an error condition and display the error condition which shall require attendant intervention to clear.

ii. EGDs which do not utilize a coin comparator or do not have the coin comparator installed shall have the coin head removed and have a permanent or non-removable plate affixed over the coin head opening. The coin head opening shall be covered in a manner which, at all times, prevents the insertion of any type of object, tool, or equipment into the interior of the device.

cc.iii. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and R.S. 27:24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 26:2314 (October 2000), amended LR 29:2507 (November 2003), LR 31:1602 (July 2005).

**Part XIII. Riverboat Gaming**

**Subpart 2. State Police Riverboat Gaming Division**

**Chapter 42. Electronic Gaming Devices**

**§4209. Approval of New Electronic Gaming Devices**

A. - 29.b. ...

**30. Coin Acceptors**

a. EGDs which have coin comparitors installed shall meet all the following requirements.

i. All acceptors shall be approved by the Division/Board or the designated gaming laboratory.

ii. Coin acceptors shall be designed to accept designated coins and to reject others.

iii. The coin receiver or an EGD shall be designed to prevent the use of cheating methods, including, but not limited to, slugging, stringing, or spooling.

iv. Coins which are accepted but not credited to the current game shall be returned to the player by activation of the hopper or credited toward the next play of the EGD control program and shall be capable of handling rapidly fed coins so that frequent occurrences of this type are prevented.

v. EGD's shall have suitable detectors for determining the direction and speed of the coin(s) travel in the receiver. If a coin traveling at improper speed or direction is detected, the EGD shall enter an error condition and display the error condition which shall require attendant intervention to clear.

b. EGDs which do not utilize a coin comparator or do not have the coin comparator installed shall have the coin head removed and have a permanent or non-removable plate affixed over the coin head opening. The coin head opening shall be covered in a manner which, at all times, prevents the insertion of any type of object, tool, or equipment into the interior of the device.

30.c. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 26:721 (April 2000), amended LR 29:2508 (November 2003), LR 31:1603 (July 2005).

H. Charles Gaudin  
Chairman

0507#014

**RULE**

**Department of Public Safety and Corrections  
Gaming Control Board**

Electronic Gaming Devices  
(LAC 42:VII.2325, 2723, 4204, 4209, 4214, 4215; IX.2723, 4103, 4204, 4209, 4214, 4215; and XIII.2325, 2723, 4204, 4209, 4214, and 4215)

The Louisiana Gaming Control Board hereby amends LAC 42:VII.2325, 2723, 4204, 4209, 4214, 4215; IX.2723, 4103, 4204, 4209, 4214, 4215; and XIII.2325, 2723, 4204, 4209, 4214, and 4215 in accordance with R.S. 27:15 and 24, and the Administrative Procedure Act, R.S. 49:950 et seq.

**Title 42**

**LOUISIANA GAMING**

**Part VII. Pari-Mutuel Live Racing Facility Slot Machine Gaming**

**Chapter 23. Compliance, Inspections and Investigations**

**§2325. Imposition of Sanctions**

A. - D. ...

E. Penalty Schedule

Section Reference	Description	Base Fine	Proscriptive Period (Months)
***			
<b>Chapter 42. Electronic Gaming Devices</b>			
***			
4215	Analysis of Questioned Electronic Gaming Devices	\$20,000	12
***			

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 27:1321 (June 2000), amended LR 27:2255 (December 2001), LR 28:1028 (May 2002), repromulgated LR 28:2371 (November 2002), amended LR 29:362 (March 2003), LR 31:1603 (July 2005).

**Chapter 27. Accounting Regulations**

**§2723. Internal Controls, Slots**

A. - M.4. ...

5.a. system meter readings, recorded immediately prior to or subsequent to each slot drop;

b. upon receipt of the system meter reading summary, the accounting department shall review all meter readings for reasonableness using pre-established parameters;

c. system meter readings which do not appear reasonable shall be reviewed with slot department employees, and exceptions documented, so that meters can be repaired or clerical errors in the recording of meter readings can be corrected;

d. system meter readings shall be transferred daily to an off-site secured storage location, approved by the division.

M.6. - P.2. ...

Q. Currency Acceptor Drop and Count Standards

1. - 21. ...

22. Access to all drop boxes regardless of type, full or empty shall be restricted to authorized members of the drop and count teams. In the case of an emergency drop however, including those for maintenance and repairs which require removal of the currency acceptor box, a slot technician, slot supervisor or other employee approved in writing by the division may have access to the drop boxes with a security escort. However, at no time shall the slot technician have access to the drop box contents key or deviate from normal drop procedures. At least one surveillance employee shall monitor the entire emergency drop process.

Q.23 - W.4. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 26:751 (April 2000) amended LR:26:2305 (October 2000), LR 31:1603 (July 2005).

#### **Chapter 42. Racetracks: Electronic Gaming Devices**

##### **§4204. Progressive Electronic Gaming Devices**

A. - C.5. ...

D. Transferring of Progressive Jackpot Which Is In Play

1. A progressive jackpot which is currently in play may be transferred to another progressive EGD on the eligible facility in the event of:

a. ...

b. EGD replacement;

c. the licensee distributes the incremental amount to another progressive jackpot at the licensee's establishment and:

i. the licensee documents the distribution;

ii. any machine offering the jackpot to which the licensee distributes the incremental amount does not require that more money be played on a single play to win the jackpot, than the machine from which the incremental amount is distributed;

iii. any machine offering the jackpot to which the incremental amount is distributed complies with the minimum theoretical payout requirement of §4203.A.2; and

iv. the distribution is completed within 30 days after the progressive jackpot is removed from play or within such longer period as the division may for good cause approve; or

v. the division approves a reduction, elimination, distribution, or procedure not otherwise described in this subsection, which approval is confirmed in writing;

vi. licensees shall preserve the records required by this section for at least five years; or

d. other good reason deemed appropriate by the division or board to ensure compliance with this Chapter.

D.2. - J.1. ...

K. Security of Progressive Controller

1. - 2. ...

3. A slot supervisor or other employee approved in writing by the division shall have access to the progressive controller.

4. Repealed.

L. - M.1. ...

N. Licensee shall not reduce the amount displayed on a progressive jackpot meter or otherwise reduce or eliminate a progressive jackpot unless:

1. - 3. ...

4. the licensee distributes the incremental amount to another progressive jackpot at the licensee's establishment and:

a. - b. ...

c. any machine offering the jackpot to which the incremental amount is distributed complies with the minimum theoretical payout requirement of §4203.A.2; and

N.4.d. - P.2. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 26:775 (April 2000), amended LR 31:1604 (July 2005).

##### **§4209. Approval of New Electronic Gaming Devices**

A. After completing its evaluation of the new EGD, the division shall determine whether the application for approval of the new EGD should be granted. In considering whether a new EGD will be given final approval, the division shall consider whether approval of the new EGD is consistent with this Chapter. Division approval of an EGD does not constitute certification of the device's safety.

1. - 1.d. ...

2. Testing

a. - i. ...

j. All EGD's offered for play shall be given a house number by the licensee. This house number shall not be altered or changed without prior written approval from the division. The licensee shall issue the house numbers in a systematic manner which provides for easy recognition and location of the device's location. This number shall be a part of the licensee's "On-Line Computer EGD Monitoring System," and shall be displayed, in part, on all on-line system reports. Each EGD shall have its respective house number and location code attached to the device in a manner which allows for easy recognition by division personnel and surveillance cameras.

k. - s.iv. ...

t. Modifications to an EGD's program shall be considered only if the new program has been approved by the designated gaming laboratory.

u. A licensee shall be allowed to test, on a limited basis, newly approved programs. The licensee shall file an EGD 96-01 Form and indicate in Field 21 that the request is for a 90-day trial period.

v - kk ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 26:778 (April 2000), amended LR 29:2506 (November 2003), LR 31:1604 (July 2005).

##### **§4214. Maintenance of Electronic Gaming Devices**

A. A licensee shall not alter the operation of an approved EGD except as provide otherwise in the board's rules and shall maintain the EGD's as required by this Chapter. Each licensee shall keep a written list of repairs made to the EGD offered for play to the public that require a replacement of parts that affect the game outcome, and any other

maintenance activity on the EGD, and shall make the list available for inspection by the division upon request. The written list of repairs shall be logged in the machine M.E.A.L. book which shall be kept in the EGD.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 26:785 (April 2000), amended LR 31:1604 (July 2005).

**§4215. Analysis of Questioned Electronic Gaming Devices**

A. If the operation of any EGD is questioned by any licensee, patron or an agent of the division and the question cannot be resolved, the questioned device will be examined in the presence of an agent of the division and a representative of the licensee. If the malfunction can not be cleared by other means to the satisfaction of the division, the patron and the licensee, the EGD will be subjected to a program storage media memory test to verify "signature" comparison by the division. While waiting for the division agent to test the EGD, the EGD will be removed from service and shall not be tampered with by any person until examined by a division agent.

B. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 26:785 (April 2000), amended LR 31:1605 (July 2005).

**Part IX. Landbased Casino Gaming**

**Subpart 1. Economic Development and Gaming Corporation**

**Chapter 27. Accounting Regulations**

**§2723. Internal Controls; Slots**

A. - M.4. ...

5.a. system meter readings, recorded immediately prior to or subsequent to each slot drop;

b. upon receipt of the system meter reading summary, the accounting department shall review all meter readings for reasonableness using pre-established parameters;

c. system meter readings which do not appear reasonable shall be reviewed with slot department employees, and exceptions documented, so that meters can be repaired or clerical errors in the recording of meter readings can be corrected;

d. system meter readings shall be transferred daily to an off-site secured storage location, approved by the division.

M.6. - P.2. ...

Q. Currency Acceptor Drop and Count Standards

1. - 21. ...

22. Access to all drop boxes regardless of type, full or empty shall be restricted to authorized members of the drop and count teams. In the case of an emergency drop however, including those for maintenance and repairs which require removal of the currency acceptor box, a slot technician, slot supervisor or other employee approved in writing by the division may have access to the drop boxes with a security escort. However, at no time shall the slot technician have access to the drop box contents key or deviate from normal drop procedures. At least one surveillance employee shall monitor the entire emergency drop process.

Q.23 - W.4. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 25:1936 (October 1999), amended LR:26:2305 (October 2000), LR 31:1605 (July 2005).

**Chapter 41. Enforcement Actions**

**§4103. Enforcement Actions of the Board**

A. - B. ...

C. Penalty Schedule

Penalty Schedule			
Section Reference	Description	Base Fine	Proscriptive Period (Months)
***			
Chapter 42. Electronic Gaming Devices			
***			
4215	Analysis of Questioned Electronic Gaming Devices	\$20,000	12
***			

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 25:1974 (October 1999), amended LR 26:2307 (October 2000), LR 27:2255 (December 2001), repromulgated LR 28:344 (February 2002), amended LR 28:1029 (May 2002), LR 29:362 (March 2003), LR 29:2507 (November 2003), LR 31:1605 (July 2005).

**Chapter 42. Electronic Gaming Devices**

**§4204. Progressive Electronic Gaming Devices**

A. - C.5. ...

D. Transferring of progressive jackpot which is in play:

1. A progressive jackpot which is currently in play may be transferred to another progressive EGD in the casino in the event of:

a. ...

b. EGD replacement;

c. the licensee distributes the incremental amount to another progressive jackpot at the licensee's establishment and:

i. the casino operator or casino manager documents the distribution;

ii. any machine offering the jackpot to which the casino operator or casino manager distributes the incremental amount does not require that more money be played on a single play to win the jackpot, than the machine from which the incremental amount is distributed;

iii. any machine offering the jackpot to which the incremental amount is distributed complies with the minimum theoretical payout requirement of §4203.A.2; and

iv. the distribution is completed within 30 days after the progressive jackpot is removed from play or within such longer period as the division may for good cause approve; or

v. the division approves a reduction, elimination, distribution, or procedure not otherwise described in this subsection, which approval is confirmed in writing;

vi. licensees shall preserve the records required by this section for at least five years; or

d.. other good reason deemed appropriate by the division to ensure compliance with this LAC 42:IX. Chapter 42.

D.2. - J.1. ...

K. Security of Progressive Controller

1. - 2. ...

3. A slot supervisor or other employee approved in writing by the division shall have access to the progressive controller.

4. Repealed.

L. - M.1. ...

N. The casino operator or casino manager shall not reduce the amount displayed on a progressive jackpot meter or otherwise eliminate a progressive jackpot unless:

1. - 3. ...

4. the casino operator or casino manager distributes the incremental amount to another progressive jackpot at the casino operator or casino manager's establishment and:

a. - b. ...

c. any machine offering the jackpot to which the incremental amount is distributed complies with the minimum theoretical payout requirement of §4203.A.2; and

N.4.d. - P.2. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and R.S. 27:24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 26:2311 (October 2000), amended LR 31:1605 (July 2005).

§4209. Approval of New Electronic Gaming Devices

A. After completing its evaluation of the new EGD, the division shall determine whether the application for approval of the new EGD should be granted. In considering whether a new EGD will be given final approval, the division shall consider whether approval of the new EGD is consistent with this Chapter. Division approval of an EGD does not constitute certification of the device's safety.

1. - 1.d. ...

2. Testing

a. - i. ...

j. All EGD's offered for play shall be given a "house number" by the casino operator or casino manager. This house number shall not be altered or changed without prior written approval from the division. The casino operator or casino manager shall issue the "house numbers" in a systematic manner which provides for easy recognition and location of the device's location. This number shall be a part of the casino operator or casino manager's "on-line computer EGD monitoring system," and shall be displayed, in part, on all on line system reports. Each EGD shall have its respective house number and location code attached to the device in a manner which allows for easy recognition by division personnel and surveillance cameras.

k. - s.iv. ...

t. Modifications to an EGD's program shall be considered only if the new program has been approved by the designated gaming laboratory.

u. A casino operator or casino manager shall be allowed to test, on a limited basis, newly approved programs. The casino operator or casino manager shall file an EGD 96-01 form and indicate in Field 21 that the request is for a 90 day trial period.

v. - jj.i. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and R.S. 27:24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 26:2314

(October 2000), amended LR 29:3507 (November 2003), LR 31:1606 (July 2005).

§4214. Maintenance of Electronic Gaming Device

A. The casino operator or casino manager shall not alter the operation of an approved EGD except as provided otherwise in the board's rules and regulations and shall maintain the EGD's as required in this Chapter. The casino operator or casino manager shall keep a written list of repairs made to the EGD offered for play to the public that require a replacement of parts that affect the game outcome, and any other maintenance activity on the EGD, and shall make the list available for inspection by the division upon request. The written list of repairs shall be logged in the machine M.E.A.L. book which shall be kept in the EGD.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and R.S. 27:24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 26:2320 (October 2000), amended LR 31:1606 (July 2005).

§4215. Analysis of Questioned Electronic Gaming Devices

A. If the operation of any EGD is questioned by any casino operator or casino manager, patron or an agent of the division and the question cannot be resolved, the questioned device shall be examined in the presence of an agent of the division and a representative of the casino operator or casino manager. If the malfunction can not be cleared by other means to the satisfaction of the division, the patron or the casino operator or casino manager, the EGD shall be disabled and be subjected to a program storage media memory test to verify signature comparison by the division. While waiting for the division agent to test the EGD, the EGD will be removed from service and shall not be tampered with by any person until examined by a division agent. Upon successful verification of the signature of the program storage media, and all malfunctions resolved, the EGD in question may be enabled for patron play.

B. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and R.S. 27:24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 26:2320 (October 2000), amended LR 31:1606 (July 2005).

Part XIII. Riverboat Gaming

Subpart 2. State Police Riverboat Gaming Division

Chapter 23. Compliance, Inspections and Investigations

§2325. Imposition of Sanctions

A. - D. ...

E. Penalty Schedule

Section Reference	Description	Base Fine	Proscriptive Period (Months)
***			
<b>Chapter 42. Electronic Gaming Devices</b>			
***			
4215	Analysis of Questioned Electronic Gaming Devices	\$20,000	12
***			

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, Riverboat

Gaming Enforcement Division, LR 21:702 (July 1995), amended by the Department of Public Safety and Corrections, Gaming Control Board, LR 26:1318 (June 2000), LR 27:2255 (December 2001), LR 28:1029 (May 2002), LR 29:363 (March 2003), LR 31:1606 (July 20005).

## **Chapter 27. Accounting Regulations**

### **§2723. Internal Controls; Slots**

A. - M.4. ...

5.a. system meter readings, recorded immediately prior to or subsequent to each slot drop;

b. upon receipt of the system meter reading summary, the accounting department shall review all meter readings for reasonableness using pre-established parameters;

c. system meter readings which do not appear reasonable shall be reviewed with slot department employees, and exceptions documented, so that meters can be repaired or clerical errors in the recording of meter readings can be corrected;

d. system meter readings shall be transferred daily to an off-site secured storage location, approved by the division.

M.6. - P.2. ...

Q. Currency Acceptor Drop and Count Standards

1. - 21. ...

22. Access to all drop boxes regardless of type, full or empty shall be restricted to authorized members of the drop and count teams. In the case of an emergency drop however, including those for maintenance and repairs which require removal of the currency acceptor box, a slot technician, slot supervisor or other employee approved in writing by the division may have access to the drop boxes with a security escort. However, at no time shall the slot technician have access to the drop box contents key or deviate from normal drop procedures. At least one surveillance employee shall monitor the entire emergency drop process.

Q.23. - W.4. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, Riverboat Gaming Enforcement Division, LR 21:702 (July 1995), amended by the Department of Public Safety and Corrections, Gaming Control Board, LR 25:2243 (November 1999), LR 26:2306 (October 2000), LR 31:1607 (July 2005).

## **Chapter 42. Electronic Gaming Devices**

### **§4204. Progressive Electronic Gaming Devices**

A. - C.5. ...

D. Transferring of Progressive Jackpot Which Is in Play

1. A progressive jackpot which is currently in play may be transferred to another progressive EGD on the riverboat in the event of :

a. ...

b. EGD replacement;

c. the licensee distributes the incremental amount to another progressive jackpot at the licensee's establishment and:

i. the licensee documents the distribution;

ii. any machine offering the jackpot to which the licensee distributes the incremental amount does not require that more money be played on a single play to win the jackpot, than the machine from which the incremental amount is distributed;

iii. any machine offering the jackpot to which the incremental amount is distributed complies with the minimum theoretical payout requirement of §4203.A.2; and

iv. the distribution is completed within 30 days after the progressive jackpot is removed from play or within such longer period as the division may for good cause approve; or

v. the division approves a reduction, elimination, distribution, or procedure not otherwise described in this subsection, which approval is confirmed in writing;

vi. licensees shall preserve the records required by this Section for at least five years; or

d. other good reason deemed appropriate by the division to ensure compliance with this LAC 42:XIII.Chapter 42.

D.2. -J.1. ...

K. Security of Progressive Controller

1. - 2. ...

3. A slot supervisor or other employee approved in writing by the division shall have access to the progressive controller.

4. Repealed.

L. - M.1. ...

N. Licensee shall not reduce the amount displayed on a progressive jackpot meter or otherwise reduce or eliminate a progressive jackpot unless:

1. - 3. ...

4. the licensee distributes the incremental amount to another progressive jackpot at the licensee's establishment and:

a. - c. ...

d. any machine offering the jackpot to which the incremental amount is distributed complies with the minimum theoretical payout requirement of §4203.A.2; and

N.4.e. - P.2. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 26:718 (April 2000), amended LR 31:1607 (July 2005).

### **§4209. Approval of New Electronic Gaming Devices**

A. After completing its evaluation of the new EGD, the division/board shall determine whether the application for approval of the new EGD should be granted. In considering whether a new EGD will be given final approval, the division/board shall consider whether approval of the new EGD is consistent with LAC 42:XIII.Chapter 42. division/board approval of a EGD does not constitute certification of the device's safety.

1. - 9. ...

10. All EGD's offered for play shall be given a "House Number" by the licensee. This house number shall not be altered or changed without prior written approval from the division. The licensee shall issue the "House Numbers" in a systematic manner which provides for easy recognition and location of the device's location. This number shall be a part of the licensee's "On-Line Computer EGD Monitoring System," and shall be displayed, in part, on all on-line system reports. Each EGD shall have its respective house number and location code attached to the device in a manner which allows for easy recognition by division personnel and surveillance cameras.



11 - 19. ...

20. Modifications to an EGD's program shall be considered only if the new program has been approved by the designated gaming laboratory.

21. A licensee shall be allowed to test, on a limited basis, newly approved programs. The licensee shall file an EGD 96-01 Form and indicate in Field 21 that the request is for a 90-day trial period.

22. - 36.a. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 26:721 (April 2000), amended LR 29:2508 (November 2003), LR 31:1607 (July 2005).

**§4214. Maintenance of Electronic Gaming Devices**

A. A licensee shall not alter the operation of an approved EGD except as provide otherwise in the division/board's rules and shall maintain the EGD's as required in LAC 42:XIII.Chapter 42. Each licensee shall keep a written list of repairs made to the EGD offered for play to the public that require a replacement of parts that affect the game outcome, and any other maintenance activity on the EGD, and shall make the list available for inspection by the division upon request. The written list of repairs shall be logged in the machine M.E.A.L. book which shall be kept in the EGD.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 26:727 (April 2000), amended LR 31:1608 (July 2005).

**§4215. Analysis of Questioned Electronic Gaming Devices**

A. If the operation of any EGD is questioned by any licensee, patron or an agent of the division/board and the question cannot be resolved, the questioned device shall be examined in the presence of an agent of the division and a representative of the licensee. If the malfunction can not be cleared by other means to the satisfaction of the division/board, the patron or the licensee, the EGD shall be disabled and be subjected to a program storage media memory test to verify "signature" comparison by the division. While waiting for the division agent to test the EGD, the EGD will be removed from service and shall not be tampered with by any person until examined by a division agent. Upon successful verification of the signature of the program storage media and all malfunctions resolved, the EGD in question may be enabled for patron play.

B. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 26:727 (April 2000), amended LR 31:1608 (July 2005).

H. Charles Gaudin  
Chairman

0507#015

**RULE**

**Department of Social Services  
Office of Community Services**

**Maintenance of Information on Reports and Investigations  
(LAC 67:V.1105)**

The Department of Social Services, Office of Community Services, has amended a Rule regarding the maintenance of information on reports of child abuse and/or neglect with investigation final findings of inconclusive and invalid. The Rule is pursuant to Act 457 of the 2004 Regular Session of the Louisiana Legislature.

**Title 67**

**SOCIAL SERVICES**

**Part V. Community Services**

**Subpart 3. Child Protective Services**

**Chapter 11. Administration and Authority**

**§1105. Maintenance of Information on Reports and Investigations**

A. The Office of Community Services (OCS) will maintain information on reports of child abuse and/or neglect with final findings of inconclusive and invalid on the agency computer tracking and management system for seven years after the determination of the finding. The information will be maintained for use in future child welfare involvement with a family for the purpose of evaluating the existence of patterns of incidents in pending child abuse or neglect investigations. The information shall be confidential and will not be released to other persons or agencies outside of the OCS. OCS will only release the information regarding a report and the investigation with an inconclusive finding with a client's permission when they are applying to be a CASA volunteer, foster parent, or adoptive parent. It shall not be released for employment purposes.

1. At the end of seven years from the date of the finding, the information will be expunged unless there have been subsequent reports and investigations. When there are subsequent investigations with findings of invalid, inconclusive, unable to locate or client non-cooperation, the information regarding all findings will be maintained until there have been no subsequent invalid, inconclusive or client non-cooperation findings for seven years or unable to locate findings for three years.

2. When there are subsequent investigations with findings of valid, the information regarding these findings will be maintained until there have been no subsequent invalid, inconclusive or valid findings for the length of time determined by the valid finding.

B. The case record file of information on the reports and investigations with invalid or inconclusive findings will be maintained in the local office for the parish in which the investigation was conducted. The file will be maintained for the length of time it is maintained in the management system.

1. When there are subsequent investigations with findings of invalid or inconclusive, the case records for all invalid and inconclusive findings will be maintained until there have been no subsequent invalid or inconclusive findings for seven years.

2. When there are subsequent investigations with findings of valid, they will be maintained for the length of time determined by the valid finding.

AUTHORITY NOTE: Promulgated in accordance with Act 593 of 1999 and Act 457 of 2004.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Community Services, LR 26:96 (January 2000), amended LR 31:1608 (July 2005).

Ann S. Williamson  
Secretary

0507#051

## RULE

### Department of Social Services Office of Community Services

State Central Registry (LAC 67:V.1103)

The Department of Social Services (DSS), Office of Community Services (OCS), adopted a Rule regarding the maintenance of information on investigations of child abuse and/or neglect on the State Central Registry pursuant to Act 567 of the 2003 Regular Session of the Louisiana Legislature and Act 457 of the 2004 Regular Session of the Louisiana Legislature.

#### Title 67

#### SOCIAL SERVICES

#### Part V. Community Services

#### Subpart 3. Child Protective Services

#### Chapter 11. Administration and Authority

#### §1103. State Central Registry

A. - A.1. ...

a. Records of reports of suspected non-fatality child abuse or neglect in which the determination is made that the reports appear to be justified will be maintained until the youngest child in the victim's family reaches the age of 18 or 10 years from the determination, whichever is longer, unless there is another report and investigation involving at least one person involved in the previous investigation. In those cases, the records will be maintained until there has been no subsequent unable to locate finding for three years, client non-cooperation finding for seven years, or subsequent justified finding until the youngest child reaches the age of 18 or 10 years from the determination, whichever is longer. When after an investigation, the determination is made by the department that the report does appear to be justified, any subsequent adjudication by a court exercising juvenile jurisdiction which dismisses the child in need of care petition involving the report shall be added to the central registry. Records of reports of child fatalities determined to have been caused by child abuse or neglect will be maintained indefinitely.

b. Records of reports of suspected non-fatality child abuse or neglect in which the determination is made that the findings are unable to locate will be maintained for three years and client non-cooperation findings will be maintained

for seven years from the determination unless there is another report and investigation involving at least one person involved in the previous investigation. In those cases, the records will be maintained until there has been no subsequent unable to locate finding for three years, client non-cooperation finding for seven years, or subsequent justified finding until the youngest child in the victim's family reaches the age of 18 years or for 10 years, whichever is longer.

c. Records on determinations of caretakers in restrictive care facilities and day care centers in which reports appear to be justified will be maintained for 10 years, unless there is another report and investigation involving the same perpetrator. In those cases, the records will be maintained until there has been no subsequent unable to locate finding for three years, client non-cooperation finding for seven years, or subsequent justified finding for 10 years. Records on determinations of investigations with unable to locate findings will be maintained for three years and client non-cooperation findings will be maintained for seven years unless there is a subsequent investigation involving the same perpetrator. In those cases, the records will be maintained for the period of time determined by the finding for the subsequent investigation.

d. Records on justified findings on foster families, when the child victim is a foster child, will be maintained indefinitely.

e. Any person whose name is included on the central registry may file a rule to show cause against the DSS in the court exercising juvenile jurisdiction in the parish in which the investigation was conducted to show why the information on file should not be expunged. The Office of Community Services will expunge the petitioner's name and other identifying information upon receipt of a court order to do so. Any expungement order issued by a court shall not take effect as to non-identifying statistical information on file until the three-year record retention period required by federal law for audit purposes has expired, counting from the month and year of the final finding. During the three-year record retention period, such records bearing the non-identifying statistical information shall be sealed and accessible only to the financial auditors.

2. The central registry shall release information regarding cases of child abuse or neglect to other states' child welfare agencies upon formal inquiry by that agency, when the inquiry is made pursuant to an ongoing child protection investigation, foster care home study, adoptive home study, or family services case following a child protection investigation in the requesting state, in accordance with R.S. 46:56(F)(4)(a). The information may also be released to private licensed child placing agencies upon formal inquiry and verification of licensure. Information released to such agencies is confidential and shall not be released to sources outside the agency.

3. ...

4. The Office of Community Services will disclose information in records of reports of child abuse or neglect when requested in writing from persons cited in R.S. 46:56(F)(10)(a). The information to be disclosed includes whether or not the agency has a report that is currently open and under investigation or has been determined to be valid, the status of the investigation, the determination made by the

department and any action taken by the agency. Action taken by the agency will include the following: case under investigation, case closed, referred for services, continued services post investigation, and child taken into custody.

B. ...

AUTHORITY NOTE: Promulgated in accordance with the Louisiana Children's Code, Title VI, Child in Need of Care, Chapter 5, Articles 615 and 616, and Title XII, Adoption of Children, Chapter 2, Article 1173, and R.S. 14:403(H).

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Community Services, LR 18:79 (January 1992), amended LR 20:198 (February 1994), LR 21:583 (June 1995), LR 23:590 (May 1997), LR 26:790 (April 2000) and LR 31:1609 (July 2005).

Ann S. Williamson  
Secretary

0507#052

**RULE**

**Department of Social Services  
Office of Family Support**

**TANF Initiatives—Earned Income Tax  
Credit (EITC) Program  
(LAC 67:III.5581)**

In accordance with R.S.49: 950 et seq., the Administrative Procedure Act, the Department of Social Services, Office of Family Support, has adopted §5581, Earned Income Tax Credit as a new TANF Initiative.

**Title 67**

**SOCIAL SERVICES**

**Part III. Family Support**

**Subpart 15. Temporary Assistance to Needy Families  
(TANF) Initiatives**

**Chapter 55. TANF Initiatives**

**§5581. Earned Income Tax Credit (EITC) Program**

A. The agency has entered into contracts to provide public awareness, education and targeted outreach strategies regarding the benefits of claiming the Earned Income Tax Credit (EITC) Program, state tax credit programs, and free taxpayer assistance effective January 1, 2005. Strategies include collaboration with the Internal Revenue Service, various state departments and the targeted expansion of existing outreach activities to assure that free taxpayer assistance is available statewide.

B. These services meet the TANF goal to encourage the formation and maintenance of two-parent families.

C. Eligibility for services is not limited to needy families.

D. 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 1, 2004 Reg. Session.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Family Support, LR 31:21610 (July 2005).

Ann S. Williamson  
Secretary

0507#054

**RULE**

**Department of Transportation and Development  
Office of Highways/Engineering**

**Control of Outdoor Advertising  
(LAC 70:III.138)**

In accordance with the applicable provisions of the Administrative Procedure Act, R.S. 49:950 et seq., notice is hereby given that the Department of Transportation and Development hereby amends Subchapter C of Chapter 1 of Part III of Title 70 entitled "Regulations for Control of Outdoor Advertising," in accordance with R.S. 48:461, et seq.

**Title 70**

**TRANSPORTATION**

**Part III. Outdoor Advertising**

**Chapter 1. Outdoor Advertising**

**Subchapter C. Regulations for Control of Outdoor  
Advertising**

**§138. Erection and Maintenance of Outdoor  
Advertising in Areas Zoned Commercial and  
Industrial**

A. *Areas Zoned Commercial or Zoned Industrial*—those areas in a comprehensively zoned political subdivision set aside for commercial or industrial use pursuant to the state or local zoning regulations, but shall not include areas which reflect strip zoning, spot zoning or variances granted by the local political subdivisions strictly for outdoor advertising.

B. To determine whether a zoning action, past or present, is an attempt to circumvent outdoor advertising laws and/or rules, the following factors shall be taken into consideration:

1. expressed reason for zoning change;
2. zoning for the surrounding area;
3. actual land use;
4. existence of plans for commercial or industrial development;
5. availability of utilities (water, electricity, sewage) in the newly zoned area;
6. existence of access roads or dedicated access to the newly zoned area; and
7. documentation that property has been assessed in accordance with zoning.

C. If a combination of the factors set forth in Subsection B demonstrate that the zoning action is taken primarily to allow outdoor advertising devices (billboards) in areas that have none of the attributes of a commercial or industrial area, the department may deny a permit for the erection of outdoor advertising devices.

D. If outdoor advertising permits have been issued for existing devices in zoned areas which do not meet the requirements of Subsections B and C, such outdoor advertising devices will be considered "legal non-conforming."

AUTHORITY NOTE: Promulgated in accordance with R.S. 48:461 et seq.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Highways/Engineering, LR 31:1610 (July 2005).

J. Michael Bridges, P.E.  
Undersecretary

0507#044

**RULE**

**Department of Treasury  
State Employees' Retirement System**

Waiver of Electronic Funds Transfer (LAC 58.I.109)

The Department of the Treasury, Board of Trustees of the Louisiana State Employees' Retirement System (LASERS) has adopted LAC 58:I.109. This new Rule gives LASERS the option to use paper checks instead of Electronic Funds Transfer (EFT) to pay benefits to surviving minor children of deceased members who have reached 18 years of age and are still eligible for the benefit. This Rule complies with and is enabled by R.S. 11:479 and 11:515.

**Title 58**

**RETIREMENT**

**Part I. State Employees' Retirement System**

**Chapter 1. General Provisions**

**§109. Waiver of the Electronic Funds Transfer Requirement**

A. LASERS may, at its option, issue paper checks in lieu of an Electronic Funds Transfer (EFT) to surviving minor children under R.S. 11:471 et seq., in order to avoid overpayments or other administrative issues associated with the payment of such benefits.

AUTHORITY NOTE: Promulgated in accordance with R.S. 11:515 and 11:479.

HISTORICAL NOTE: Promulgated by the Board of Trustees of the State Employees' Retirement System, LR 31:1611 (July 2005).

Robert L. Borden  
Executive Director

0507#048

**RULE**

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

General and Wildlife Management Area Hunting  
(LAC 76:XIX.111)

The Wildlife and Fisheries Commission does hereby promulgate rules and regulations governing the hunting of resident game birds and game quadrupeds.

**Title 76**

**WILDLIFE AND FISHERIES**

**Part XIX. Hunting and WMA Regulations**

**Chapter 1. Resident Game Hunting Season**

**§111. General and Wildlife Management Area Hunting Rules and Regulations**

A. Hunting Seasons and Wildlife Management Area Regulations

1. The rules and regulations contained within this digest have been officially approved and adopted by the Wildlife and Fisheries Commission under authority vested by Sections 115 and 116 of Title 56 of the Louisiana Revised Statutes of 1950 and are in full force and effect in conjunction with all applicable statutory laws. The Secretary of the Department of Wildlife and Fisheries has the authority to close or alter seasons in emergency situations in order to protect fish and wildlife resources.

2. Pursuant to Section 40.1 of Title 56 of the Louisiana Revised Statutes of 1950, the Wildlife and Fisheries Commission has adopted monetary values which are assigned to all illegally taken, possessed, injured or destroyed fish, wild birds, wild quadrupeds and other wildlife and aquatic life. Anyone taking, possessing, injuring or destroying fish, wild birds, wild quadrupeds and other wildlife and aquatic life shall be required to reimburse the Department of Wildlife and Fisheries a sum of money equal to the value of the wildlife illegally taken, possessed, injured or destroyed. This monetary reimbursement shall be in addition to any and all criminal penalties imposed for the illegal act.

**B. Resident Game Birds and Animals**

1. Shooting hours—one-half hour before sunrise to one-half hour after sunset.

**C. Other Season Dates**

1. Turkey. Please refer to separate pamphlet.

2. Raccoon and Opossum. No closed season. Raccoon and opossum can be taken at night by one or more licensed hunters with one or more dogs and one .22 rimfire firearm. A licensed hunter may take raccoon or opossum with .22 rimfire rifle, .36 caliber or smaller muzzleloader rifle or shotgun during daylight hours during the open rabbit season. Hunting from boats or motor vehicles is prohibited. No bag limit for nighttime or daytime raccoon or opossum hunting during the open trapping season except on certain WMAs as listed. The remainder of the year, the raccoon and opossum bag limit for daytime or nighttime is one per person per day or night. No one who hunts raccoons or opossums as prescribed above shall pelt during the closed trapping season nor sell skins or carcasses of raccoons and opossums taken during the open trapping season unless he is the holder of a valid trapping license which shall be required in addition to his basic hunting license. Pelting or selling carcasses is illegal during closed trapping season.

3. Nutria. On WMAs and private property nutria may be taken recreationally by licensed hunters from September 1 through the last day of February, during legal shooting hours by any legal hunting method with a daily limit of five. When taken with a shotgun, steel shot must be used. On WMAs during waterfowl seasons, nutria may be taken only with the use of shotguns with shot no larger than F steel, and during gun deer seasons, anyone taking nutria must display 400 square inches of "hunter orange" and wear a "hunter orange" cap or hat. Recreational nutria hunters must remove each nutria carcass in whole condition from the hunting area, except that nutria may be gutted. Possession of detached nutria parts, including nutria tails, by recreational hunters is illegal. Nutria harvested recreationally may not be pelted nor may such nutria or any nutria parts from recreationally taken nutria be sold, including the tail. Trespassing upon private property for the purpose of taking nutria or other furbearing animals is punishable by fines and possible jail time (R.S. 56:265). The Coastwide Nutria Control Program is a separate program and is in no way related to the nutria recreational season. For questions on the Coastwide Nutria Control Program, call the New Iberia office (337) 373-0032.

4. Blackbirds and Crows. The season for crows shall be September 1 through January 1 with no limit; however crows, blackbirds, cowbirds and grackles may be taken year round during legal shooting hours if they are depreddating or

about to depredate upon ornamentals or shade trees, agricultural crops, livestock, wildlife, or when concentrated in such numbers as to cause a health hazard. Louisiana has determined that the birds listed above are crop depredators and that crows have been implicated in the spread of the West Nile virus in humans.

5. Pheasant. Closed.

6. Falconry. Special permit required. Resident and migratory game species except turkeys may be taken. Seasons and bag limits are the same as for statewide and WMA regulations. Refer to LAC 76:V.301 for specific falconry rules.

7. Licensed Hunting Preserve. October 1-April 30. Pen-raised birds only. No limit entire season. Refer to LAC 76:V.305 for specific hunting preserve rules.

8. Deer Management Assistance Program (DMAP). Land enrolled in the voluntary program will be assessed a \$25 registration fee and \$0.05/acre fee. Deer management assistance tags must be in the possession of the hunter in order to harvest an antlerless deer. The tag shall be attached through the hock in such a manner that it cannot be removed before the deer is transported (including those taken on either-sex days and those taken with bow or muzzleloader). Antlerless deer harvested on property enrolled in DMAP does not count in the season bag limit for hunters. Failure to do so is a violation of R.S. 56:115. Failing to follow DMAP rules and regulations may result in suspension and cancellation of the program on those lands involved. Refer to LAC 76:V.111 for specific DMAP rules.

9. Landowner Assistance Deer Tag (LADT)

a. Eligibility for LADT is limited to the following landowners or lessees:

- i. license deer farmers;
- ii. landowners or lessees with less than 500 acres who have verified deer depredation problems;
- iii. landowners with 40 acres or more enrolled in the Louisiana Forest Stewardship Program; and
- iv. landowners or lessees with 40 or more contiguous acres of forested or marsh land.

b. Each applicant will be assessed a \$25 administrative processing fee. Each hunter must have the landowner antlerless deer tag in his possession while hunting on the property for which the tag was issued and immediately upon kill of an antlerless deer, the hunter must tag the animal through the hock. The deer must be tagged before it is transported from the site of kill and the tag will remain with the deer while the hunter is in route to his domicile. Antlerless deer harvested on property enrolled in LADT does not count in the season bag limit for hunters. For more information, contact any Wildlife Division Regional Office.

10. Farm Raised White-Tailed Deer and Exotics on Licensed Supplemented Shooting Preserves

a. Definitions

*Exotics*—for purposes of this rule means any animal of the family Bovidae (except the Tribe Bovini [cattle]) or Cervidae which is not indigenous to Louisiana and which is confined on a supplemented hunting preserve. Exotics shall include, but are not limited to, fallow deer, red deer, elk, sika deer, axis deer, and black buck antelope.

*Hunting*—in its different tenses and for purposes of this rule means to take or attempt to take, in accordance with R.S. 56:8.

*Same as Outside*—for purposes of this rule means hunting on a supplemented hunting preserve must conform to applicable statutes and rules governing hunting and deer hunting, as provided for in Title 56 of the Louisiana Revised Statutes and as established annually by the Wildlife and Fisheries Commission (LWFC).

*Supplemented Hunting Preserve*—for purposes of this rule means any enclosure for which a current farm-raising license has been issued by the Department of Agriculture and Forestry (LDAF) with concurrence of the Department of Wildlife and Fisheries (LDWF) and is authorized in writing by the LDAF and LDWF to permit hunting.

*White-Tailed Deer*—for purposes of this rule means any animal of the species *Odocoileus virginianus* which is confined on a supplemented hunting preserve.

b. Seasons

i. Farm-Raised White-Tailed Deer—consult the regulations pamphlet.

ii. Exotics—year round.

c. Methods of Take

i. White-Tailed Deer—same as outside.

ii. Exotics—exotics may be taken with longbow (including compound bow) and arrow; shotguns not larger than 10 gauge, loaded with buckshot or rifled slug; handguns and rifles no smaller than .22 caliber centerfire; or muzzleloading rifles or pistols, .44 caliber minimum, or shotguns 10 gauge or smaller, all of which must load exclusively from the muzzle or cap and ball cylinder, using black powder or an approved substitute only, and using ball or bullet projectile, including sabot bullets only.

d. Shooting Hours

i. White-Tailed Deer—same as outside.

ii. Exotics—one-half hour before sunrise to one-half hour after sunset.

e. Bag Limit

i. Farm-Raised White-Tailed Deer—same as outside.

ii. Exotics—no limit.

f. Hunting Licenses

i. White-Tailed Deer—same as outside.

ii. Exotics—no person shall hunt any exotic without possessing a valid basic and big game hunting license.

g. Tagging. White-Tailed Deer and Exotics—each animal shall be tagged in the left ear or left antler immediately upon being killed and before being moved from the site of the kill with a tag provided by the LDAF. The tag shall remain with the carcass at all times.

11. Bobcat. The hunting of bobcats will be legal only during the open deer season in all deer hunting areas. The legal shooting hours and the legal methods for the taking of bobcats shall be the same as defined for the taking of deer. License requirements shall also be the same for deer. The season limit shall be one.

D. Hunting-General Provisions

1. A basic resident or non-resident hunting license is required of all persons to hunt, take, possess or cause to be

transported by any other person any wild bird or quadruped. See information below for exceptions.

2. All persons born on or after September 1, 1969 must show proof of satisfactorily completing a hunter safety course approved by LDWF to purchase a basic hunting license, except any active or veteran member of the United States armed services or any POST-certified law enforcement officer. Application for the exemption shall be filed in person at the Department of Wildlife and Fisheries main office building in the city of Baton Rouge. A person younger than 16 years of age may hunt without such certificate if he is accompanied by, and is under the direct supervision of a person 18 years of age or older, except during a statewide youth deer hunt.

3. A big game license is required in addition to the basic hunting license to hunt, take, possess or cause to be transported any deer. A separate wild turkey license is required in addition to the basic hunting license and the big game license to hunt, take, possess or cause to be transported any turkey.

4. Taking game quadrupeds or birds from aircraft or participating in the taking of deer with the aid of aircraft or from automobiles or other moving land vehicles is prohibited.

5. Methods of Taking Resident Game Birds and Quadrupeds

a. It is illegal to intentionally feed, deposit, place, distribute, expose, scatter, or cause to be fed, deposited, placed, distributed, exposed, or scattered raw sweet potatoes to wild game quadrupeds.

b. Use of a longbow (including compound bow) and arrow or a shotgun not larger than a 10 gauge fired from the shoulder without a rest shall be legal for taking all resident game birds and quadrupeds. Also, the use of a handgun, rifle and falconry (special permit required) shall be legal for taking all game species except turkey. It shall be illegal to hunt or take squirrels or rabbits at any time with a breech-loaded rifle or handgun larger than a .22 caliber rimfire or a muzzleloader rifle larger than .36 caliber. During closed deer gun season, it shall be illegal to possess shotgun shells loaded with slugs or shot larger than BB lead or F steel shot while small game hunting.

c. Still hunting is defined as stalking or stationary stand hunting without the use of dog(s). Pursuing, driving or hunting deer with dogs is prohibited when or where a still hunting season or area is designated, and will be strictly enforced. Shotguns larger than 10 gauge or capable of holding more than three shells shall be prohibited. Plugs used in shotguns must be incapable of being removed without disassembly. Refer to game schedules contained within these regulations for specific restrictions on the use of firearms and other devices.

6. Nuisance Animals. Landowners or their designees may remove beaver and nutria causing damage to their property without a special permit. Water set traps and firearms may be used to remove beaver; nutria may be removed by any means except that nutria cannot be taken by the use of headlight and gun between the hours of sunset and sunrise. With a special permit issued by the department, beavers may be taken between one-half hour after official sunset to one-half hour before official sunrise for a period of three consecutive calendar evenings from the effective date

of the permit. For specific details contact a regional office near you. Any nuisance beaver or nutria trapped or shot outside open trapping season cannot be pelted or sold. A trapping license is required to sell or pelt nuisance beavers or nutria taken during open trapping season. Squirrels found destroying commercial crops of pecans may be taken year-round by permit issued by the department. This permit shall be valid for 30 days from the date of issuance. Contact the local regional office for details.

7. Threatened and Endangered Species—Louisiana black bear, Louisiana pearl shell (mussel), sea turtles, gopher tortoise, ringed sawback turtle, brown pelican, bald eagle, peregrine falcon, whooping crane, Eskimo curlew, piping plover, interior least tern, ivory-billed woodpecker, red-cockaded woodpecker, Bachman's warbler, West Indian manatee, Florida panther, pallid sturgeon, Gulf sturgeon, Attwater's greater prairie chicken, whales and red wolf. Taking or harassment of any of these species is a violation of state and federal laws.

8. Unregulated Quadrupeds. Holders of a legal hunting license may take coyotes, unmarked hogs where legal, and armadillos year round during legal daylight shooting hours. The running of coyotes with dogs is prohibited in all turkey hunting areas during the open turkey season. Coyote hunting is restricted to "chase only" during still hunting segments of the firearm and archery only season for deer. Foxes are protected quadrupeds and may be taken only with traps by licensed trappers during the trapping season. Remainder of the year "chase only" allowed by licensed hunters.

9. Hunting and/or Discharging Firearms on Public Roads. Hunting, standing, loitering or shooting game quadrupeds or game birds with a gun during open season while on a public highway or public road right-of-way is prohibited. Hunting or the discharge of firearms on roads or highways located on public levees or within 100 feet from the centerline of such levee roads or highways is prohibited. Spot lighting or shining from public roads is prohibited by state law. Hunting from all public roads and rights-of-way is prohibited and these provisions will be strictly enforced.

10. Tags. Any part of the deer or wild turkey divided shall have affixed thereto the name, date, address and big game license number of the person killing the deer or wild turkey and the sex of that animal. This information shall be legibly written in pen or pencil, on any piece of paper or cardboard or any material, which is attached or secured to or enclosing the part or parts. On lands enrolled in DMAP, deer management assistance tags must be attached and locked through the hock of antlerless deer, (including those taken with bow, muzzleloader and those antlerless deer taken on either-sex days) in a manner that it cannot be removed, before the deer is moved from the site of the kill.

11. Sex Identification. Positive evidence of sex identification, including the head, shall remain on any deer taken or killed within the state of Louisiana, or on all turkeys taken or killed during any special gobbler season when killing of turkey hens is prohibited, so long as such deer or turkey is kept in camp or field, or is in route to the domicile of its possessor, or until such deer or turkey has been stored at the domicile of its possessor or divided at a cold storage facility and has become identifiable as food rather than as wild game.

## 12. Promotional Hunting Days

a. The following dates are established as promotional hunting days.

i. First three days after Thanksgiving Day.

b. Persons availing themselves of promotional hunting days shall be entitled to hunt resident game birds and game quadrupeds (excluding bears), as well as coyotes, bobcats and feral hogs on designated days without the payment of fees and without obtaining any license other than the below referenced letter of permit. Persons wishing to avail themselves of promotional hunting days shall be subject to the following requirements and restrictions.

i. All applicants must be at least 16 years of age, and not currently under a suspension or revocation of hunting privileges.

ii. All applicants must submit, on a form and in a manner prescribed by the department, such personal information as may be required by the department including, but not limited to, name, address, date of birth, drivers' license number, and social security number.

iii. No person shall be entitled to apply for or receive more than one letter of permit for promotional hunting days in his or her lifetime.

iv. Any eligible person who applies for the promotional hunting days shall receive a letter of permit from the secretary.

v. Any person hunting under the promotional hunting days letter of permit must be accompanied by a validly licensed hunter.

vi. Any person hunting under the promotional hunting days letter of permit shall meet all other legal requirements for obtaining a hunting license, including but not limited to, successful completion of a hunter education course.

vii. Any person hunting under the promotional hunting days letter of permit must have in his possession while hunting, a valid hunter education card or certificate.

viii. Any person hunting under the promotional hunting days letter of permit may hunt during all legal hunting hours on the dates recited in the permit, but only during legal hunting hours.

ix. Any person hunting under a letter of permit shall be subject to all of the limitations, restrictions, conditions, laws, and rules and regulations applicable to the holder of a hunting license.

x. Any person hunting under the promotional hunting days letter of permit may hunt any species of resident game birds or game quadrupeds (excluding bears), as well as coyotes, bobcats and feral hogs for which the season is open at the time of the above stated weekends, but only those species for which the season is open at the time of the above stated weekends.

xi. Any person hunting under the promotional hunting days letter of permit may use any gear or method of take which is legal on the above designated weekends.

xii. Any person hunting under the promotional hunting days letter of permit may hunt only resident game birds and game quadrupeds (excluding bears), as well as coyotes, bobcats and feral hogs. All other species are excluded including, but not limited to, migratory game birds.

E. General Deer Hunting Regulations

1. One antlered and one antlerless (when legal) deer per day except on some Federal Refuges (check refuge regulations) and National Forest Lands where the daily limit shall be one deer per day. Six per season (all segments included) by all methods of take, except antlerless harvest on property enrolled in DMAP and LADT does not count in the season bag limit for hunters.

2. A legal buck is a deer with visible antler of hardened bony material, broken naturally through the skin. Killing bucks without at least one visible antler as described above and killing does is prohibited except where specifically allowed and except in Thistlethwaite Wildlife Management Area where a legal buck shall be defined as deer with at least four points on one side or a deer with unbranched antlers commonly referred to as spikes (no minimum length). To be counted as a point, a projection must be at least 1 inch long and its length must exceed the length of its base. The beam tip is counted as a point but not measured as a point.

3. Deer hunting restricted to legal bucks only, except where otherwise allowed.

4. Either-sex deer is defined as male or female deer. Taking or possessing spotted fawns is prohibited.

5. It is illegal to hunt or shoot deer with firearms smaller than .22 caliber centerfire or a shotgun loaded with anything other than buckshot or rifled slug. Handguns may be used for hunting.

6. Taking game quadrupeds or birds from aircraft, participating in the taking of deer with the aid of aircraft or from automobiles or other moving land vehicles is prohibited.

7. Still hunting is defined as stalking or stationary stand hunting without the use of dog(s). Pursuing, driving or hunting deer with dogs or moving vehicles, including ATVs, when or where a still hunting season or area is designated, is prohibited and will be strictly enforced. The training of deer dogs is prohibited in all still hunting areas during the gun still hunting and archery only season. Deer hunting with dogs is allowed in all other areas having open deer seasons that are not specifically designated as still hunting only. Except in wildlife management areas, a leashed dog may be used to trail and retrieve wounded or unrecovered deer during legal hunting hours. Any dog used to trail or retrieve wounded or unrecovered deer shall have on a collar with owner's name, address, and phone number. In addition, a dog may be used to trail and retrieve unrecovered deer after legal hunting hours; however, no person accompanying a dog after legal hunting hours may carry a firearm of any sort.

8. Areas not specifically designated as open are closed.

9. Muzzleloader Segment: (Special license and muzzleloader firearms specifications apply only to the special state, WMA, National Forest and Preserves, and Federal Refuge seasons.) Still hunt only. Specific WMAs will also be open, check WMA schedule for specific details. Muzzleloader license required for resident hunters between the ages of 16 and 59 inclusive and non-residents 16 years of age and older. Either-sex deer may be taken in all deer hunting areas except Area 5 and as specified on public areas. It is unlawful to carry a gun, other than a muzzleloader, including those powered by air or other means, while

hunting during the special muzzleloader segment. Except, it is lawful to carry a .22 caliber rimfire pistol loaded with #12 shot (ratshot only).

a. Legal Muzzleloader Firearms for Special Season: Rifles or pistols, .44 caliber minimum, or shotguns 10 gauge or smaller, all of which must load exclusively from the muzzle or cap and ball cylinder, use black powder or approved substitute only, take ball or bullet projectile only, including sabot bullets and may be fitted with magnified scopes. This includes muzzleloaders known as "inline" muzzleloaders.

10. Archery Segment. Consult regulations pamphlet. WMA seasons are the same as outside except as noted below. Archery license required for resident bow hunters between the ages of 16 and 59 inclusive and non-residents 16 years of age and older. Residents 60 years of age and older may use a crossbow without a special permit or license. Either-sex deer may be taken in all areas open for deer hunting except when a buck's only season is in progress for gun hunting, and except in Area 6 from October 1-15. Archer's must conform to the buck's only regulations. Either-sex deer may be taken on WMAs at anytime during archery season except when bucks only seasons are in progress on the respective WMA. Also, archery season restricted on Atchafalaya Delta, Salvador, Lake Boeuf, and Pointe-aux-Chenes WMAs (see schedule).

a. Bow and Arrow Regulations. Hunting arrows for deer must have well-sharpened metal broadhead blades not less than 7/8 inch in width. Bow and arrow fishermen must have a sport fishing license and not carry any arrows with broadhead points unless a big game season is in progress.

i. It is unlawful:

(a). to carry a gun, including those powered by air or other means, while hunting with bow and arrow during the special bow and arrow deer season except it is lawful to carry a .22 caliber rimfire pistol loaded with #12 shot (ratshot) only;

(b). to have in possession or use any poisoned or drugged arrow, arrows with explosive tips, or any bow drawn, held or released by mechanical means except that hand held releases are lawful;

(c). to hunt deer with a bow having a pull less than 30 pounds;

(d). to hunt with a bow or crossbow fitted with an infrared or laser sight;

(e). to take deer while deer are swimming or while the hunter is in a boat with motor attached in operating position; however, the restrictions in this paragraph shall not apply to any person who has lost one or more limbs.

11. Hunter Orange. Any person hunting deer shall display on his head, chest and/or back a total of not less than 400 square inches of "hunter orange" during the open deer gun season including muzzleloader season. Persons hunting on privately owned, legally posted land may wear a hunter orange cap or hat in lieu of the 400 square inches. These provisions shall not apply to persons hunting deer from elevated stands on property that is privately owned and legally posted or to archery deer hunters hunting on legally posted lands where firearm hunting is not allowed by agreement of the landowner or lessee. However, anyone hunting deer on such lands where hunting with firearms is allowed shall be required to display the 400 square inches or

a hunter orange cap or hat while walking to and from elevated stands. While a person is hunting from an elevated stand, the 400 square inches or cap or hat may be concealed. Warning: deer hunters are cautioned to watch for persons hunting other game or engaged in activities not requiring "hunter orange."

12. Special Handicapped Either-Sex Deer Season on Private Land. See regulations pamphlet for dates. Restricted to individuals with physically challenged hunter permit.

13. Special Youth Deer Hunt on Private Lands (Either-Sex). See regulations pamphlet for dates. Youths under the age of 16 only. Youths must possess a hunter safety certification or proof of successful completion of a hunter safety course. Each youth must be accompanied by one adult 18 years of age or older. If the accompanying adult is in possession of hunter safety certification, a valid hunting license or proof of successful completion of a hunter safety course, this requirement is waived for the youth. Adults may not possess a firearm. Youths may possess only one firearm while hunting. Legal firearms are the same as described for deer hunting. The supervising adult shall maintain visual and voice contact with the youth at all times. An adult may supervise only one youth during this special hunt.

#### F. Description of Areas

##### 1. Area 1

a. All of the following parishes are open: Concordia, East Baton Rouge, East Feliciana, Franklin, Madison, St. Helena, Tensas, Washington.

b. Portions of the following parishes are also open.

i. Catahoula—east of Boeuf River to Ouachita River, east of Ouachita River from its confluence with Boeuf River to La. Hwy. 8, south and east of La. Hwy. 8 southwesterly to parish line.

ii. Grant—east of U.S. 165 and south of La. 8.

iii. LaSalle—south of a line beginning where Little River enters Catahoula Lake following the center of the lake eastward to Old River then to U.S. Highway 84, east of U.S. Highway 84 northward to La. Highway 8, south of La. Highway 8 eastward to parish line.

iv. Livingston—north of I-12.

v. Rapides—east of U.S. 165 and north of Red River.

vi. St. Tammany—all except that portion south of I-12, west of Hwy. 1077 to La. 22, south of La. 22 to Tchefuncte River, west of Tchefuncte River southward to Lake Pontchartrain.

vii. Tangipahoa—north of I-12.

viii. West Feliciana—all except that portion known as Raccourci and Turnbull Island.

c. Still hunting only in all or portions of the following parishes:

i. Catahoula—south of Deer Creek to Boeuf River, east of Boeuf and Ouachita Rivers to La. 8 at Harrisonburg, west of La. 8 to La. 913, west of La. 913 and La. 15 to Deer Creek.

ii. East Feliciana and East Baton Rouge—east of Thompson Creek from the Mississippi state line to La. 10. North of La. 10 from Thompson Creek to La. 67 at Clinton, west of La. 67 from Clinton to Mississippi state line. South of Mississippi state line from La. 67 to Thompson Creek. Also that portion of East Baton Rouge Parish east of La. 67 from La. 64 north to parish line, south of parish line from



La. 64 eastward to Amite River. West of Amite River southward to La. 64, north of La. 64 to La. 37 at Magnolia, east of La. 37 northward to La. 64 at Indian Mound, north of La. 64 from Indian Mound to La. 67. Also, that portion of East Feliciana Parish east of La. 67 from parish line north to La. 959, south of La. 959 east to La. 63, west of La. 63 to Amite River, west of Amite River, southward to parish line, north of parish line westward to La. 67.

iii. Franklin—all.

iv. St. Helena—north of La. 16 from Tickfaw River at Montpelier westward to La. 449, east and south of La. 449 from La. 16 at Pine Grove northward to La. 1045, south of La. 1045 from its junction with La. 449 eastward to the Tickfaw River, west of the Tickfaw River from La. 1045 southward to La. 16 at Montpelier.

v. Tangipahoa—that portion of Tangipahoa Parish north of La. 10 from the Tchefuncte River to La. 1061 at Wilmer, east of La. 1061 to La. 440 at Bolivar, south of La. 440 to the Tchefuncte River, west of the Tchefuncte River from La. 440 southward to La. 10.

vi. Washington and St. Tammany—east of La. 21 from the Mississippi state line southward to the Bogue Chitto River, north of the Bogue Chitto River from La. 21 eastward to the Pearl River Navigation Canal, east of the Pearl River Navigation Canal southward to the West Pearl River, north of the West Pearl River from the Pearl River Navigation Canal to Holmes Bayou, west of Holmes Bayou from the West Pearl River northward to the Pearl River, west of the Pearl River from Holmes Bayou northward to the Mississippi state line, south of the Mississippi state line from the Pearl River westward to La. 21. Also, that portion of Washington Parish west of La. 25 from the Mississippi state line southward to the Bogue Chitto River, then west of the Bogue Chitto River to its junction with the St. Tammany Parish line, north of the St. Tammany parish line to the Tangipahoa parish line, east of the Tangipahoa Parish line to the Mississippi state line, south of the Mississippi state line to its junction with La. 25.

vii. West Feliciana—west of Thompson Creek to Illinois-Central Railroad, north of Illinois-Central Railroad to Parish Road #7, east of Parish Road #7 to the junction of U.S. 61 and La. 966, east of La. 966 from U.S. 61 to Chaney Creek, south of Chaney Creek to Thompson Creek.

## 2. Area 2

a. All of the following parishes are open.

i. Bienville, Bossier, Caddo, Caldwell, Claiborne, DeSoto, Jackson, Lincoln, Natchitoches, Red River, Sabine, Union, Webster, Winn.

ii. Except: Kisatchie National Forest which has special regulations. Caney, Corney, Middlefork tracts of Kisatchie have the same regulations as Area 2, except still hunting only for deer and except National Forest Land within the Evangeline Unit, Calcasieu Ranger District described in Area 2 description shall be still hunting only.

b. Portions of the following parishes are also open.

i. Allen—north of U.S. 190 from parish line westward to Kinder, east of U.S. 165 from Kinder northward to La. 10 at Oakdale, north of La. 10 from Oakdale westward to the parish line.

ii. Avoyelles—that portion west of I-49.

iii. Catahoula—west of Boeuf River to Ouachita River, west of Ouachita River from its confluence with

Boeuf River to La. Highway 8, north and west of La. Highway 8 southwesterly to parish line.

iv. Evangeline—all except the following portions: east of I-49 to junction of La. 29, east of La. 29 south of I-49 to Ville Platte, and north of U.S. 167 east of Ville Platte.

v. Grant—all except that portion south of La. 8 and east of U.S. 165.

vi. Jefferson Davis—north of U.S. 190.

vii. LaSalle—north of a line beginning where Little River enters Catahoula Lake, following the center of the lake eastward to Old River then to U.S. Highway 84, west of U.S. Highway 84 northward to La. Highway 8, north of La. Highway 8 eastward to parish line.

viii. Morehouse—west of U.S. 165 (from Arkansas state line) to Bonita, north and west of La. 140 to junction of La. 830-4 (Cooper Lake Road), west of La. 830-4 to Bastrop, west of La. 139 to junction of La. 593, west and south of La. 593 to Collinston, west of La. 138 to junction of La. 134 and north of La. 134 to Ouachita line at Wham Brake.

ix. Ouachita—all except south of U.S. 80 and east of Ouachita River, east of La. 139 from Sicard to junction of La. 134, south of La. 134 to Morehouse line at Wham Brake.

x. Rapides—all except north of Red River and east of U.S. 165. South of La. 465 to junction of La. 121, west of La. 121 and La. 112 to Union Hill, and north of La. 113 from Union Hill to Vernon Parish line, and that portion south of Alexandria between Red River and U.S. 167 to junction of U.S. 167 with I-49 at Turkey Creek exit, east of I-49 southward to parish line.

xi. Vernon—north of La. Hwy. 10 from the parish line westward to La. 113, south of La. 113 eastward to parish line. Also the portion north of La. 465, west of La. 117 from Kurthwood to Leesville, and north of La. 8 from Leesville to Texas state line.

c. Still hunting only in all or portions of the following parishes.

i. Claiborne and Webster—Caney, Corney and Middlefork tracts of Kisatchie National Forest (see Kisatchie National Forest regulations).

ii. Ouachita—east of Ouachita River.

iii. Rapides—west of U.S. 167 from Alexandria southward to I-49 at Turkey Creek Exit, west of I-49 southward to parish line, north of parish line westward to U.S. 165, east of U.S. 165 northward to U.S. 167 at Alexandria. North of La. 465 from Vernon Parish line to La. 121, west of La. 121 to I-49, west of I-49 to La. 8, south and east of La. 8 to La. 118 (Mora Road), south and west of La. 118 to Natchitoches Parish line.

iv. Vernon—east of Mora-Hutton Road from Natchitoches Parish line to Hillman Loop Road, south and east of Hillman Loop Road to Comrade Road, south of Comrade Road to La. 465, east and north of La. 465 to Rapides Parish line.

## 3. Area 3

a. All of Acadia, Cameron and Vermilion Parishes are open.

b. Portions of the following parishes are also open.

i. Allen—south of U.S. 190 and west of La. 113.

ii. Beauregard—west of La. 113. Also east of La. 27 from the parish line north to DeRidder and north of U.S. 190 westward from DeRidder to Texas line.

iii. Calcasieu—south of U.S. 90 from Sulphur to Texas State line. Also east of La. 27 from Sulphur northward to the parish line.

iv. Iberia—west of U.S. 90 and north of La. 14.

v. Jefferson Davis—all except north of U.S. 190.

vi. Lafayette—west of I-49 and U.S. 90.

vii. Rapides—south of La. 465 to junction of La. 121, west of La. 121 and La. 112 to Union Hill and north of La. 113 from Union Hill to Vernon Parish line.

viii. St. Landry—west of U.S. 167.

ix. Vernon—west and north of La. 113, south of La. 465, east of La. 117 from Kurthwood to Leesville, and south of La. 8 from Leesville to Texas state line.

#### 4. Area 4

a. All of East Carroll and Richland parishes are open.

b. Portions of the following parishes are open.

i. Morehouse—east of U.S. 165 (from Arkansas state line) to Bonita, south and east of La. 140 to junction of La. 830-4 (Cooper Lake Road), east of La. 830-4 to Bastrop, east of La. 139 at Bastrop to junction of La. 593, east and north of La. 593 to Collinston, east of La. 138 to junction of La. 134 and south of La. 134 to Ouachita line at Wham Brake.

ii. Ouachita—south of U.S. 80 and east of Ouachita River, east of La. 139 from Sicard to junction of La. 134, south of La. 134 to Morehouse line at Wham Bake.

#### 5. Area 5

a. All of West Carroll Parish is open.

#### 6. Area 6

a. All of Orleans Parish is closed to all forms of deer hunting.

b. All of the following parishes are open: Ascension, Assumption, Iberville, Jefferson, Lafourche, Plaquemines, Pointe Coupee, St. Bernard, St. Charles, St. James, St. John, St. Martin, Terrebonne, West Baton Rouge.

c. Portions of the following parishes are also open.

i. Avoyelles—all except that portion west of I-49.

ii. Evangeline—that portion east of I-49 to junction of La. 29, east of La. 29 south of I-49 to Ville Platte and north of U.S. 167 east of Ville Platte.

iii. Iberia—east of U.S. 90.

iv. Lafayette—east of I-49 and U.S. 90.

v. Livingston—south of I-12.

vi. Rapides—south of Alexandria between Red River and U.S. 167 to the junction of U.S. 167 with I-49 at Turkey Creek Exit, east of I-49 southward to parish line.

vii. St. Landry—east of U.S. 167.

viii. St. Mary—north of U.S. 90 from Iberia Parish line eastward to Wax Lake Outlet, east of Wax Lake Outlet southward to Intracoastal Waterway, north of Intracoastal Waterway eastward to Terrebonne Parish line.

ix. St. Tammany—that portion south of I-12, west of Hwy. 1077 to La. 22, south of La. 22 to Tchefuncte River, west of Tchefuncte River southward to Lake Pontchartrain.

x. Tangipahoa—south of I-12.

xi. West Feliciana—west of Mississippi River, known as Raccourci and Turnbull Islands.

d. Still hunting only in all or portions of the following parishes.

i. Avoyelles—north of La. 1 from Simmesport westward to La. 115 at Marksville, east of La. 115 from

Marksville northward to the Red River near Moncla, south and west of the Red River to La. 1 at Simmesport.

ii. Plaquemines—east of the Mississippi River.

iii. Rapides—south of Alexandria between Red River and U.S. 167 to the junction of U.S. 167 with I-49 at Turkey Creek Exit, east of I-49 southward to parish line.

iv. St. Bernard—all of the parish shall be still hunting only except that portion of St. Bernard known as the spoil area between the MRGO on the east and Access Canal on the west, south of Bayou Bienvenue and north of Bayou la Loutre.

v. St. John—south of Pass Manchac from Lake Pontchartrain to U.S. 51, east of U.S. 51 from Pass Manchac to La. 638 (Frenier Beach Road). North of La. 638 from U.S. 51 to Lake Pontchartrain. West of Lake Pontchartrain from La. 638 to Pass Manchac.

vi. St. Landry—those lands surrounding Thistlethwaite WMA bounded north and east by La. 359, west by La. 10, and south by La. 103.

vii. New High Water Benchmark Closure. Deer hunting in those portions of Iberia, Iberville, St. Martin, and St. Mary parishes south of Interstate 10, west of the East Guide Levee, east of the West Guide Levee, and north of U.S. Highway 90 will be closed when the river stage of the Atchafalaya River reaches 18 feet at Butte LaRose.

#### 7. Area 7

a. Portions of the following parishes are open.

i. Iberia—south of La. 14 and west of U.S. Hwy. 90.

ii. St. Mary—south of U.S. 90 from Iberia Parish line eastward to Wax Lake Outlet, west of Wax Lake Outlet southward to Intracoastal Waterway, south of Intracoastal Waterway from Wax Lake Outlet eastward to Terrebonne Parish line.

#### 8. Area 8

a. Portions of the following parishes are open.

i. Allen—that portion east of La. 113 from the parish line to U.S. 190, north of U.S. 190 eastward to Kinder, west of U.S. 165 northward to La. 10 at Oakdale and south of La. 10 from Oakdale westward to parish line.

ii. Beaugard—that portion east of La. 113. Also that portion west of La. 27 from parish line northward to DeRidder, south of U.S. 190 from DeRidder to Texas state line.

iii. Calcasieu—that portion east of La. 27 from the parish line southward to Sulphur and north of U.S. 90 from Sulphur to Texas state line.

iv. Vernon—that portion east of La. 113 from the parish line northward to Pitkin and south of La. 10 from Pitkin southward to the parish line.

#### G. Wildlife Management Area Regulations

##### 1. General

a. The following rules and regulations concerning the management, protection and harvest of wildlife have been officially approved and adopted by the Wildlife and Fisheries Commission in accordance with the authority provided in Louisiana Revised Statutes of 1950, Section 109 of Title 56. Failure to comply with these regulations will subject individual to citation and/or expulsion from the management area.

b. Citizens are cautioned that by entering a WMA managed by the LDWF they may be subjecting themselves

and/or their vehicles to game and/or license checks, inspections and searches.

c. Wildlife management area seasons may be altered or closed anytime by the department secretary in emergency situations (floods, fire or other critical circumstances).

d. Hunters may enter the WMA no earlier than 3 a.m. unless otherwise specified. On days when daily permits are required, permit stations will open 2 hours before legal shooting hours. Hunters must check out and exit the WMA no later than two hours after sunset, or as otherwise specified.

e. Lands within WMA boundaries will have the same seasons and regulations pertaining to baiting and use of dogs as the WMA within which the lands are enclosed; however, with respect to private lands enclosed within a WMA, the owner or lessee may elect to hunt according to the regular season dates applicable to the geographic area in which the lands are located, provided that the lands are first enrolled in DMAP. Interested parties should contact the nearest LDWF regional office for additional information.

f. Dumping garbage or trash on WMAs is prohibited. Garbage and trash may be properly disposed of in designated locations if provided.

g. Disorderly conduct or hunting under influence of alcoholic beverages, chemicals and other similar substances is prohibited.

h. Damage to or removal of trees, shrubs, hard mast (acorn, pecans, etc.), wild plants and non-game wildlife (including reptiles and amphibians) is prohibited without prior approval from the Baton Rouge office. Gathering and/or removal of soft fruits, mushrooms and berries shall be limited to 5 gallons per person per day.

i. Burning of marshes is prohibited. Hunting actively burning marsh prohibited.

j. Nature Trails. Trails shall be limited to pedestrians only. No vehicles, ATVs, horses, mules, bicycles, etc., allowed. Removal of vegetation (standing or down) or other natural material prohibited.

k. Deer seasons are for legal buck deer unless otherwise specified.

l. Small game, when listed under the WMA regulations may include both resident game animals and game birds as well as migratory species of birds.

m. Oysters may not be harvested from any WMA, except that oysters may be harvested from private oyster leases and state seed grounds located within a WMA, when authorized by the Wildlife and Fisheries Commission and upon approval by the Department of Health and Hospitals.

n. Free ranging livestock prohibited.

## 2. Permits

a. A WMA hunting permit is required for persons aged 18 through 59 to hunt on WMAs.

b. Daily. Daily permits when required shall be obtained at permit stations on or near each WMA after first presenting a valid hunting license to a department employee. Hunters must retain permit in possession while hunting. Hunters may enter the area no earlier than two hours before legal shooting time unless otherwise specified. Hunters must checkout daily and exit the area not later than two hours after sunset unless otherwise specified.

c. Self-Clearing Permits. A self-clearing permit is required for all activities (hunting, fishing, hiking, birdwatching, sightseeing, etc.) on WMAs unless otherwise specified. The self-clearing permit will consist of three portions: check in, check out and a Vehicle Tag. On WMAs where self-clearing permits are required, all persons must obtain a WMA self-clearing permit from an information station. The check in portion must be completed and put in a permit box before each day's activity on the day of the activity (except if hunting from a private camp adjacent to the WMA being hunted, users need only to check in once during any 72 hour period). Users may check-in one day in advance of use. The check out portion must be carried by each person while on the WMA and must be completed and put in a permit box immediately upon exiting the WMA or within 72 hours after checking in if hunting from a private camp adjacent to the WMA being hunted. Each person must leave the Vehicle Tag portion of his permit on the dashboard of the vehicle used to enter into the WMA in such a way that it can be easily read from outside of the vehicle. This must be done only when the vehicle is parked and left unattended on the WMA. If an ATV, boat or other type vehicle was used to enter the WMA, then the vehicle tag must be attached to that vehicle in such a manner that it can be readily seen and read. No permit is required of fishers and boaters who do not travel on a WMA road and/or launch on the WMA as long as they do not get out of the boat and onto the WMA. When mandatory deer checks are specified on WMAs, hunters must check deer at a check station. Call the appropriate region office for the location of the deer check station on these WMAs. (Self-clearing permits are not required for persons only traveling through the WMA provided that the most direct route is taken and no activities or stops take place.)

d. Persons using WMAs or other department administered lands for any purpose must possess one of the following: a valid Wild Louisiana stamp, a valid Louisiana fishing license, or a valid Louisiana hunting license. Persons younger than 16 or older than 60 years of age are exempt from this requirement. Also a self-clearing WMA permit, detailed above, may be required (available at most entrances to each WMA). Check individual WMA listings for exceptions.

## 3. Special Seasons

a. Youth Deer Hunt. Only youths younger than 16 years of age may hunt. All other seasons are closed except handicapped seasons. Youths must possess a hunter safety certification or proof of successful completion of a hunter safety course. Each youth must be accompanied by one adult 18 years of age or older. If the accompanying adult is in possession of a hunter safety certification, a valid Louisiana hunting license or proof of successful completion of a hunter safety course, this requirement is waived for the youth. Adults may not possess a firearm. Youths may possess only one firearm while hunting. Legal firearms are the same as described for deer hunting. The supervising adult shall maintain visual and voice contact with the youth at all times. An adult may supervise only one youth during this special hunt. Contact the appropriate region office for special check station locations when daily permits are required and maps of specific hunting areas. Either-sex deer may be taken on

WMAs with youth hunts. Consult the regulations pamphlet for WMAs offering youth hunts.

NOTE: Some hunts may be by pre-application lottery.

b. Youth Squirrel Hunt. Only youths younger than 16 years of age may hunt. Squirrel, rabbit, raccoon and opossum may be taken. Hogs may not be taken. No dogs allowed. All other seasons will remain open to other hunters. Youths must possess a hunter safety certification or proof of successful completion of a hunter safety course. Each youth must be accompanied by one adult 18 years of age or older. If the accompanying adult is in possession of hunter safety certification, a valid hunting license or proof of successful completion of a hunter safety course, this requirement is waived for the youth. Adults may not possess a firearm. Youths may possess only one firearm while hunting. The supervising adult shall maintain visual and voice contact with the youth at all times. Self-clearing permits are required. Consult the regulations pamphlet for WMAs offering youth squirrel hunts.

c. Youth Mourning Dove Hunt. A youth mourning dove hunt will be conducted on specific WMAs and will follow the same regulations provided for youth deer hunts on the second weekend of the mourning dove season (Saturday and Sunday only). Consult the regulations pamphlet for WMAs offering youth mourning dove hunts.

d. Handicapped Season. An either-sex deer season will be held for hunters possessing a physically challenged hunter permit on WMAs during the dates specified under the individual WMA. Participants must possess a physically challenged hunter permit. Contact region office for permit application and map of specific hunting area. Consult the regulations pamphlet for WMAs offering handicapped seasons. Pointe-aux-Chenes will have an experimental Lottery handicapped waterfowl hunt. Contact New Iberia Office, Fur and Refuge Division for details.

e. Deer Lottery Hunts. Hunts restricted to those persons selected as a result of the pre-application lottery. Consult the regulations pamphlet for deadlines. A non-refundable application fee must be sent with application. Contact region offices for applications. Consult regulations pamphlet for WMAs offering lottery deer hunts.

f. Turkey Lottery Hunts. Hunts restricted to those persons selected by lottery. Consult the regulations pamphlet for deadlines. All turkeys must be reported at self-clearing station. Contact region offices for more details. Consult separate turkey hunting regulations pamphlet for more details.

g. Waterfowl Lottery Hunts. Hunts restricted to those persons selected by lottery. Consult the regulations pamphlet for deadline. Consult regulations pamphlet for individual WMA schedules or contact any Wildlife Division Office for more details.

h. Mourning Dove Lottery Hunts. Consult regulations pamphlet for individual WMA schedules or contact any Wildlife Division Office for more details.

i. Trapping. Permits to take furbearers from WMAs may be obtained at appropriate offices when required. Consult annual trapping regulations for specific dates. All traps must be run daily. Traps with teeth are illegal. On WMAs where permits are required, each trapper must submit an annual trapping report to the region office where his permit was obtained. Non-compliance will result in

forfeiture of trapping privileges on the WMAs. Permits may be obtained only between hours of 8 a.m. to 4:30 p.m. on normal working days at region offices. Hunter orange required when a deer gun season is in progress. A permit is required to carry a firearm outside of the normal hunting season and is available at the region office.

j. Raccoon Hunting. A licensed hunter may take raccoon or opossum, one per person per day, during daylight hours only, during the open rabbit season on WMAs. Nighttime experimental—all nighttime raccoon hunting where allowed is with dogs only. There is no bag limit. Raccoon hunters with dogs must submit an annual report of their kill to the region office for WMAs where permits are required. Non-compliance will result in forfeiture of raccoon or all hunting privileges on WMAs. Permits, when required, may be obtained at region offices only between hours of 8 a.m. to 4:30 p.m. on normal working days.

k. Sport Fishing. Sport fishing, crawfishing and frogging are allowed on WMAs when in compliance with current laws and regulations except as otherwise specified under individual WMA listings.

l. Additional Department Lands. The department manages additional lands that are included in the WMA system and available for public recreation. Small tracts are located in Vernon, Evangeline, St. Helena and other parishes. These small tracts have been acquired from the Farmers Home Administration or other sources for conservation purposes. Contact the appropriate Wildlife and Fisheries Region Office for specific information and any additional season dates.

#### 4. Firearms

a. Firearms having live ammunition in the chamber, magazine, cylinder or clip when attached to firearms are not allowed in or on vehicles, boats under power, motorcycles, ATVs, ATCs or in camping areas on WMAs. Firearms may not be carried on any area before or after permitted hours (except in authorized camping areas and except as may be permitted for authorized trappers).

b. Firearms and bows and arrows are not allowed on WMAs during closed seasons except on designated shooting ranges or as permitted for trapping. Bows and broadhead arrows are not allowed on WMAs except during deer archery season, turkey season or as permitted for bowfishing.

c. Encased or broken down firearms and any game harvested may be transported through the areas by the most direct route provided that no other route exists except as specified under Wildlife Management Area listing.

d. Loaded firearms are not allowed near WMA check stations.

e. Centerfire rifles and handguns larger than .22 caliber rimfire, shotgun slugs or shot larger than BB lead or F steel shot cannot be carried onto any WMA except during modern firearm deer season.

f. Target shooting and other forms of practice shooting are prohibited on WMAs except as otherwise specified.

g. Discharging of firearms on or hunting from designated roads, ATV trails or their rights-of-way is prohibited during the modern firearm and muzzleloader deer season.

#### 5. Methods of Taking Game

a. Moving deer or hogs on a WMA with organized drivers and standers, drivers or making use of noises or noise-making devices is prohibited.

b. On Wildlife Management Areas the daily limit shall be one antlered deer and one antlerless deer (when legal) per day. Six per season (all segments included) by all methods of take.

c. Baiting or hunting over bait is prohibited on all WMAs (hogs included).

d. Hunters who kill deer on WMAs that require daily permits must have deer checked at the check station on same day of kill. Deer may not be skinned or have any external body parts removed including but not limited to feet, legs, tail, head or ears before being checked out.

e. Deer hunting on WMAs is restricted to still hunting only. No WMA will be open for deer during early still hunt season unless specified in the regulation pamphlet.

f. Construction of and/or hunting from permanent tree stands or permanent blinds on WMAs is prohibited. Any permanent stand or permanent blind will be removed and destroyed. Permanent tree stands are any stands that use nails, screws, spikes, etc., to attach to trees are strictly prohibited. Portable deer stands (those that are designed to be routinely carried by one person) may not be left on WMAs unless the stands are removed from trees and left in a non-hunting position (a non-hunting position is one in which a hunter could not hunt from the stand in its present position). Also, all stands left must be legibly tagged with the user's name, address, phone number and big game hunting license number (or lifetime license number). No stand may be left on any WMA prior to the day before deer season opens on that WMA and all stands must be removed from the WMA within one day after the close of deer hunting on that WMA. Free standing blinds must be disassembled when not in use. Stands left will not reserve hunting sites for the owner or user. All portable stands, blinds, tripods, etc. found unattended in a hunting position or untagged will be confiscated and disposed of by the Department of Wildlife and Fisheries. LDWF not be responsible for unattended stands left on an area.

g. Hunting from utility poles, high tension power lines, oil and gas exploration facilities or platforms is prohibited.

h. A permanent blind is any blind using non-natural materials or having a frame which is not dismantled within two hours after the end of legal shooting time each day. Blinds with frames of wood, plastic, metal poles, wire, mesh, webbing or other materials may be used but must be removed from the WMA within two hours after the end of legal shooting time each day. Blinds made solely of natural vegetation and not held together by nails or other metallic fasteners may be left in place but cannot be used to reserve hunting locations. All decoys must be removed from the WMA daily.

i. It is illegal to save or reserve hunting locations using permanent stands or blinds. Stands or blinds attached to trees with screws, nails, spikes, etc., are illegal.

j. Tree climbing spurs, spikes or screw-in steps are prohibited.

k. Unattended decoys will be confiscated and forfeited to the Department of Wildlife and Fisheries and

disposed of by the department. This action is necessary to prevent preemption of hunting space.

l. Spot lighting (shining) from vehicles is prohibited on all WMAs.

m. Horses and mules may be ridden on Wildlife Management Areas except where prohibited and except during gun seasons for deer and turkey. Riding is restricted to designated roads and trails. Hunting and trapping from horses and mules is prohibited except for quail hunting or as otherwise specified.

n. All hunters except waterfowl hunters and mourning dove hunters (including archers and small game hunters) on WMAs must display 400 square inches of "Hunter Orange" and wear a "Hunter Orange" cap during open gun season for deer. Hunters participating in special dog seasons for rabbit and squirrel are required to wear a minimum of a "Hunter Orange" cap. All other hunters and archers (while on the ground) also must wear a minimum of a "Hunter Orange" cap during special dog seasons for rabbit and squirrel. Also all persons afield during hunting seasons are encouraged to display "Hunter Orange".

o. Archery season for deer. The archery season on WMAs is the same as outside and is open for either-sex deer except as otherwise specified on individual WMAs. Archery season restricted on Atchafalaya Delta and closed on certain WMAs when special seasons for youth or handicapped hunts are in progress. Consult regulations pamphlet for specific seasons.

p. Either-sex deer may be taken on WMAs at any time during archery season except when bucks only seasons are in progress on the respective WMAs. Archers must abide by bucks only regulations and other restrictions when such seasons are in progress.

q. Muzzleloader season for deer. Either-sex unless otherwise specified. See WMA deer schedule.

#### 6. Camping

a. Camping on WMAs, including trailers, houseboats, recreational vehicles and tents, is allowed only in designated areas and for a period not to exceed 16 consecutive days, regardless if the camp is attended or unattended. Houseboats shall not impede navigation. At the end of the 16-day period, camps must be removed from the area for at least 48 hours. Camping area use limited exclusively to outdoor recreational activities.

b. Houseboats are prohibited from overnight mooring within WMAs except on stream banks adjacent to department-owned designated camping areas. Overnight mooring of vessels that provide lodging for hire are prohibited on WMAs. On Atchafalaya Delta WMA and Pass-a-Loutre, houseboats may be moored in specially designated areas throughout the hunting season. At all other times of the year, mooring is limited to a period not to exceed 16 consecutive days. Permits are required for the mooring of houseboats on Pass-a-Loutre and Atchafalaya Delta WMAs. Permits must be obtained from the New Iberia office.

c. Discharge of human waste onto lands or waters of any WMA is strictly prohibited by state and federal law. In the event public restroom facilities are not available at a WMA, the following is required. Anyone camping on a WMA in a camper, trailer, or other unit (other than a houseboat or tent) shall have and shall utilize an operational

disposal system attached to the unit. Tent campers shall have and shall utilize portable waste disposal units and shall remove all human waste from the WMA upon leaving. Houseboats moored on a WMA shall have a permit or letter of certification from the Health Unit (Department of Health and Hospitals) of the parish within which the WMA occurs verifying that it has an approved sewerage disposal system on board. Further, that system shall be utilized by occupants of the houseboats when on the WMA.

d. No refuse or garbage may be dumped from these boats.

e. Firearms may not be kept loaded or discharged in a camping area.

f. Campsites must be cleaned by occupants prior to leaving and all refuse placed in designated locations when provided or carried off by campers.

g. Non-compliance with camping regulations will subject occupant to immediate expulsion and/or citation, including restitution for damages.

h. Swimming is prohibited within 100 yards of boat launching ramps.

#### 7. Restricted Areas

a. For your safety, all oil and gas production facilities (wells, pumping stations and storage facilities) are off limits.

b. No unauthorized entry or unauthorized hunting in restricted areas or refuges.

8. Dogs. All use of dogs on WMAs, except for bird hunting and duck hunting, is experimental as required by law. Having or using dogs on any WMA is prohibited except for nighttime experimental raccoon hunting, squirrel hunting, rabbit hunting, bird hunting, duck hunting, hog hunting and bird dog training when allowed; see individual WMA season listings for WMAs that allow dogs. Dogs running at large are prohibited on WMAs. The owner or handler of said dogs shall be liable. Only recognizable breeds of bird dogs and retrievers are allowed for quail and migratory bird hunting. Only beagle hounds which do not exceed 15 inches at the front shoulders and which have recognizable characteristics of the breed may be used on WMAs having experimental rabbit seasons.

#### 9. Vehicles

a. An all-terrain vehicle is an off-road vehicle (not legal for highway use) with factory specifications not to exceed the following: weight—750 pounds, length—85", and width—48". ATV tires are restricted to those no larger than 25 x 12 with a maximum 1" lug height and a maximum allowable tire pressure of 7 psi. as indicated on the tire by the manufacturer. Use of all other ATVs or ATV tires are prohibited on a WMA.

b. Vehicles having wheels with a wheel-tire combination having a radius of 17 inches or more from the center of the hub (measured horizontal to ground) are prohibited.

c. The testing, racing, speeding or unusual maneuvering of any type of vehicle is prohibited within wildlife management areas due to property damages resulting in high maintenance costs, disturbance of wildlife and destruction of forest reproduction.

d. Tractor or implement tires with farm tread designs R1, R2 and R4 known commonly as spade or lug grip types are prohibited on all vehicles.

e. Airboats, aircraft, personal water craft "mud crawling vessels" (commonly referred to as crawfish combines which use paddle wheels for locomotion) and hover craft are prohibited on all WMAs and refuges. Personal water craft are defined as a vessel which uses an inboard motor powering a water jet pump as its primary source of propulsion and is designed to be operated by a person sitting, standing or kneeling on the vessel rather than in the conventional manner of sitting or standing inside the vessel. Personal water craft allowed on designated areas of Alexander State Forest WMA.

f. No internal combustion engines allowed in certain Greentree reservoirs.

g. Driving or parking vehicles on food or cover plots and strips is prohibited.

h. Blocking the entrance to roads and trails is prohibited.

i. Licensed motorized vehicles (LMVs) legal for highway use, including motorcycles, are restricted entirely to designated roads as indicated on WMA maps. ATVs are restricted to marked ATV trails only, except when WMA roads are closed to LMVs. ATVs may then use those roads until they are reopened for LMV traffic. WMA maps available at all region offices. This restriction does not apply to bicycles.

NOTE: All ATV trails are marked with signs and/or paint, but not all ATV trails appear on WMA maps.

j. Use of special ATV trails for handicapped persons is restricted to special ATV handicapped permittees. Handicapped ATV permittees are restricted to handicapped ATV trails or other ATV trails only as indicated on WMA maps or as marked by sign and/or paint. Persons 60 years of age and older, with proof of age, are also allowed to use special handicapped trails and need not obtain a permit. However, these persons must abide by all rules in place for these trails. Handicapped persons under the age of 60 must apply for and obtain a physically challenged hunter program permit from the department.

k. Entrances to ATV trails will be marked with peach colored paint. Entrances to handicapped-only ATV trails will be marked with blue colored paint. Entrances to ATV trails that are open all year long will be marked with purple paint. The end of all ATV trails will be marked by red paint. WMA maps serve only as a general guide to the route of most ATV trails, therefore all signage and paint marking as previously described will be used to determine compliance. Deviation from this will constitute a violation of WMA rules and regulations.

l. Roads and trails may be closed due to poor condition, construction or wet weather.

m. ATVs, and motorcycles cannot be left overnight on WMAs except on designated camping areas. ATVs are prohibited from two hours after sunset to 3 a.m., except raccoon hunters may use ATVs during nighttime raccoon take seasons only. ATVs are prohibited from March 1 through August 31 except certain trails may be open during this time period to provide access for fishing or other purposes and some ATV trails will be open all year long on certain WMAs.

n. Caution—many department-maintained roadways on WMAs are unimproved and substandard. A maximum 20 mph speed limit is recommended for all land vehicles using these roads.

o. Hunters over the age of 59 and those with a physically challenged hunter permit are allowed to retrieve their own downed deer and hogs with the aid of an ATV, except on Thistlethwaite WMA, under the following conditions:

- i. no firearms or archery equipment is in possession of the retrieval party or on the ATV;
- ii. the retrieval party may consist of no more than one ATV and one helper;
- iii. ATVs may not be used to locate or search for wounded game or for any other purpose than retrieval of deer and hogs once they have been legally harvested and located.

#### 10. Commercial Activities

a. Hunting Guides/Outfitters. No person or group may act as a hunting guide, outfitter or in any other capacity for which they are paid or promised to be paid directly or indirectly by any other individual or individuals for services rendered to any other person or persons hunting on any Wildlife Management Area, regardless of whether such payment is for guiding, outfitting, lodging or club memberships.

b. Commercial activities prohibited without prior approval from Baton Rouge office or unless otherwise specified.

c. Commercial Fishing. Permits are required of all commercial fishermen using Grassy Lake, Pomme de Terre and Spring Bayou WMAs. Drag seines (except minnow and bait seines) are prohibited except experimental bait seines allowed on Dewey Wills WMA north of La. 28 in Diversion Canal. Commercial fishing is prohibited during regular waterfowl seasons on Grand Bay, Silver Lake and Lower Sunk Lake on Three Rivers WMA. Commercial fishing is prohibited on Salvador/Timken, Ouachita and Pointe-aux-Chenes WMAs except commercial fishing on Pointe-aux-Chenes is allowed in Cut Off Canal and Wonder Lake. No commercial fishing activity shall impede navigation and no unattended vessels or barges will be allowed. Non-compliance with permit regulations will result in revocation of commercial fishing privileges for the period the license is issued and one year thereafter. Commercial fishing is allowed on Pass-a-Loutre and Atchafalaya Delta WMAs. See Pass-a-Loutre for additional commercial fishing regulations on mullet.

11. Wildlife Management Areas Basic Season Structure. For season dates, bag limits, shooting hours, special seasons and other information consult the annual regulations pamphlet for specific details.

12. Resident Small Game (squirrel, rabbit, quail, mourning dove, woodcock, snipe, rail and gallinule). Consult regulations pamphlet. Unless otherwise specified under a specific WMA hunting schedule, the use of dogs for rabbit and squirrel hunting is prohibited.

13. Waterfowl (ducks, geese and coots). Consult regulations pamphlet. Hunting after 2 p.m. prohibited on all WMAs except for Atchafalaya Delta, Biloxi, Lake Boeuf, Pass-a-Loutre, Pointe-aux-Chenes, Salvador/Timken and Wisner WMAs. Consult specific WMA regulations for shooting hours on these WMAs.

14. Archery. Consult regulations pamphlet.

15. Hogs. Consult regulations pamphlet for specific WMA regulations. Unmarked hogs may be taken during any

legal hunting season on designated WMAs by properly licensed hunters using only guns or bow and arrow legal for specified seasons in progress. Hunters may harvest hogs during the month of March on Pass-a-Loutre WMA only by using shotguns with shot no larger than BB lead or F steel, or .22 caliber rimfire firearms. Hogs may not be taken with the aid of dogs, except unmarked hogs may be taken with the aid of dogs on Pearl River and Red River WMAs (consult Pearl River and Red River WMAs regulations) by permit from either the Baton Rouge or Ferriday offices and all hogs must be killed immediately and may not be transported live under any conditions and hunters may use centerfire pistols in addition to using guns allowed for season in progress.

16. Outlaw Quadrupeds and Birds. Consult regulations pamphlet. During hunting seasons specified on WMAs, incidental take of outlaw quadrupeds and birds is allowed by properly licensed hunters and only with guns or bows and arrows legal for season in progress on WMA. However, crows, blackbirds, grackles and cowbirds may not be taken before September 1 or after January 2.

#### 17. Wildlife Management Areas Hunting Schedule and Regulations

a. Acadiana Conservation Corridor

b. Alexander State Forest. From December through February all hunters must check daily with the Office of Forestry for scheduled burning activity. No hunting or other activity will be permitted in burn units the day of the burning. Call 318-487-5172 or 318-487-5058 for information on burning schedules. Vehicles restricted to paved and graveled roads. No parking on or fishing or swimming from bridges. No open fires except in recreation areas.

c. Atchafalaya Delta. Water control structures are not to be tampered with or altered by anyone other than employees of the Department of Wildlife and Fisheries at any time. ATVs, ATCs and motorcycles prohibited except as permitted for authorized WMA trappers.

d. Attakapas

e. Bayou Macon. All night activities prohibited except as otherwise provided.

f. Bayou Pierre

g. Bens Creek

h. Big Colewa Bayou. All nighttime activities prohibited.

i. Big Lake

j. Biloxi

k. Bodcau

l. Boeuf

m. Buckhorn

n. Camp Beauregard. Daily military clearance required for all recreational users. Registration for use of self-clearing permit required once per year. All game harvested must be reported. Retriever training allowed on selected portions of the WMA. Contact the region office for specific details.

o. Clear Creek (formerly Boise-Vernon)

p. Dewey W. Wills—Crawfish: 100 pounds per person per day.

q. Elbow Slough. Steel shot only for all hunting.

r. Elm Hall. No ATVs allowed.

s. Floy Ward McElroy

t. Fort Polk. Daily military clearance required to hunt or trap. Registration for use of self-clearing permit required once per year. New special regulations apply to ATV users.

u. Grassy Lake. Commercial Fishing: Permitted except on Smith Bay, Red River Bay and Grassy Lake proper on Saturday and Sunday and during waterfowl season. Permits available from area supervisor at Spring Bayou headquarters or Opelousas Region Office. No hunting in restricted area.

v. Jackson-Bienville. Beginning September 1, 2004, ATVs are allowed only on non-public maintained gravel roads and marked ATV trails.

w. Joyce. Swamp Walk: Adhere to all WMA rules and regulations. No firearms or hunting allowed within 100 yards of walkways. Check hunting schedule and use walkway at your own risk.

x. Lake Boeuf. Hunting allowed until 12 noon on all game except during Youth Lottery Hunt. All nighttime activities prohibited.

y. Lake Ramsey. Foot traffic only—all vehicles restricted to Parish Roads.

z. Little River

aa. Loggy Bayou

bb. Manchac. Crabs: No crab traps allowed. Attended lift nets are allowed.

cc. Maurepas Swamp

dd. Ouachita. Waterfowl Refuge: North of La. Hwy. 15 closed to all hunting, fishing and trapping and ATV use during duck season including early teal season. Crawfish: 100 pounds per person per day limit. Night crawfishing prohibited. No traps or nets left overnight. Commercial Fishing: Closed. All nighttime activities prohibited except as otherwise provided.

ee. Pass-a-Loutre. Commercial Fishing: Same as outside. Commercial mullet fishing open only in: South Pass, Pass-a-Loutre, North Pass, Southeast Pass, Northeast Pass, Dennis Pass, Johnson Pass, Loomis Pass, Cadro Pass, Wright Pass, Viveats Pass, Cognevich Pass, Blind Bay, Redfish Bay, Garden Island Bay, Northshore Bay, East Bay (west of barrier islands) and oil and gas canals as described on the department Pass-a-Loutre WMA map. ATVs, ATCs and motorcycles prohibited on this area. Oyster harvesting is prohibited.

ff. Pearl River. All roads closed 8 p.m. to 4:30 a.m. to all vehicles. Old Hwy. 11 will be closed when river gauge at Pearl River, Louisiana, reaches 16.5 feet. All hunting will be closed when the river stage at Pearl River reaches 16.5 feet except waterfowl hunting south of Hwy. 90. No hunting in the vicinity of Nature Trail. Observe "No Hunting" signs. Rifle range open noon until 4 p.m. Friday, and 8 a.m. to 4:30 p.m. Saturday and Sunday with a fee.

gg. Peason Ridge. Daily military clearance required to hunt or trap. Registration for use of self-clearing permit required once per year. Special federal regulations apply to ATV users.

hh. Pointe-aux-Chenes. Hunting until 12 noon on all game, except for mourning dove hunting and youth lottery deer hunt as specified in regulation pamphlet. Point Farm: Gate will be open all weekends during month of February. No motorized vessels allowed in the drainage ditches. Recreational Fishing: Shrimp may be taken by the use of

cast nets only. During the inside open shrimp season, 25 pounds per boat per day (heads on) maximum shall be allowed. Size count to conform with open season requirements. During the inside closed season, 10 pounds per boat per day (heads on) may be taken for bait. Oyster harvesting is prohibited. Fish may be taken only by rod and reel or hand lines for recreational purposes only. Crabs may be taken only through the use of hand lines or nets; however, none are to remain set overnight. Twelve dozen crabs maximum are allowed per boat or vehicle per day. Crawfish may be harvested in unrestricted portions of the wildlife management area and shall be limited to 100 pounds per boat or group. Fishing gear used to catch crawfish shall not remain set overnight. The harvest of all fish, shrimp, crabs and crawfish are for recreational purposes only and any commercial use is prohibited. All boats powered by engines having horsepower ratings above 25 h.p. are not allowed in the Grand Bayou, Montegut and Pointe-aux-Chenes water management units. Public is permitted to travel anytime through the WMA for access purposes only, in the waterways known as Grand Bayou, Humble Canal, Little Bayou Blue and Grand Bayou Blue unless authorized by the department. All other motorized vehicles, horses and mules are prohibited unless authorized by the department.

ii. Pomme de Terre. Commercial Fishing: permitted Monday through Friday, except closed during duck season. Commercial fishing permits available from area supervisor, Opelousas Region Office or Spring Bayou headquarters. Sport Fishing: Same as outside except allowed only after 2 p.m. only during waterfowl season. Crawfish: April 1-July 31, recreational only, 100 lbs. per boat or group daily.

jj. Red River. Recreational crawfishing allowed on Yakey Farms wetland restoration projects February 1 to the last day of February, 100 pounds per person per day, maximum of five wire traps per person. No traps or nets left overnight. No motorized watercraft allowed.

kk. Russell Sage. Transporting trash or garbage on WMA roads is prohibited. All nighttime activities prohibited except as otherwise provided.

NOTE: All season dates on Chauvin Tract (U.S. 165 North) same as outside, except still hunt only and except deer hunting restricted to archery only. All vehicles including ATVs prohibited.

ll. Sabine

mm. Sabine Island. Sabine Island boundaries are Sabine River on the west, Cut-Off Bayou on the north, and Old River and Big Bayou on the south and east.

nn. Salvador/Timken. Hunting until 12 noon only for all game. All nighttime activities prohibited, including frogging. Recreational Fishing: Shrimp may be taken by the use of cast nets only. During the inside open shrimp season, 25 pounds per boat per day (heads on) maximum shall be permitted. Size count to conform with open season requirements. During the inside closed season, 10 pounds per boat per day (heads on) maximum may be taken for bait. Fish may be taken only by rod and reel or hand lines for recreational purposes only. Crabs may be taken only through the use of hand lines or nets; however, none of the lines are to remain set overnight. Twelve dozen crabs maximum are allowed per boat or vehicle per day. Crawfish may be harvested in unrestricted portions of the wildlife management area and shall be limited to 100 pounds per boat or group. Fishing gear used to catch crawfish shall not



remain set overnight. The harvest of all fish, shrimp, crabs and crawfish are for recreational purposes only and any commercial use is prohibited. Boats powered by internal combustion engines having horsepower ratings above 25 h.p. are permitted only in oil company access canals, Louisiana Cypress Canal, the Netherlands Pond including the West Canal, Lakes - "Baie Des Chactas" and Baie du Cabanage" and the Rathborne Access ditch. Use of mudboats powered by internal combustion engines with four cylinders or less is permitted in interior ditches from first Saturday in September through January and may be further permitted. Pulling boats over levees, dams or water control structures or any other activities which cause detriment to the integrity of levees, dams and water control structures is prohibited. ATVs, ATCs and motorcycles prohibited on this area.

oo. Sandy Hollow. Bird Dog Training: Consult regulation pamphlet. Wild birds only (use of pen-raised birds prohibited). Bird Dog Field Trials: Permit required from Baton Rouge Region Office. Horseback Riding: Organized trail rides prohibited. Riding allowed only on designated roads and trails. Horses and mules are specifically prohibited during turkey and gun season for deer except as allowed for bird dog field trials. No horses and mules on green planted areas.

pp. Sherburne. Crawfishing—Recreational crawfishing only on the South Farm Complexes. Crawfish harvest limited to 100 pounds per vehicle or boat per day. No traps or nets left overnight. No motorized watercraft allowed on farm complex. Commercial crawfishing allowed on the remainder of the area. Permit is required. Retriever training allowed on selected portions of the WMA. Contact the region office for specific details. Vehicular traffic prohibited on east Atchafalaya River levee within Sherburne WMA boundaries. Rifle and pistol range open daily. Skeet ranges open by appointment only, contact Hunter Education Office. No trespassing in restricted area behind ranges. Note: Atchafalaya National Wildlife Refuge, and U.S. Army Corps of Engineers land holdings adjacent to the Sherburne Wildlife Management Area will have the same rules and regulations as Sherburne WMA. No hunting or trapping in restricted area.

qq. Sicily Island Hills

rr. Soda Lake. No motorized vehicles allowed. Bicycles allowed. All trapping and hunting prohibited except archery hunting for deer and falconry.

ss. Spring Bayou. Commercial Fishing: permitted Monday through Friday except slat traps and hoop nets permitted any day. Permits available from area supervisor or Opelousas Region Office. Closed until after 2 p.m. during waterfowl season. Sport Fishing: same as outside except allowed only after 2 p.m. during waterfowl season. Crawfish: recreational only. No hunting allowed in headquarters area. Only overnight campers allowed in the improved Boggy Bayou Camping area. Rules and regulations posted at campsite. A fee is assessed for use of this campsite. Water skiing allowed only in Old River and Grand Lac.

tt. Tangipahoa Parish School Board. No horseback riding during gun season for deer or turkey. ATVs are not allowed.

uu. Thistlethwaite. No hunting or trapping in restricted area (see WMA map). All motorized vehicles

restricted to improved roads only. All users must enter and leave through main gate only. No entry into restricted areas.

vv. Three Rivers

ww. Tunica Hills. All vehicles restricted to Parish roads. Access to restricted areas is unauthorized. Refer to WMA map. Camping prohibited on area. North of Hwy. 66 (Angola Tract) closed to the general public March 1-September 30 except spring turkey hunting access allowed for those individuals drawn for special lottery hunt.

xx. Union. All nighttime activities prohibited except as otherwise provided.

yy. West Bay

zz. Wisner

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:115 and R.S. 56:116.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 25:1279 (July 1999), amended LR 26:1494 (July 2000), LR 27:1049 (July 2001), LR 28:1603 (July 2002), LR 29:1124 (July 2003), repromulgated LR 29:1522 (August 2003), amended LR 30:1495 (July 2004), LR 31:1611 (July 2005).

Wayne J. Sagrera  
Chairman

0507#030

## RULE

### Department of Wildlife and Fisheries Wildlife and Fisheries Commission

#### Oyster Lessee Out-of-State Landing Program (LAC 76:VII.515)

The Wildlife and Fisheries Commission hereby amends LAC 76:VII.515 relative to the Oyster Lessee Out-of-State Landing Program. Authority for adoption of this Rule is included in R.S. 56:6(10), R.S. 56:422, R.S. 56:424(B, G), and R.S. 56:425.

## Title 76

### WILDLIFE AND FISHERIES

#### Part VII. Fish and Other Aquatic Life

##### Chapter 5. Oysters

##### §515. Oyster Lessee Out-of-State Landing Program

A. Policy. The oyster lessee out-of-state landing permit is intended for the benefit of an oyster leaseholder, or his duly authorized designee, who desires to land oysters, from privately leased water bottoms only, outside the state of Louisiana, and to provide an effective method of regulating the transportation of oysters landed or off-loaded from a vessel outside of Louisiana. It is for use by Louisiana licensed oyster fishermen. Violation of any provision of the rules, regulations or statutes concerning the oyster out-of-state landing permit by the permittee, oyster harvester or vessel owner while operating under the permit shall result in the suspension and/or revocation of the permit in addition to any citations resulting from activities. The permit shall be valid for up to one calendar year beginning on January 1 and ending on December 31 of the same year. The cost per permit shall be \$100.

##### B. Permit Application and Procedures

1. Applications shall be available from the Louisiana Department of Wildlife and Fisheries (LDWF) licensing office in New Orleans at any time during regular business

hours. Completed applications, along with required documentation, will be accepted only by appointment at the LDWF Marine Fisheries Division in New Orleans. Applications shall only be accepted from the oyster leaseholder, or harvester operating on the leaseholder's behalf. All required information shall be provided before a permit is issued.

2. Applications shall include the following information:

a. applicant information including name, address, telephone number, social security number, and driver's license number. If applicable, commercial license numbers (vessel, oyster harvester, commercial fisherman) and vessel registration or U.S. Coast Guard (USCG) documentation;

b. leaseholder information including name, address, and leaseholder account identification number:

i. if name of leaseholder is a corporation, partnership, or other legal entity, the Louisiana Secretary of State Charter/Organization number must be provided;

ii. if the name of the leaseholder is different than the applicant, the applicant must provide valid permission from the leaseholder (also refer to Subparagraph B.2.i. below);

c. harvester information including name, address, telephone number, social security number, and driver's license number. If applicable, commercial license numbers (vessel, oyster harvester, commercial fisherman) may be required;

d. vessel owner information including name, address, telephone number, social security number, and driver's license number. If applicable, commercial license numbers (vessel, oyster harvester, commercial fisherman) may be required;

e. vessel information including name of vessel, vessel license number, USCG vessel documentation number, and/or vessel registration number, if applicable;

f. lease number(s) to be fished, and leaseholder name and identification number for each lease, while operating under the permit;

g. copies of vessel registration certificate(s) or U.S. Coast Guard vessel documentation certificate;

h. proof of lease ownership by supplying copies of certified lease plats and documents:

i. Corporation. If lessee name on plat is a corporation, provide the Louisiana Secretary of State Charter/Organization number. The applicant must be a registered director or agent of the corporation. If the applicant has been given permission to fish the lease(s) by the corporation, please refer to Subparagraph B.2.i. below;

ii. Power of Attorney. If lease(s) listed on the application are not listed under the applicant's account, the applicant shall provide documentation of power of attorney for the estate of the leaseholder. If the applicant has been given permission to fish the lease(s) by the estate of the leaseholder, please refer to Subparagraph B.2.i. below;

i. written, signed, notarized, and dated permission from the leaseholder to fish the lease(s), if applicable:

i. Corporation. The person granting permission must be a registered director or agent of the corporation which owns the lease(s) listed on the application;

ii. Power of Attorney. The person granting permission must provide documentation of power of

attorney for the estate of the leaseholder which owns the lease(s) listed on the application.

C. Operations. Permits are non-transferable and only the vessel listed on the permit can be used with the permit and only one vessel is allowed per permit. The vessel must maintain the original permit on board at all times while operating under the permit, including during times of fishing and transportation. Valid permission from the leaseholder must be present on the permitted vessel while operating under the permit. The complete original permit must be surrendered to the department in the event the permittee chooses to have the permit modified. Any change in leases fished shall require the permittee to submit a new application at no additional expense prior to fishing different leases. Any change in vessel shall require the permittee to submit a new application and permit fee. At no time while operating under the permit and transporting oysters out-of-state shall the permittee have on board the permitted vessel oysters taken from non-leased water bottoms of the state or from oyster leases not listed on the original permit. The permitted vessel shall display signs, visible from either side of the vessel and from the air, with the words "Oyster Permit" and the permit number shall be placed on these signs in letters at least 12 inches high.

D. Records, Reporting, and Severance Tax. The permittee shall maintain an up-to-date daily record of the number of sacks of oysters landed under the permit on forms provided by the department for that purpose. The permittee shall submit to the department a monthly record of the number of sacks of oysters landed under the permit and the name and Food and Drug Administration interstate certified shellfish shipper's number of the business to whom the oysters were sold no later than 15 days following the last day of the month on forms provided by the department for that purpose, even if no landings occurred. Failure to submit monthly records or incomplete records to the department before the reporting deadline shall result in suspension or revocation of the permit, at the discretion of the department. Payment of severance tax owed, as outlined in Louisiana Revised Statutes [R.S. 56:446(A)] must accompany the monthly report.

E. Monitoring. The vessel utilized under this permit shall have on-board and in working order an electronic vessel monitoring system as required by R.S. 56:424, as provided herein. Oyster vessels, the owner or operator of any vessel issued an oyster lessee out-of-state landing permit or a vessel that landed oysters from a private lease in Louisiana waters, at a location outside of Louisiana, or intends to land, or lands oysters out of state, must have an operable vessel monitoring system (VMS) unit installed on board that meets the requirements of LAC 76:VII.515. The VMS unit must be certified, installed on board and operable, and the department notified of the installation, before the vessel may begin dredging or transporting oysters.

F. VMS Requirements

1. Approved VMS Devices. Those devices approved by NOAA Fisheries or the Secretary of the Department of Wildlife and Fisheries for fisheries in the Gulf of Mexico and that meet the minimum performance criteria specified in Paragraph 2 of this Subsection. In the event that a VMS is deleted from the list, vessel owners that purchase a VMS unit that is part of that VMS list prior to approval of the

revised list will be considered to be in compliance with the requirement to have an approved unit, unless otherwise notified by the Department of Wildlife and Fisheries.

2. Minimum VMS Performance Criteria. The basic required features of the VMS are as follows.

a. The VMS shall be satellite-based and tamper proof, i.e., shall not permit the input of false positions; furthermore, satellite selection should be automatic to provide an optimal fix and should not be capable of being manually overridden by any person aboard a vessel or by the vessel owner.

b. The VMS shall be fully automatic and operational at all times, regardless of weather and environmental conditions, unless exempted under Paragraph 4 (Power Down Exemption) of this Subsection.

c. The VMS shall be capable of tracking vessels in all Louisiana coastal waters.

d. The VMS shall be capable of transmitting and storing information including vessel identification, date, time and latitude/longitude.

e. The VMS shall provide accurate hourly position transmissions every day of the year unless exempted under Paragraph 4 (Power Down Exemption) of this Subsection. In addition, the VMS shall allow polling of individual vessels or any set of vessels at any time and receive position reports in real time. For the purposes of this specification, "real time" shall constitute data that reflect a delay of 15 minutes or less between the displayed information and the vessel's actual position.

f. The VMS vendor shall be capable of transmitting position data to a Department of Wildlife and Fisheries designated computer system via a modem at a minimum speed of 9600 baud. Transmission shall be in a file format acceptable to the department.

g. The VMS shall be capable of providing vessel locations relative to state lines, DHH and LDWF designated growing areas/waters, public oyster seed grounds, unleased state water bottoms and lease lines.

h. The VMS vendor shall be capable of archiving vessel position histories for a minimum of three months and providing transmissions to the department of specified portions of archived data in response to department requests and in a variety of media (tape, compact disc, etc.).

3. Operating Requirements. Except as provided in Paragraph 4 (Power Down Exemption) of this Subsection, or unless otherwise required by law, all required VMS units must transmit a signal indicating the vessel's accurate position at least every hour, 24 hours a day, throughout the year.

4. Power Down Exemption. Any vessel required to have on board a fully operational VMS unit at all times, as specified in Paragraph 3 of this Subsection, is exempt from this requirement provided:

a. the vessel will be continuously out of the water for more than 72 consecutive hours; and

b. a valid letter of exemption obtained pursuant to Subparagraph 5.a of this Subsection has been issued to the vessel and is on board the vessel and the vessel is in compliance with all conditions and requirements of said letter.

#### 5. Letter of Exemption

a. Application. A vessel owner may apply for a letter of exemption from the operating requirements specified in Paragraph 3 of this Subsection for his/her vessel by sending a written request to the Department of Wildlife and Fisheries and providing the following: sufficient information to determine that the vessel will be out of the water for more than 72 continuous hours; the location of the vessel during the time an exemption is sought; and the exact time period for which an exemption is needed (i.e., the time the VMS will be turned off and turned on again). Any VMS-equipped vessel with an out-of-state landing permit, unless required by other fishery regulations to have on board a fully operational VMS unit at all times, need not transmit a signal when the vessel is in home port.

b. Issuance. Upon receipt of an application, the Department of Wildlife and Fisheries may issue a letter of exemption to the vessel if it is determined that the vessel owner provided sufficient information as required under Subparagraph 5.a. of this Subsection and that the issuance of the letter of exemption will not jeopardize accurate monitoring of the vessel's position. Upon written request, the Department of Wildlife and Fisheries may change the time period for which the exemption was granted.

6. Presumption. If a VMS unit fails to transmit an hourly signal of a vessel's position, the vessel shall be deemed to have incurred a VMS violation, for as long as the unit fails to transmit a signal, unless a preponderance of evidence shows that the failure to transmit was due to an unavoidable malfunction or disruption of the transmission that occurred while the vessel was declared out of the oyster fishery, as applicable, or was not at sea.

7. Replacement. Should a VMS unit require replacement, a vessel owner must submit documentation to the Department of Wildlife and Fisheries, within three days of installation and prior to the vessel's next trip, verifying that the new VMS unit is an operational, approved system as described under Paragraph F.1. of this Section.

8. Access. As a condition to obtaining an out-of-state landing permit or transporting private lease oysters out-of-state, all vessel owners must allow the Department of Wildlife and Fisheries, and their authorized wildlife enforcement agents or designees access to the vessel's VMS data, if applicable, and location data obtained from its VMS unit, if required, at the time of or after its transmission to the vendor or receiver, as the case may be.

9. Tampering. Tampering with a VMS, a VMS unit, or a VMS signal, is prohibited. Tampering includes any activity that is likely to affect the unit's ability to operate properly, signal, or accuracy of computing the vessel's position fix.

10. Violation. Failure to abide by any regulation set forth regarding the use or operation of VMS, or failure to have VMS when required shall be deemed a violation of this Section. All oysters taken, possessed, or transported by an oyster vessel in violation shall be considered illegally taken, possessed, or transported. All persons aboard vessels with oysters on board located in the VMS demarcation area without complying with the requirements herein shall be in violation of the VMS regulations. No person shall possess, transport, sell, barter, trade, or exchange or attempt to sell,

barter, trade, or exchange oysters taken from any waters of the state transported by vessel to any location outside of the state without complying with the provisions of this Section. The provisions of this Section do no exempt any person from any other laws, rules, regulation, and license requirements for this or other states as they pertain to the interstate shipment of shellfish. Violations of this Section shall constitute a Class 2 violation.

11. Demarcation Line. The VMS demarcation area is defined by a line within one mile of the state territorial line prior to exiting the state of Louisiana (a copy of a map showing the line is available from the Department of Wildlife and Fisheries upon request).

AUTHORITY NOTE: Promulgated in accordance with R.S. 56.6(10), R.S. 56:422, R.S. 56:424(B, G), and R.S. 56:425.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Office of Fisheries, LR 22:120 (February 1996), amended by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 31:1624 (July 2005).

Dwight Landreneau  
Secretary

0507#031

**RULE**

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

**Resident Game Hunting Seasons  
(LAC 76 XIX:101 and 103)**

The Wildlife and Fisheries Commission does hereby promulgate rules and regulations governing the hunting of resident game birds and game quadrupeds.

**Title 76**

**WILDLIFE AND FISHERIES**

**Part XIX. Hunting and WMA Regulations**

**Chapter 1. Resident Game Hunting Season**

**§101. General**

A. The Resident Game Hunting Season, 2005-2006, 2006-2007 and 2007-2008 regulations are hereby adopted by the Wildlife and Fisheries Commission. A complete copy of the regulation pamphlet may be obtained from the department.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:115.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 21:707 (July 1995), amended LR 22:585 (July 1996), LR 23:871 (July 1997), LR 24:1324 (July 1998), LR 25:1290 (July 1999), LR 26:1506 (July 2000), LR 27:1061 (July 2001), LR 28:1615 (July 2002), LR 29:1122 (July 2003), LR 30:1493 (July 2004), LR 31:1627 (July 2005).

**§103. Resident Game Birds and Animals 2005-2008**

A. Shooting Hours. One-half hour before sunrise to one-half hour after sunset.

B. Consult regulation pamphlet for seasons or specific regulations on Wildlife Management Areas or specific localities.

Species	2005-2008 Season Dates	Daily Bag Limit	Possession Limit
Quail	Opens: 3rd Saturday of November Closes: Last Day of February	10	20
Rabbit and Squirrel	Opens: 1st Saturday of October Closes: Last Day of February	8	16
Deer	See Schedule	1 antlered and 1 antlerless (when legal)	6/season

**C. 2005-2008 Deer Hunting Schedule**

Area	Archery	Muzzleloader (All Either Sex Except as Noted)	Still Hunt (No Dogs Allowed)	With or Without Dogs
1	Opens: 1st day of Oct. Closes: Last day of Jan.	Opens: 2nd Sat. of Nov. Closes: Fri. after 2nd Sat. of Nov. Opens: Mon. after the next to last Sun. of Jan. Closes: Last Sun. of Jan.	Opens: Sat. before Thanksgiving Day Closes: Fri. before 2nd Sat. of Dec. Opens: Mon. after 1st Sat. of Jan. Closes: next to last Sun. of Jan.	Opens: 2nd Sat. of Dec. Closes: Sun. after 1st Sat. of Jan.
2	Opens: 1st day of Oct. Closes: Last day of Jan.	Opens: Next to last Sat. of Oct. Closes: Fri. before last Sat. of Oct. Opens: Mon. after 2nd Sat. of Jan. Closes: Sun. after 3rd Sat. of Jan.	Opens: Last Sat. of Oct. Closes: Fri. before 2nd Sat. of Dec.	Opens: 2nd Sat. of Dec. Closes: Sun. after 2nd Sat. of Jan.
3	Opens: 3rd Sat. of Sept. Closes: Jan. 15	Opens: 2nd Sat. of Oct. Closes: Fri. before 3rd Sat. of Oct. Opens: Mon. after Thanksgiving Day Closes: Fri. before 1st Sat. of Dec.	Opens: 3rd Sat. of Oct. Closes: Sun. after Thanksgiving Day Opens: 1st Sat. of Dec. Closes: Sun. after 1st Sat. of Jan.	
4	Opens: 1st day of Oct. Closes: Last day of Jan.	Opens: 1st Sat. of Nov. Closes: Fri. before 2nd Sat. of Nov. Opens: Mon. after 1st Sat. of Jan. Closes: Mon. after 2nd Sat. of Jan.	Opens: 2nd Sat. of Nov. Closes: Sun. after 1st Sat. of Jan.	
5	Opens: 1st day of Oct. Closes: Last day of Jan.	Opens: 2nd Sat. of Nov. Closes: Fri. before 3rd Sat. of Nov. (Bucks Only) Opens: Day after Christmas Day Closes: Jan. 1st (Bucks Only)	Opens: Day after Thanksgiving Day Closes: Sun. after 2nd Sat. of Dec.	
6	Opens: 1st day of Oct.	Opens: 2nd Sat. of Nov.	Opens: Sat. before Thanksgiving Day	Opens: 2nd Sat. of Dec.

Area	Archery	Muzzleloader (All Either Sex Except as Noted)	Still Hunt (No Dogs Allowed)	With or Without Dogs
	Closes: Feb. 15 (1st 15 days are Bucks Only)	Closes: Fri. before 3rd Sat. of Nov. Opens: Mon. after the next to last Sun. of Jan. Closes: Last Sun. of Jan.	Closes: Fri. before 2nd Sat. of Dec.	Closes: Next to last Sun. of Jan.
7	Opens: 1st day of Oct. Closes: Last day of Jan.	Opens: 2nd Sat. of Oct. Closes: Fri. before 3rd Sat. of Oct. Opens: 1st Sat. of Nov. Closes: Fri. before 2nd Sat. of Nov.	Opens: 3rd Sat. of Oct. Closes: Fri. before 1st Sat. of Nov. Opens: 2nd Sat. of Nov. Closes: Sun. after Thanksgiving Day	Opens: Mon. after Thanksgiving Day Closes: 1st Sun. after Christmas Day
8	Opens: 3rd Sat. of Sept. Closes: Jan. 15	Opens: 2nd Sat. of Oct. Closes: Fri. before 3rd Sat. of Oct. Opens: Mon. after Thanksgiving Day Closes: Fri. before 1st Sat. of Dec.	Opens: 3rd Sat. of Oct. Closes: Sun. after Thanksgiving Day	Opens: 1st Sat. of Dec. Closes: Sun. after 1st Sat. of Jan.

D. Modern Firearm Schedule (Either Sex Seasons)

Parish	Area	Modern Firearm Either-Sex Days
Acadia	Area 3	Oct. 15-16, 22-23, 29-30, Nov. 5-6, 12-13, 19-27, Dec. 3-4
Allen	Area 2	Oct. 29-30, Nov. 5-6, 12-13, 19-27, Dec. 10-11, 24-25, 31, Jan. 1
	Area 3	Oct. 15-16, 22-23, 29-30, Nov. 5-6, 12-13, 19-27, Dec. 3-4
	Area 8	Oct. 15-16, 22-23, 29-30, Nov. 5-6, 12-13, 19-27, Dec. 3-4
Ascension	Area 6	Nov. 19-20, 23-27, Dec. 3-4, 10-11
Assumption	Area 6	Nov. 19-20, 23-27, Dec. 3-4, 10-11
Avoyelles	Area 2	Oct. 29-30, Nov. 19-20, 25-27, Dec. 10-11, 24-25, 31, Jan. 1
	Area 6	Nov. 19-20, 25-27, Dec. 3-4, 10-11
Beauregard	Area 3	Oct. 15-16, 22-23, 29-30, Nov. 5-6, 12-13, 19-27, Dec. 3-4
	Area 8	Oct. 15-16, 22-23, 29-30, Nov. 5-6, 12-13, 19-27, Dec. 3-4
Bienville	Area 2	Oct. 29-Nov. 6, 12-13, 19-27, Dec. 10-11, 24-25, 31, Jan. 1
Bossier	Area 2	Oct. 29-Nov. 6, 12-13, 19-27, Dec. 10-11, 24-25, 31, Jan. 1
Caddo	Area 2	Oct. 29-Nov. 6, 12-13, 19-27, Dec. 10-11, 24-25, 31, Jan. 1
Calcasieu	Area 3	Oct. 15-16, 22-23, 29-30, Nov. 5-6, 12-13, 19-27, Dec. 3-4
	Area 8	Oct. 15-16, 22-23, 29-30, Nov. 5-6, 12-13, 19-27, Dec. 3-4
Caldwell	Area 2	Oct. 29-30, Nov. 19-20, 25-27, Dec. 3-4, 10-11, 24-25, 31, Jan. 1
Cameron	Area 3	Oct. 15-16, 22-23, 29-30, Nov. 5-6, 12-13, 19-27, Dec. 3-4
Catahoula	Area 1	Nov. 19-20, 25-27, Dec. 3-4, 10-11, 24-25, 31, Jan. 1
	Area 2	Oct. 29-30, Nov. 19-20, 25-27, Dec. 3-4, 10-11, 24-25, 31, Jan. 1
Claiborne	Area 2	Oct. 29-Nov. 6, 12-13, 19-27, Dec. 10-11, 24-25, 31, Jan. 1
Concordia	Area 1	Nov. 19-20, 23-27, Dec. 3-4, 10-11, 17-18, 24-25, 31, Jan. 1
DeSoto	Area 2	Oct. 29-Nov. 6, 12-13, 19-27, Dec. 10-11, 24-25, 31, Jan. 1
East Baton Rouge	Area 1	Nov. 19-20, 23-27, Dec. 3-4, 10-11
East Carroll	Area 4 portion	Nov. 12-13, 19-20, 25-27, Dec. 3-4, 10-11, 17-18, east of mainline Mississippi River Levee and south and east of La. 877 from West Carroll Parish line to La. 580, south of La. 580 to U.S. 65, west of U.S. 65 to Madison Parish line.
	Area 4	Nov. 12-13, 25-27, remainder of the parish
East Feliciana	Area 1	Nov. 19-20, 25-27, Dec. 3-4, 10-11, 24-25, 31, Jan. 1
Evangeline	Area 2	Oct. 29-30, Nov. 5-6, 12-13, 19-27, Dec. 10-11, 24-25, 31, Jan. 1
	Area 6	Nov. 19-20, 23-27, Dec. 3-4, 10-11

Parish	Area	Modern Firearm Either-Sex Days
Franklin	Area 1	Nov. 19-20, 23-27, Dec. 10-11
Grant	Area 1	Nov. 19-20, 23-27, Dec. 10-11
	Area 2	Oct. 29-30, Nov. 5-6, 12-13, 19-20, 25-27, Dec. 10-11, 24-25, 31, Jan. 1
Iberia	Area 3	Oct. 15-16, 22-23, 29-30, Nov. 5-6, 12-13, 19-27, Dec. 3-4
	Area 6	Nov. 19-20, 23-27, Dec. 3-4, 10-11
	Area 7	Oct. 15-16, Nov. 12-13, 19-20, 25-27, Dec. 3-4
Iberville	Area 6	Nov. 19-20, 23-27, Dec. 3-4, 10-11, 24-25, 31, Jan. 1
		Oct. 29-30, Nov. 5-6, 12-13, 19-27,
Jackson	Area 2	Dec. 10-11, 24-25, 31, Jan. 1
Jefferson	Area 6	Nov. 19-20, 23-27, Dec. 3-4, 10-11
Jefferson Davis	Area 2	Oct. 29-30, Nov. 5-6, 12-13, 19-27, Dec. 10-11, 24-25, 31, Jan. 1
	Area 3	Oct. 15-16, 22-23, 29-30, Nov. 5-6, 12-13, 19-27, Dec. 3-4
Lafayette	Area 3	Oct. 15-16, 22-23, 29-30, Nov. 5-6, 12-13, 19-20, 25-27, Dec. 3-4
	Area 6	Nov. 19-20, 23-27, Dec. 3-4, 10-11
Lafourche	Area 6	Nov. 19-20, 23-27, Dec. 3-4, 10-11
LaSalle	Area 1	Nov. 19-20, 25-27, Dec. 10-11
	Area 2	Oct. 29-30, Nov. 19-20, 25-27, Dec. 10-11, 24-25, 31, Jan. 1
Lincoln	Area 2	Oct. 29-30, Nov. 5-6, 12-13, 19-27, Dec. 10-11, 24-25, 31, Jan. 1
Livingston	Area 1	Nov. 19-20, 23-27, Dec. 3-4, 10-11
	Area 6	Nov. 19-20, 23-27, Dec. 3-4, 10-11
		Nov. 19-20, 23-27,
Madison	Area 1	Dec. 3-4, 10-11, 17-18, 24-25, 31, Jan. 1
Morehouse	Area 2	Oct. 29-30, Nov. 5-6, 12-13, 19-27, Dec. 10-11, 24-25, 31, Jan. 1
	Area 4	Nov. 12-13, 19-20, 25-27, Dec. 24-25, 31, Jan. 1
Natchitoches	Area 2	Oct. 29-30, Nov. 5-6, 12-13, 19-20, 25-27, Dec. 10-11, 24-25, 31, Jan. 1
Orleans		Closed to all deer hunting
Ouachita	Area 2	Oct. 29-30, Nov. 5-6, 12-13, 19-27, Dec. 10-11, 24-25, 31, Jan. 1
	Area 4	Nov. 12-13, 19-20, 25-27, Dec. 24-25, 31, Jan. 1
Plaquemines	Area 6	Nov. 19-20, 23-27, Dec. 3-4, 10-11
Pointe Coupee	Area 6	Nov. 19-20, 23-27, Dec. 3-4, 10-11, Dec. 24-25, 31, Jan. 1
Rapides	Area 1	Nov. 19-20, 23-27, Dec. 10-11
	Area 2	Oct. 29-30, Nov. 5-6, 12-13, 19-20, 25-27, Dec. 10-11, 24-25, 31, Jan. 1
	Area 3	Oct. 15-16, 22-23, 29-30, Nov. 5-6, 12-13, 19-20, 25-27, Dec. 3-4
	Area 6	Nov. 19-20, 23-27, Dec. 3-4, 10-11
Red River	Area 2	Oct. 29-Nov. 6, 12-13, 19-27, Dec. 10-11, 24-25, 31, Jan. 1
Richland	Area 4	Nov. 12-13, 19-20, 25-27, Dec. 24-25, 31, Jan. 1
Sabine	Area 2	Oct. 29-30, Nov. 5-6, 12-13, 19-20, 25-27, Dec. 10-11, 24-25, 31, Jan. 1
St. Bernard	Area 6	Nov. 19-20, 23-27, Dec. 3-4, 10-11
St. Charles	Area 6	Nov. 19-20, 23-27, Dec. 3-4, 10-11
St. Helena	Area 1	Nov. 19-20, 23-27, Dec. 3-4, 10-11

Parish	Area	Modern Firearm Either-Sex Days
St. James	Area 6	Nov. 19-20, 23-27, Dec. 3-4, 10-11
St. John	Area 6	Nov. 19-20, 23-27, Dec. 3-4, 10-11
St. Landry	Area 3	Oct. 15-16, Nov. 25-27, Dec. 3-4
	Area 6	Nov. 19-20, 23-27, Dec. 3-4, 10-11
St. Martin	Area 6	Nov. 19-20, 23-27, Dec. 3-4, 10-11
St. Mary	Area 6	Nov. 19-20, 23-27, Dec. 3-4, 10-11
	Area 7	Oct. 15-16, Nov. 12-13, 19-20, 25-27, Dec. 3-4
St. Tammany	Area 1	Nov. 19-20, 23-27, Dec. 3-4, 10-11
	Area 6	Nov. 19-20, 23-27, Dec. 3-4, 10-11
Tangipahoa	Area 1	Nov. 19-20, 23-27, Dec. 3-4, 10-11
	Area 6	Nov. 19-20, 23-27, Dec. 3-4, 10-11
Tensas	Area 1	Nov. 19-20, 23-27, Dec. 3-4, 10-11, 17-18, 24-25, 31, Jan. 1
Terrebonne	Area 6	Nov. 19-20, 23-27, Dec. 3-4, 10-11
Union	Area 2	Oct. 29-30, Nov. 5-6, 12-13, 19-27, Dec. 10-11, 24-25, 31, Jan. 1
Vermilion	Area 3	Oct. 15-16, 22-23, 29-30, Nov. 5-6, 12-13, 19-27, Dec. 3-4
Vernon	Area 2	Oct. 29-30, Nov. 5-6, 12-13, 19-27, Dec. 10-11, 24-25, 31, Jan. 1
	Area 3	Oct. 15-16, 22-23, 29-30, Nov. 5-6, 12-13, 19-27, Dec. 3-4
	Area 8	Oct. 15-16, 22-23, 29-30, Nov. 5-6, 12-13, 19-27, Dec. 3-4
Washington	Area 1	Nov. 19-20, 23-27, Dec. 3-4, 10-11
Webster	Area 2	Oct. 29-Nov. 6, 12-13, 19-27, Dec. 10-11, 24-25, 31, Jan. 1
West Baton Rouge	Area 6	Nov. 19-20, 23-27, Dec. 3-4, 10-11, 24-25, 31, Jan. 1
West Carroll	Area 5	Nov. 25-26
West Feliciana	Area 1	Nov. 19-20, 23-27, Dec. 3-4, 10-11, 24-25, 31, Jan. 1
	Area 6	Nov. 19-20, 23-27, Dec. 3-4, 10-11, 24-25, 31, Jan. 1
Winn	Area 2	Oct. 29-30, Nov. 5-6, 12-13, 19-20, 25-27, Dec. 10-11, 24-25, 31, Jan. 1

E. Farm Raised White-tailed Deer on Supplemented Shooting Preserves

Archery	Modern Firearm	Either Sex
Oct. 1-Jan. 31 (Either Sex)	Nov. 1-Jan. 31	Nov. 1-7, Dec. 1-7, Jan. 1-7

F. Exotics on Supplemented Shooting Preserves: Either Sex, no closed season.

G. Promotional Hunting Days

1. The following dates are established as promotional hunting days.

a. First three days after Thanksgiving Day.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:115.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 21:707 (July 1995), amended LR 22:585 (July 1996), LR 23:871 (July 1997), LR 24:1324 (July 1998), LR 25:1290 (July 1999), repromulgated LR 25:1526 (August 1999), amended LR 26:1506 (July 2000), LR 27:1061 (July 2001), LR 28:1615 (July 2002), LR 29:1122 (July 2003), repromulgated LR 29:1521 (August 2003), amended LR 30:1494 (July 2004), LR 31:1627 (July 2005).

Wayne J. Sagrera  
Chairman

0507#029

# Notices of Intent

## NOTICE OF INTENT

### Department of Agriculture and Forestry Office of Agriculture and Environmental Sciences Structural Pest Control Commission

Structural Pest Control (LAC 7:XXV.107 and 117)

In accordance with provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the Department of Agriculture and Forestry, Structural Pest Control Commission, proposes to amend regulations regarding insurance requirements for structural pest control operators and requiring structural pest control operators to use a specific form to provide insurance and bond information. The proposed Rule also sets December 31 as the date of certification renewal instead of the date of initial testing or last recertification.

The Department of Agriculture and Forestry deems the implementation of these rules and regulations necessary because the current insurance and bond rules are outdated and refer to insurance codes that are obsolete. Pest control operator recertification is required once each three years. Industry requested the change for ease of remembering the recertification date. This Rule allows the department to better regulate the pest control industry by insuring that they have the required insurance, bond and certification.

This Rule complies with and is enabled by R.S. 3:3203.

#### Title 7

#### AGRICULTURE AND ANIMALS

#### Part XXV. Structural Pest Control

#### Chapter 1. Structural Pest Control Commission

#### §107. License to Engage in Structural Pest Control Work Required; Qualifications of Applicant; Requirements for Licensure; Phases of Structural Pest Control License; Conditions of the License

A. - E. ...

F. In addition to the qualifications required by §107.B-C, each applicant for licensure must:

1. submit a complete application for examination as required by §109 hereof;

2. be approved by the commission to take the examination for licensure;

3. have successfully completed a written examination for licensure no more than two years prior to the date of issuance of the license;

4. secure a permit for operation of the business location where he will be domiciled, as required by §105 above, provided that an applicant for license who is connected with a business location for which the commission has already issued a permit for operation need only to advise the commission of the business name and location of the permitted establishment where he will be domiciled;

5. provide a certificate of insurance on a document provided by the Louisiana Department of Agriculture and Forestry including but not limited to the following information:

a. not less than \$250,000, general liability coverage, per occurrence for the following:

i. all work performed under specific structural pest control license phases;

b. not less than \$100,000 coverage for property damage;

c. or combined single limits of \$350,000;

d. definitions for purposes of this Section:

i. *Public Liability*—general liability;

ii. *Accident*—occurrence;

e. provide at least 10 days prior written notice to the commission before cancellation and 10 days written notice to the commission when paid claims reach or exceed the aggregate limit.

6. Provide evidence of a surety or fidelity bond on a form provided by the department covering the business with which the applicant is connected, issued by a bonding, surety or insurance company authorized to do business in Louisiana, in the amount of \$2,000, of tenor and solvency satisfactory to a majority of the commission. An applicant who is not connected with a business covered by the required surety or fidelity bond must secure the appropriate coverage prior to issuance of the license.

G. - R. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:3308 and R.S. 3:3306 (redesignated R.S. 3:3366 and 3:3368).

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Structural Pest Control Commission, LR 11:326 (April 1985), amended by the Department of Agriculture and Forestry, Structural Pest Control Commission, LR 15:955 (November 1989), LR 19:1009 (August 1993), LR 23:855 (July 1997), LR 23:1493 (November 1997), amended by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, Structural Pest Control Commission, LR 31:

#### §117. Obligations of the Licensee

A. The licensee must keep the bond and general liability insurance required under §107.F in full force and effect at all times.

B. The licensee must renew the permit for operation for each business location annually prior to June 30.

C. The licensee must apply for a registration certificate for each employee under his supervision within 30 days after the employee is hired and must comply with all other requirements pertaining to registration of employees set forth in §113.

D. The licensee must follow label and labeling requirements in all applications of pesticides not specifically covered in §141.

E. The licensee shall be responsible for training the employee in the kind of work which he will perform.

F.1. The licensee must maintain his commercial applicator certification in current status by:

a. attending a continuing educational program for recertification approved by the Louisiana Department of Agriculture and Forestry;

b. recertification at least once every three years; such recertification shall be completed by December 31 of the year preceding the third anniversary of either the original certification or the most recent recertification;

c. a minimum of six hours of technical training which shall include but not limited to the categories of general pest control, termite control, wood destroying insect report (WDIR) and commercial vertebrate control;

d. a minimum of six hours of technical training for the category of fumigation.

2. A licensee attending an approved recertification seminar must attend the entire approved program; otherwise the licensee shall not be recertified at this approved seminar.

3. Time and location for each licensee certification can be obtained by calling or writing to the Louisiana Department of Agriculture and Forestry.

4. A minimum of six hours of technical training for the category of fumigation.

5. A licensee attending an approved recertification seminar must attend the entire approved program, otherwise the licensee shall not be recertified at this approved seminar.

6. Time and location for each licensee certification can be obtained by writing to the Louisiana Department of Agriculture and Forestry.

G - P. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:3302 and R.S. 3:3306.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Structural Pest Control Commission, LR 11:327 (April 1985), amended by the Department of Agriculture and Forestry, Structural Pest Control Commission, LR 15:956 (November 1989), LR 21:930 (September 1995), LR 23:855 (July 1997), LR 26:2437 (November 2000), LR 29:1062 (July 2003), amended by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, Structural Pest Control Commission, LR 30:196 (February 2004), amended by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, Structural Pest Control Commission, LR 31:

#### **Family Impact Statement**

The proposed amendments to Rules LAC 7:XXV. §107 and §117 regarding insurance requirements for structural pest control operators and requiring structural pest control operators to use a specific form to provide insurance and bond information should not have any known or foreseeable impact on any family as defined by R.S. 49:972.D or on family formation, stability and autonomy. Specifically there should be no known or foreseeable effect on:

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

Interested persons should submit written comments on the proposed Rule to Bobby Simoneaux through the close of business on August 24, 2005 at 5825 Florida Blvd., Baton Rouge, LA 70806. A public hearing will be held on this Rule on August 24, 2005 at 9:30 a.m. at the address listed above. All interested persons will be afforded an opportunity to submit data, views or arguments, orally or in writing, at the hearing. No preamble regarding these Rules is available.

Bob Odom  
Commissioner

#### **FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES RULE TITLE: Structural Pest Control**

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

No estimated implementation costs or savings to state or local governmental units.

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

There is estimated to be no effect on revenue collections of the state or local governmental units.

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

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

##### **IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)**

The proposed amendments are not anticipated to have an effect on competition and employment.

Skip Rhorer  
Assistant Commissioner  
0507#012

Robert E. Hosse  
General Government Section Director  
Legislative Fiscal Office

#### **NOTICE OF INTENT**

##### **Board of Elementary and Secondary Education**

Bulletin 111—The Louisiana School, District, and State  
Accountability System  
(LAC 28:LXXXIII.305, 509, 703, 3901-3905)

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, notice is hereby given that the Board of Elementary and Secondary Education approved for advertisement revisions to *Bulletin 111—The Louisiana School, District, and State Accountability System* (LAC 28:LXXXIII). Act 478 of the 1997 Regular Legislative Session called for the development of an Accountability System for the purpose of implementing fundamental changes in classroom teaching by helping schools and communities focus on improved student achievement. The State's Accountability System is an evolving system with different components.

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



**Title 28**  
**EDUCATION**

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

**Chapter 3. School Performance Score Component**

**§305. Calculating the CRT Index**

A. - B. table. ...

C. A student taking the LEAP Alternate Assessment Level 1 (LAA 1) or Level 2 (LAA 2) shall be included in the CRT index as delineated in §3905 of this policy.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2738 (December 2003), amended LR 31:

**Chapter 5. Calculating the NRT Index**

**§509. Inclusion of Alternate Assessment Results in the NRT**

A. A student taking the LEAP Alternate Assessment Level 1 (LAA 1) or Level 2 (LAA 2) shall be included in the NRT index as delineated in §3905 of this policy.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2740 (December 2003), amended LR 31:

**Chapter 7. Subgroup Component**

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

A. - B. ...

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

1. In calculating the subgroup component for a school:

a. the alternate academic achievement standards for students participating in LAA 1 will be used, provided that the percentage of proficient LAA 1 students at the district level does not exceed 1.0 percent of all students in the grades assessed. If the district exceeds the 1.0 percent proficient cap, the district shall request a waiver. The students exceeding the cap shall be assigned a zero on the assessment and be considered non-proficient if:

i. the district fails to request the waiver; or

ii. if the district requests the waiver but it is determined by LDE that ineligible students were administered LAA 1;

b. the modified academic achievement standards for students participating in LAA 2 will be used, provided that the percentage of proficient LAA 2 students at the district level does not exceed 2.0 percent of all students in the grades assessed. If the district exceeds the 2.0 percent proficient cap, the district shall request a waiver. The students exceeding the cap shall be assigned a zero on the assessment and be considered non-proficient if:

i. the district fails to request the waiver; or

ii. if the district requests the waiver but it is determined by LDE that ineligible students were administered LAA 2.

2. Students participating in LAA 1 or LAA 2 shall be included in the special education subgroup.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2743 (December 2003), amended LR 30:1619 (August 2004), repromulgated LR 30:1996 (September 2004), amended LR 30:2256 (October 2004), LR 30:2445 (November 2004), LR 31:912 (April 2005), LR 31:

**Chapter 39. Inclusion of Students with Disabilities**

**§3901. Assessment of Students with Disabilities**

A. All students, including those with disabilities, shall participate in Louisiana's testing program. The scores of all students who are eligible to take the CRT, NRT, LAA 1, or LAA 2 shall be included in the calculation of the SPS. Most students with disabilities shall take the CRT and the NRT with accommodations, if required by their Individualized Education Program (IEP).

1. Only students with significant cognitive disabilities are eligible to participate in LEAP Alternate Assessment Level 1 (LAA 1) as defined by the LEAP Alternate Assessment Level 1 Participation Criteria.

2. Beginning in the spring of 2006, students with disabilities in grades 4, 8, 10, and 11 who are functioning significantly below enrolled grade level are eligible to participate in LEAP Alternate Assessment Level 2 (LAA 2) as defined by the LEAP Alternate Assessment Level 2 Participation Criteria.

3. Beginning in the spring of 2007, students with disabilities in grades 4 through 11, who are functioning significantly below enrolled grade level are eligible to participate in LEAP Alternate Assessment Level 2 (LAA 2) as defined by the LEAP Alternate Assessment Level 2 Participation Criteria.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2754 (December 2003), amended LR 31:

**§3903. LEAP Alternate Assessment Participation Criteria**

A. A student participating in LEAP Alternate Assessment Level 1 or Level 2 shall progress toward a certificate of achievement.

B. Students with disabilities participating in either LEAP Alternate Assessment Level 1 (LAA 1) or Level 2 (LAA 2) must meet specific participation criteria as stated in *Bulletin 1530—Louisiana's IEP Handbook for Students with Disabilities* (Chapter 9).

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2754 (December 2003), amended LR 31:

**§3905. Inclusion of Alternate Assessment Results**

A. Beginning with the 2002-2003 Baseline SPS, LAA test scores shall be included in all SPS and Subgroup AYP calculations. Beginning with 2005-2006 Growth SPS, Baseline SPS, and Subgroup AYP calculations, LEAP Alternate Assessment Level 1 and Level 2 shall be included.

B. LAA 1 scores shall be converted according to the following scale.

LAA Score	Level	CRT/NRT Points
0.00-0.49	Unsatisfactory	0
0.50-2.49	Approaching Basic	50
2.50-3.49	Basic	100
3.50-4.49	Mastery	150
4.50-5.00	Advanced	200

1. Students taking LAA 1 shall be included in accountability calculations at the grade level in which they are enrolled in the Student Information System (SIS).

C. LAA 2 shall first be administered in Spring 2006 to students in grades 4, 8, 10, and 11. In Spring 2007, LAA 2 shall be given in grades 4-11. The LDE will provide conversion scales for use with the LAA 2 scores after a thorough statistical analysis of the results.

D. Students participating in either LEAP Alternate Assessment Level 1 (LAA 1) or Level 2 (LAA 2) will be assigned scores of zero in SPS component calculations and scores of non-proficient in subgroup component calculations if they do not meet the specific participation criteria as stated in *Bulletin 1530—Louisiana's IEP Handbook for Students with Disabilities*.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2754 (December 2003), amended LR 30:767 (April 2004), LR 31:

#### Family Impact Statement

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

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

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

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

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

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

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

Interested persons may submit written comments until 4:30 p.m., September 8, 2005, to Nina A. Ford, Board of Elementary and Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA 70804-9064.

#### FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

#### RULE TITLE: Bulletin 111—The Louisiana School, District, and State Accountability System

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

There are no estimated implementation costs (savings) to state governmental units. The proposed changes clarify the inclusion of students taking the LAA1 and LAA2 tests.

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

There will be no 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)

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

#### IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There will be no effect on competition and employment.

Marlyn J. Langley  
Deputy Superintendent  
Management and Finance  
0507#039

H. Gordon Monk  
Acting Legislative Fiscal Officer  
Legislative Fiscal Office

### NOTICE OF INTENT

#### Board of Elementary and Secondary Education

Bulletin 111—The Louisiana School, District, and State Accountability System  
(LAC 28:LXXXIII.517, 1101, 1501, 1705, 2301, 3301, and 3303)

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, notice is hereby given that the Board of Elementary and Secondary Education approved for advertisement revisions to *Bulletin 111—The Louisiana School, District, and State Accountability System* (LAC 28:LXXXIII). Act 478 of the 1997 Regular Legislative Session called for the development of an Accountability System for the purpose of implementing fundamental changes in classroom teaching by helping schools and communities focus on improved student achievement. The State's Accountability System is an evolving system with different components.

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

The proposed changes define growth label changes for three-star schools, the movement of three-star schools into Academic Assistance if performance significantly declines, and the requirement of districts to address the learning needs of mobile students, the writing and implementation of reconstitution plans, and the accountability status of reconfigured schools.

#### Title 28 EDUCATION

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

#### Chapter 5. Calculating the NRT Index §517. Inclusion of Students

A. ...

B. A school that has at least 10 percent of its testing population transferring from other schools within the LEA after October 1 but before the conclusion of spring testing may request the LEA file an appeal (as described in §3109) and provide the Louisiana Department of Education with sufficient evidence that excluding these students from school performance score calculations would change its academic

assistance or school improvement level; or its growth or rewards label.

1. An LEA must develop, submit for approval to the LDE, and implement in the LEA, a plan addressing the academic needs of highly mobile student populations if within a span of 3 years, it is granted appeals based on 10 percent intra-district transfers for:

- a. a specific school twice; or
- b. two or more schools of the same grade configuration within the LEA;
- c. ten percent or more of its total number of schools.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2741 (December 2003), amended LR 31:

## **Chapter 11. Performance Labels**

### **§1101. Performance Labels**

A. ...

B. When a school's performance label is greater than or equal to four stars ( $SPS \geq 120.0$ ), it shall not be identified for academic assistance (formerly school improvement level 1) based on its SPS and shall not receive a "negative" growth label (minimal academic growth, no growth, school in decline).

C. When a school's performance label is three-stars ( $100 \leq SPS < 120$ ) and it declines more than 2.5 SPS points in an academic year from the prior year's baseline score, it shall enter academic assistance and meet the requirements listed in Chapter 14.

1. In 2005, 3-star schools will not receive negative growth labels.

2. In 2006 and 2007, 3-star schools with SPSs greater than or equal to 105.0 will not receive negative growth labels.

3. In 2008 and 2009, 3-star schools with SPSs greater than or equal to 110.0 will not receive negative growth labels.

4. In 2010 and 2011, 3-star schools with SPSs greater than or equal to 115.0 will not receive negative growth labels.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2744 (December 2003), amended LR 31:

## **Chapter 15. School Improvement**

### **§1501. Levels of School Improvement**

A. For schools in school improvement prior to having an approved reconstitution plan, an LEA shall consult with the LDE prior to requesting a change in a school's site code, changing its configuration, or closing a school site. Based on the information provided by the LEA, the LDE shall determine the school improvement (SI) status and the accompanying supports and sanctions of the schools impacted by such changes. The process must also assure the academic needs of the students from the school in school improvement are met if the students are placed in another school.

B. Reconstitution plans submitted for BESE approval must include any proposed school closures, requests for site code changes, grade reconfigurations, and attendance zone

changes that will impact the school in SI4 as described in §2301.

C. There shall be five levels of school improvement. A school that enters school improvement shall receive additional support and assistance with the expectation that extensive efforts shall be made by students, parents, teachers, principals, administrators, and the school board to improve student achievement at the school. A school in school improvement shall begin the remedies required at the level that the school is in upon initial identification of the school for that level of school improvement, either summer preliminary or fall final accountability release. The remedies required in each level of school improvement shall be additive in nature as schools move to higher levels of school improvement (e.g., schools in SI 3 are required to meet the remedies of SI 2 and SI 3).

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2745 (December 2003), amended LR 30:2744 (December 2004), LR 31:

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

### **§1705. School Improvement 4 Requirements**

A. All schools in SI 4 must adhere to the requirements of schools in SI 3.

B. A school enters SI 4 if:

1. it was first in SI 3; and
2. it is an AUS and did not make its GT; or
3. it fails the subgroup component in the same subject that caused it to enter SI 3 for the current year.

C. A school remains in SI 4 if:

1. it is an AUS and it made its GT; or
2. it passes the subgroup component in the same subject that caused it to enter SI 4 for the current year, but not two consecutive years.

D. All schools in SI 4, with the local school board's approval, shall select from the following corrective actions list:

1. replace school staff;
2. implement new curriculum;
3. decrease management authority;
4. contract an outside expert;
5. extend the school year or school day;
6. restructure.

E. For AUS schools, the DE may continue to serve the school in an advisory capacity.

F. A district must develop a reconstitution plan for all AUS schools at the beginning of the first school year in this level and submit the plan to the SBES for approval by December of that school year.

1. Reconstitution plans submitted to BESE must include justification for any planned school closures, requests for site code changes, grade reconfigurations, and attendance zone changes that will impact the school in school improvement 4, and BESE must approve the reconstitution plan before any such changes are implemented.

G. The LDE will review the changes to school sites due to reconstitution and will consult with the LEA on the effects that the reconstitution will have on rewards and/or school improvement status.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2747 (December 2003), amended LR 30:2257 (October 2004), LR 30:2446 (November 2004) LR 31:

### **Chapter 23. Reconstitution/Alternate Governance Plans**

#### **§2301. Schools Requiring Reconstitution/Alternate Governance Plans**

A. Districts shall develop and submit a reconstitution/alternate governance plans to the SBESE for approval by December 31st for the following types of schools.

1. Reconstitution Plan: AUS schools in SI 4.

a. The reconstitution plan indicates how the district shall remedy the school's inadequate growth in student performance. The plan shall specify how and what reorganization shall occur, how these plans are supported by research, and how/why these proposed changes shall lead to improved student performance.

b. Reconstitution plans submitted to BESE must include justification for any planned school closures, requests for site code changes, grade reconfigurations, and attendance zone changes that will impact the school in school improvement 4, and BESE must approve the reconstitution plan before any such changes are implemented.

c. Once a Reconstitution Plan has been approved by BESE, any changes to the plan must be submitted to the LDE and approved by BESE prior to implementation.

2. "Reconstitution Light" Plan: non-Title I schools in SI 5 for failing the subgroup component and schools in academic assistance level 5 for failing to make their required growth.

3. Alternate Governance Plan: Title I schools in SI 5 for failing the subgroup component and/or academically unacceptable schools in SI 6.

a. The alternate governance plan indicates how the district shall make significant changes in the school's staffing and governance to improve student academic achievement in the school to be able to make adequate yearly progress.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2752 (December 2003), amended LR 31:

### **Chapter 33. New Schools and/or Significantly Reconfigured Schools**

#### **§3301. Inclusion of New Schools**

A. For a newly formed school, the school district shall register the new school with the Louisiana Department of Education to have a site code assigned to that school. A new school shall not be created nor shall a new site code be issued in order to allow a school to avoid an accountability decision or prevent a school from entering the accountability system. Before a new school is created, the local education agency must work with the Louisiana Department of Education to explore ways the new school can be included in the accountability system.

B. When two or more schools are created from an existing school (e.g., grades 4-6 "split" from an existing K-6 structure, creating a K-3 school and a 4-6 school), the LEA must consult with the LDE prior to implementing such changes to determine how the impacted schools will retain reward and/or school improvement status and any sanctions, remedies, and funds (e.g., a 3-8 school in SI3 should retain the school improvement status in both schools if it is reconfigured into a 3-5 and a 6-8 school and if all grade levels contributed to its poor performance). After this consultation, the LDE shall make all decisions regarding the effects of these changes on rewards, school improvement status, and sanctions for all schools effected by the changes and will notify the LEA of its decision.

C. New schools with one year of test data shall be included in accountability. For attendance and dropout data, LEA's will have the option of using:

1. the district average for schools in the same category as the new school; or

2. data from the prior year, if whole grade levels from an existing school or schools moved to the new school.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2753 (December 2003), amended LR 31:

#### **§3303. Reconfigured Schools**

A. Prior to any reconfiguration, the LDE will review the changes to school sites in the reconfiguration and will consult with the LEA on the effects that the reconfiguration will have on rewards and/or school improvement status. After this consultation, the LDE shall make all decisions regarding the effects of these changes on rewards, school improvement status, and sanctions for all schools effected by the changes and will notify the LEA of its decision.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2753 (December 2003), amended LR 30:2446 (November 2004), LR 31:

#### **Family Impact Statement**

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

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

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

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

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

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

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

Interested persons may submit comments until 4:30 p.m., September 8, 2005, to Nina A. Ford, Board of Elementary and Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA 70804-9064.

Weegie Peabody  
Executive Director

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

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)  
There are no estimated implementation costs (savings) to state governmental units. The proposed changes define growth label changes for three-star schools, the movement of three-star schools into Academic Assistance if performance significantly declines, the requirement of Districts to address the learning needs of mobile students, the writing and implementation of reconstitution plans, and the accountability status of reconfigured schools.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)  
There will be no 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)  
There will be no estimated costs and/or economic benefits to persons or non-governmental groups directly affected.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)  
There will be no effect on competition and employment.

Marlyn J. Langley  
Deputy Superintendent  
Management and Finance  
0507#038

H. Gordon Monk  
Acting Legislative Fiscal Officer  
Legislative Fiscal Office

**NOTICE OF INTENT**

**Board of Elementary and Secondary Education**

Bulletin 1943—Policies and Procedures for  
Louisiana Teacher Assistance and Assessment  
(LAC 28:XXXVII.507)

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, notice is hereby given that the Board of Elementary and Secondary Education approved for advertisement revisions to *Bulletin 1943—Policies and Procedures for Louisiana Teacher Assistance and Assessment* (LAC 28:XXXVII). These changes to current Bulletin 1943 policy provide for the exclusion from LaTAAP for those teachers from other states who provide NBPTS or appropriate evaluation results from their immediate previous teaching assignment. Appropriate evaluation results shall be defined as satisfactory annual evaluation results defined by and certified by the immediate previous out-of-state school district. This amended language streamlines current policy and aligns Bulletin 1943 policy with the Louisiana Standards for State Certification of School Personnel Louisiana Administrative Code Part LXXXVII Bulletin 746.

**Title 28**

**EDUCATION**

**Part XXXVII. Bulletin 1943—Policies and Procedures  
for Louisiana Teacher Assistance and Assessment**

**Chapter 5. Assessment**

**§507. Procedures to Request Exclusion**

A. To request exclusion from the Teacher Assistance and Assessment Program, the teacher must have submitted to the Louisiana Department of Education (LDE), Office of Quality Educators, Division of Professional Development, Professional Accountability Section the following materials:

1. a completed exclusion request form forwarded by the employing Louisiana school system. Each teacher applying for exclusion shall sign a release to solicit needed personnel evaluation information from the previous school system. The request form and release must be sent to the LDE within six weeks of the date of employment to be considered for exclusion.

B. The request for exclusion will be reviewed by an appropriate LDE staff member, and notification indicating approval or denial of the request will be returned to the employing LEA submitting the request.

C. Experienced teachers from out-of-state holding a National Board for Professional Teaching Standards (NBPTS) Certificate will be approved for exclusion from the Louisiana Teacher Assistance and Assessment Program upon submission of the completed exclusion form and a copy of their valid NBPTS Certificate. Note: The National Board Certified Teacher (NBCT) applicant from out-of-state must follow all procedures and must attach a copy of their valid NBPTS Certificate for review.

NOTE: Approval of requests for exclusion will be granted if the completed exclusion request form contains the signature(s) of the administrative authority(ies) responsible for authorizing the results of the evaluation(s).

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:391.10; R.S. 17:3871-3873; R.S. 17:3881-3884; R.S. 17:3891-3895; R.S. 17:3901-3904.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 28:278 (February 2002), amended LR 31:

**Family Impact Statement**

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

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

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

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

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

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

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

Interested persons may submit comments until 4:30 p.m., September 8, 2005, to Nina Ford, State Board of Elementary

Weegie Peabody  
Executive Director

**FISCAL AND ECONOMIC IMPACT STATEMENT  
FOR ADMINISTRATIVE RULES**

**RULE TITLE: Bulletin 1943—Policies and Procedures  
for Louisiana Teacher Assistance and Assessment**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)  
These changes to current *Bulletin 1943* policy reflect the provision for teachers from out-of-state holding certification from the National Board for Professional Teaching Standards (NBPTS) to be excluded from the Louisiana Teacher Assistance and Assessment Program. The adoption of this policy will cost the Department of Education approximately \$700 (printing and postage) to disseminate the policy.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)  
This policy will have no effect on revenue collections.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)  
There are no estimated costs and/or economic benefits to directly affected persons or non-governmental groups.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)  
This policy will have no effect on competition and employment.

Marlyn J. Langley  
Deputy Superintendent  
Management and Finance  
0507#035

H. Gordon Monk  
Acting Legislative Fiscal Officer  
Legislative Fiscal Office

**NOTICE OF INTENT**

**Board of Elementary and Secondary Education**

Bulletin 1955—Louisiana Content Standards,  
Benchmarks, and Grade Level Expectations for Mathematics  
(LAC 28: CXIX. Chapters 1-17)

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, notice is hereby given that the Board of Elementary and Secondary Education approved for advertisement *Bulletin 1955—Louisiana Content Standards, Benchmarks, and Grade Level Expectations for Mathematics*. Bulletin 1955 will be printed in codified format as Part CXIX of Title 28 of the Louisiana Administrative Code. This revision of the Louisiana mathematics content standards includes Grade Level Expectations for all grades pre-kindergarten through 12th. Grade Level Expectations are statements of knowledge and skills that students should master at the end of each grade. The federal No Child Left Behind legislation requires every state to have grade specific standards. Since the Louisiana content standards are by grade band, it was necessary to develop the Grade Level Expectations.

**Title 28  
EDUCATION**

**Part CXIX. Bulletin 1955—Louisiana Content  
Standards, Benchmarks, and Grade Level  
Expectations for Mathematics**

**Chapter 1. General**

**§101. Introduction**

A. The Louisiana Content Standards Task Force has developed the following foundational skills which should apply to all students in all disciplines.

1. Communication—a process by which information is exchanged and a concept of "meaning" is being created and shared between individuals through a common system of symbols, signs, or behavior. Students should be able to communicate clearly, fluently, strategically, technologically, critically, and creatively in society and in a variety of workplaces. This process can best be accomplished through use of the following skills: reading, writing, speaking, listening, viewing, and visually representing;

2. Problem Solving—the identifying of an obstacle or challenge and the application of knowledge and thinking processes which include reasoning, decision making, and inquiry in order to reach a solution using multiple pathways, even when no routine path is apparent;

3. Resource Access and Utilization—the process of identifying, locating, selecting, and using resource tools to help in analyzing, synthesizing, and communicating information. The identification and employment of appropriate tools, techniques, and technologies are essential to all learning processes. These resource tools include pen, pencil, and paper; audio/video material, word processors, computers, interactive devices, telecommunication, and other emerging technologies;

4. Linking and Generating Knowledge—the effective use of cognitive processes to generate and link knowledge across the disciplines and in a variety of contexts. In order to engage in the principles of continual improvement, students must be able to transfer and elaborate on these processes. Transfer refers to the ability to apply a strategy or content knowledge effectively in a setting or context other than that in which it was originally learned. Elaboration refers to monitoring, adjusting, and expanding strategies into other contexts; and

5. Citizenship—the application of the understanding of the ideals, rights, and responsibilities of active participation in a democratic republic that includes working respectfully and productively together for the benefit of the individual and the community; being accountable for one's choices and actions and understanding their impact on oneself and others; knowing one's civil, constitutional, and statutory rights; and mentoring others to be productive citizens and lifelong learners.

NOTE: These foundation skills are listed numerically in parentheses at the end of each benchmark.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6; R.S. 17:24.4; R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:

### **§103. Information Literacy Model for Lifelong Learning**

A. Students must become competent and independent users of information to be productive citizens of the 21st century. They must be prepared to live in an information-rich and changing global society. Due to the rapid growth of technology, the amount of information available is accelerating so quickly that teachers are no longer able to impart a complete knowledge base in a subject area. In addition, students entering the workforce must know how to access information, solve problems, make decisions, and work as part of a team. Therefore, information literacy, the ability to recognize an information need and then locate, evaluate, and effectively use the needed information, is a basic skill essential to the 21st century workplace and home. Information literate students are self-directed learners who, individually or collaboratively, use information responsibly to create quality products and to be productive citizens. Information literacy skills must not be taught in isolation; they must be integrated across all content areas, utilizing fully the resource of the classroom, the school library media center, and the community. The Information Literacy Model for Lifelong Learners is a framework that teachers at all levels can apply to help students become independent lifelong learners.

1. **Defining/Focusing.** The first task is to recognize that an information need exists. Students make preliminary decisions about the type of information needed based on prior knowledge.

2. **Selecting Tools and Resources.** After students decide what information is needed, they then develop search strategies for locating and accessing appropriate, relevant sources in the school library media center, community libraries and agencies, resource people, and others as appropriate.

3. **Extracting and Recording.** Students examine the resources for readability, currency, usefulness, and bias. This task involves skimming or listening for key words, "chunking" reading, finding main ideas, and taking notes.

4. **Processing Information.** After recording information, students must examine and evaluate the data in order to utilize the information retrieved. Students must interact with the information by categorizing, analyzing, evaluating, and comparing for bias, inadequacies, omissions, errors, and value judgments. Based on their findings, they either move on to the next step or do additional research.

5. **Organizing Information.** Students effectively sort, manipulate, and organize the information that was retrieved. They make decisions on how to use and communicate their findings.

6. **Presenting Findings.** Students apply and communicate what they have learned (e.g., research report, project, illustration, dramatization, portfolio, book, book report, map, oral/audio/visual presentation, game, bibliography, hyperstack).

7. **Evaluating Efforts.** Throughout the information problem solving process, students evaluate their efforts. This assists students in determining the effectiveness of the research process. The final product may be evaluated by the teacher and also other qualified or interested resource persons.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 17:6; R.S. 17:24.4; R.S. 17:154.

**HISTORICAL NOTE:** Promulgated by the Board of Elementary and Secondary Education, LR 31:

### **§105. Philosophy**

A. In mathematics classrooms in Louisiana, each student actively participates in a learning environment guided by a capable teacher and supported by the home and community. The student values mathematics and is confident and competent in his or her ability to use mathematics in an ever-changing world. The student develops mathematical understanding through individual and group instruction that includes investigating, discovering, communicating, and reasoning. Assessment, an integral part of the teaching and learning process, is carefully integrated with instructional practices.

#### **B. Need and Context for Reform**

1. **Rationale for Change.** The rationale for change in mathematics education is driven by the implications of the evolving ages of technology and information and their implications for future societal and work force needs. "In tomorrow's world, the best opportunities for jobs and advancements will go to those best prepared to cope confidently and competently with mathematical, scientific, and technological issues" (Everybody Counts, 1989). To adequately prepare students for the future, mathematics education must change to include the following:

a. the student as an active participant in learning rather than a passive recipient of knowledge;

b. equitable access for all students to manipulatives and state-of-the-art technologies, including electronic networking; and

c. the incorporation of a variety of individual and group activities that use real-life experiences to develop critical thinking.

2. Because the demands of the workplace are changing, our efforts to prepare students for the workplace must continually change. Schools must prepare students to adapt productively to change by focusing on the process of lifelong learning. The nation's business leaders agree that to become productive workers and informed citizens in today's society, students must develop the ability to:

a. reason critically and understand concepts;

b. work with others;

c. communicate ideas effectively;

d. understand and interpret statistical information;

e. become lifelong learners; and

f. adapt to a dynamic work environment.

3. **Implications for Curricula Change.** The processing of vast amounts of numerical information available through modern technology makes more imperative than ever the ability to synthesize mathematical information as a basis for rational decision making. Thus, quantitative thinking is becoming more pervasive in virtually all aspects of the workplace and everyday life experiences. School mathematics must remain attuned to the needs of students, adjusting to include the handling and understanding of data; the appreciation, recognition, and use of numerical and geometrical patterns, and the integration and synthesis of information leading to creative problem solving. The basic facts of addition, subtraction, multiplication, and division are

important; however, technology, specifically the development of calculators, allows all students to expand and extend much of traditional school mathematics far beyond the basic math facts and repeated drill and practice. Students should concentrate on understanding ideas, reasoning, solving problems, communicating, and making connections within mathematics and between mathematics and its growing applications in other fields. Numbers and a sense of numbers are of greater value than ever before. Number sense, the intuitive, meaningful use of numbers in mental computation, estimation, problem solving, and applications, is vital. It is essential for students to develop this intuitive sense in order to determine, for example, if a number in a news account, on a printout, or on a display screen is appropriate and acceptable.

4. National Direction. In the 1980s after reports concerning the low performance of American students on international assessments, several publications emerged that directly addressed the urgent national need to revitalize mathematics education. The nation recognized that to be competitive in a global economy, American students had to be prepared to work competently and confidently in the age of technology and information. The most significant publications include the following.

a. Curriculum and Evaluation Standards for School Mathematics. (1989). National Council of Teachers of Mathematics.

b. Everybody Counts: A Report to the Nation on the Future of Mathematics Education. (1989). National Research Council.

c. Reshaping School Mathematics: A Philosophy and Framework for Curriculum. (1990). Mathematics Sciences Education Board.

d. Professional Standards for Teaching Mathematics. (1991). National Council of Teachers of Mathematics.

e. Mathematics Assessment. (1991). National Council of Teachers of Mathematics.

f. Assessment Standards for School Mathematics. (1995). National Council of Teachers of Mathematics.

NOTE: The Louisiana Mathematics Framework is based on the direction reflected in these and other reform-based publications.

5. Collaborative Systemic Reform. In 1990, the National Science Foundation (NSF) solicited for Statewide Systemic Initiatives (SSI) Programs. In its program solicitation, the NSF described the proposals eligible for funding, stating, that the initiatives "...must involve all those who have a responsibility to the system or to particular parts of it whether at the state or local level." It further stated that partners involved in the initiatives must include "state leaders; teachers and other school system leaders; university faculty; leaders in science-rich institutions, including business and industry; and leaders of parent groups and other community based organizations." The change to funding "systemic" efforts to involve all major stakeholders in education was a major shift by NSF to affect reform of mathematics and science education throughout the nation. The reform effort in Louisiana began with a successful application to establish a NSF-funded statewide systemic initiative. A broad-based coalition of Louisianans worked to secure a five-year, \$10 million grant for the Louisiana Systemic Initiatives Programs (LaSIP). Louisiana provided

matching funds from the Louisiana Board of Elementary and Secondary Education (LBESE) and the Louisiana Board of Regents (LBoR) for colleges and universities to support the reform of mathematics and science education. The Louisiana Department of Education (LDE) was awarded a Dwight D. Eisenhower National Program for Mathematics and Science Education grant from the United States Department of Education. This grant enabled the LDE, in collaboration with LaSIP, to develop the Louisiana Mathematics and Science Curriculum and Assessment Frameworks.

6. Framework Development Process. Using recommendations from statewide leaders in mathematics, panel members were selected to assist in the development of the Louisiana Mathematics and Science Frameworks. The panel was divided into subpanels for mathematics and science, consisting of approximately 40 members each. Membership consisted of: LDE personnel; LaSIP staff; educators from both public and private schools; educators who had expertise in working with students with disabilities; educators with expertise in working with minorities and underserved populations; and university faculty from mathematics, the sciences, and education. After assessing the current state of affairs in Louisiana in light of national reform, the mathematics subpanel began the development of a strategic plan to reform mathematics curricula in Louisiana. Two 15-member Mathematics Framework Steering Committees, consisting of LDE staff, LaSIP staff, university faculty, supervisors, and classroom teachers, were formed to oversee the writing of the Framework and grade-level handbooks. As drafts of the Frameworks were completed, extensive reviews were conducted by state educational stakeholders and national leaders in mathematics reform. In collaboration with the steering committee, exemplary classroom teachers helped write grade-level handbooks. Drafts of the handbooks were reviewed by classroom teachers from across the state.

C. Purpose. This Framework document was formulated to articulate the shared vision of the mathematical, business, professional, and vocational communities of Louisiana concerning mathematics education. It provides a unifying structure which encompasses instructional methodologies and course content, while maintaining sufficient flexibility to permit adaptability, within local districts. The Framework should guide the teacher in designing a comprehensive program that assists in the development of the mathematical power of each student. Using national mathematics standards as a guide, the Framework forms the foundation of a comprehensive mathematics educational program upon which state mathematics assessment can be based.

1. Intended Audience. The Louisiana Mathematics Framework is intended for a broad audience: teachers, curriculum supervisors, school and district administrators, school boards, business and industry leaders, parents, college, university, and state education agency staff and policy makers. With the Framework as a common reference point, it will be possible for these varied groups to work to achieve a shared vision of what and how mathematics should be taught in Louisiana schools.

2. Intended Use. The Louisiana Mathematics Framework serves as a guide for curriculum and instruction and as a general reference to the basic principles of



mathematics education. Intended uses for this Framework include the following:

- a. for teachers, a guide for planning curriculum, instruction, and assessment;
- b. for parents, a means for assessing the effectiveness of their children's mathematics education;
- c. for administrators and school board members, a vision for mathematics education and a basis for planning resource allocations, materials purchases, local curriculum development, and teachers' professional development;
- d. for policy makers and state education staffs, a basis for developing laws, policies, and funding priorities to support local reforms;
- e. for staff developers, a basis for creating professional development materials and strategies designed to increase teachers' knowledge of mathematics content, teaching methodologies and assessment strategies;
- f. for assessment specialists and test developers, a guide to establishing tools and strategies that effectively assess students' mathematics understanding and ability;
- g. for colleges and universities, a guide for content and design of teacher preparation programs; and
- h. for business and industry leaders and governmental agencies, a basis for developing effective partnerships and local reforms for funding instructional materials and professional development.

#### D. Framework Criteria

1. The following criteria, which provided the foundation for the development of the Framework, are critical to strengthen, support, and sustain mathematics education.

a. The Louisiana Mathematics Framework reflects national standards in defining K-12 curricula.

b. A National Validation Team consisting of nationally recognized mathematics educators and mathematicians reviewed the documents during development to ensure content validity.

c. The Louisiana Mathematics Framework is equitable for all students.

2. In addition to involving representatives from under represented groups in the development process, a Louisiana Equity Review Team, consisting of state leaders representing the following groups, reviewed the documents: students with learning disabilities, students with special education needs (including disabled and gifted students), minorities, students who speak English as a second language, and women. Professional development activities for Framework implementation will include specific strategies to assist the teacher in addressing the needs of all students.

a. Classroom teachers are significantly involved in the development of the Louisiana Mathematics Framework.

3. Through the organizational structures of the Louisiana Department of Education (LDE) and the Louisiana Systemic Initiatives Program (LaSIP), the drafts of the documents were reviewed by over 2,000 mathematics teachers from throughout the state.

a. The Louisiana Mathematics Framework includes a comprehensive, well-developed structure that demonstrates cohesiveness and continuity from kindergarten through 12th grade.

4. University faculty were an integral part of the framework development process. Classroom teachers from

grades K-4, 5-8, and 9-12 were involved in the development of all components of the framework.

a. The Louisiana Mathematics Framework demonstrates the relevance of mathematics to real-life activities.

5. The Framework and handbooks have a pervasive theme of interconnectedness to real-life situations. The classroom activities included in the handbooks engage students in mathematical activities that are relevant and genuinely motivating. The documents were reviewed by representatives from Louisiana business and industry to ensure their relevance to activities in which specific mathematical principles are applied.

a. The Louisiana Mathematics Framework reflects national trends in assessment by thoroughly integrating assessment and instruction.

6. The handbooks include grade-level alternative assessment samples for both classroom and large-scale assessment. Several nationally recognized leaders in student assessment reviewed the documents.

a. The Louisiana Mathematics Framework is dynamic and easily adaptable to future changes that better prepare both teachers and students to be lifelong learners.

7. Representatives from the LDE and the Louisiana Association of Teachers of Mathematics (LATM) will convene each year, as needed at the annual LATM meeting to review the Framework to ensure that it remains dynamic. Revisions will be transmitted electronically to each district.

#### E. Pervasive Themes

1. The vision of mathematics education in this Framework is expressed through five pervasive and thoroughly interwoven themes, which encompass the strands of school mathematics.

##### a. Mathematics as Problem Solving

i. Classroom instruction should focus on more diverse and complex problem-solving situations that arise from relevant, real-life circumstances. Students should be able to design problems and generate appropriate solutions. For a given problem, teachers must actively encourage students to find alternative approaches to the problem, as well as using formal procedures.

##### b. Mathematics as Numerical Intuition

i. Students should develop a common-sense approach to using numbers, an intuitive feel for numbers including various uses and meanings, an appreciation for different levels of accuracy needed, and the ability to determine the reasonableness of answers.

##### c. Mathematics as Reasoning

i. Students should use critical thinking skills in questioning, elaborating, validating, and justifying.

##### d. Mathematics as Connections

i. Topics within mathematics should be interconnected rather than taught in isolation. Additionally, problems and procedures should be connected to other subject areas and to real-life, relevant situations that are challenging and motivating to the student.

##### e. Mathematics as Communication

i. Students should be provided opportunities to express their mathematical ideas through speaking, writing, demonstrating, and modeling.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6; R.S. 17:24.4; R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:

### §107. Educational Environment

#### A. Vision of Teaching

1. The teacher must have the content knowledge and skills to be an instructor and facilitator of mathematical learning. The teacher must have the necessary supplies and materials to encourage individual and group explorations by the students. The teacher allows time for students to investigate mathematical ideas or tasks and encourages the use of models, materials, and technology. The teacher ensures an environment that encourages risk-taking, questioning, discovering, and cooperation. The teacher listens and values all students' ideas and encourages students to construct understandings based on their personal learning style and prior experiences.

2. The teacher demonstrates the connectedness of mathematics by utilizing instructional activities that encompass benchmarks from several strands. These activities may require several days or weeks to complete, depending on grade-level appropriateness. While some exercises or independent problems will be used, they are embedded in large problems or issues that are relevant to the student.

#### B. Vision of Learning

1. The classroom experience envisioned in this document is a dynamic one in which students become autonomous learners, while capable and empowered teachers guide them in taking charge of their own quest for knowledge. Students work independently, in small groups, or in large groups on problem-solving investigations. They have the materials and appropriate manipulatives to explore problems. They become risk takers through exploring ideas, forming questions, making and supporting conjectures, and learning to communicate and reason mathematically.

2. With problem solving at the heart of the curriculum, students develop an understanding of relevant problem-solving strategies including, but not limited to, the following: draw a picture or diagram; develop a chart, list, or table; guess and check; work backwards; simplify problems; use manipulatives, etc. Both student-generated and teacher-generated strategies are explored in developing an understanding of the various approaches to solving a problem.

#### C. Equity

1. Regardless of ability level, all students in Louisiana must be exposed to a challenging and motivating mathematics curriculum based on relevant problem-solving situations. Traditionally, high-achieving students have participated in activities that required critical thinking and reasoning, whereas students working at or below grade level spent large amounts of time in drill-and-practice activities. One of the myths identified in *Mathematics Assessment*, (NCTM, 1991) that abounds in mathematics education in that "problems and applications come only after mastery of skills." Research supports the position that students learn skills and content in the context of challenging and motivating problems. The Louisiana Framework advocates a common core of significant mathematics that actively and interestingly engages all students.

2. In addition to having access to the common core curriculum, all students should have equal access to

resources, qualified teachers, and quality instructions. The teacher is instrumental in creating an environment that encourages and facilitates each student's mathematical development. Problem-solving situations should reflect and build upon real-life experiences of all students and should reflect diverse cultures.

3. The ability to learn mathematics is not determined by one's socioeconomic level, gender, or ethnic origin. The teacher models the belief that all students can learn and demonstrates an appreciation and understanding of cultural diversity and varied learning styles. By challenging all students, the teacher creates the environment in which all students learn to approach mathematics with enthusiasm and confidence.

#### D. Technology

1. In the past decades, the classroom environment was a reflection of the workplace. Employees at factories worked independently on routing assembly lines to construct products, while mathematics classrooms consisted of rows of students working independently on routine practice problems. The age of technology has dramatically changed the workplace environment. Employees now work cooperatively and use a variety of techniques to solve real, nonroutine problems. Classrooms must reflect these changes to prepare students for the 21st century.

2. The relevance of technology is expressed in the following underlying beliefs.

a. Calculators and computers are basic tools of today's mathematics just as paper, pencil, and slide rules were basic tools of past years.

b. Calculators and computers have reduced the need to make precise calculations by hand, but in doing so they have increased the importance of acquiring a well-developed number sense (Goldsmith, 1992).

c. Appropriate calculators and computers should be available for all students.

d. Appropriate use of technology should be naturally integrated into the teaching of mathematics to assist the student to investigate and solve problems, not simply to check answers or to practice skills.

e. As resources become available via telecommunications, they should be used in the mathematics classroom to support standards-based instruction.

#### E. Support Structures

1. The collaborative effort of all stakeholders is imperative if significant change is to occur in Louisiana schools. Support of mathematics reform must be demonstrated by teachers, students, administrators, school boards, parents, business and industry, elected officials, the media, community organizations, etc. The state and local communities must commit to long-range planning to schedule time for appropriate staff development, to ensure funds for necessary resources, and to provide appropriate learning environments and facilities for students. A professional development model, with an accompanying dissemination plan, has been designed by the LDE and LaSIP to support teachers as they implement the framework.

2. Louisiana is developing a state school improvement plan to address content, performance, and opportunity-to-learn standards in all subject disciplines. The Mathematics Framework will be a critical component of the state school improvement plan. As each local district develops its

mathematical curriculum, the new curriculum should be aligned with the state Mathematics Framework and should become a part of the local school improvement plan.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.6; R.S. 17:24.4; R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:

### **§109. Assessment**

#### **A. Purpose**

1. Assessment in mathematics is a process through which evidence is gathered about a student's understanding and ability to apply that understanding. The changes in mathematics content and in the way mathematics is taught must be reflected through accompanying changes in assessment. Assessment is an ongoing, dynamic process which is both diagnostic and prescriptive in nature. It communicates, illustrates, and identifies the mathematics that is most important for students to learn and enhances mathematics learning. Assessment and instruction must be intertwined so that each supports the other in promoting the development of mathematical power for all students. Various assessment techniques should be used for:

- a. improve teaching and learning;
- b. evaluate student progress;
- c. assist in making decisions regarding individual student performance;
- d. provide information on the effectiveness of educational programs;
- e. provide data relative to the progress toward established educational goals;
- f. address accountability issues; and
- g. address the appreciation and understanding of various cultural differences and learning styles.

#### **B. Classroom Assessment**

1. Educational purposes for assessment may be as varied as assessment techniques. Assessment is the link between teaching and learning and provides information for making instructional decisions, monitoring student progress, and communicating student progress to appropriate audiences.

2. Assessment is moving away from the use of a single type of instrument to assess students' understanding and toward the use of a wide range of assessment techniques that require students to demonstrate critical thinking skills. Combinations of the following techniques, integrated with instruction, can provide a comprehensive assessment of student understandings: observations, oral questions, journals, portfolios, multiple choice tests, projects, activities, concept maps, presentations, etc.

#### **C. Large-Scale Assessment**

1. Large-scale assessment refers to assessment at the district, state, and national level. This type of assessment is used as an external monitoring of student progress on criteria established outside the classroom but with teacher input.

2. When external monitoring is aligned with the curriculum and teaching strategies, it has a positive impact on mathematics education. Appropriate use of external monitoring will enhance learning by providing external support for the teacher's own monitoring of student progress. The monitoring of student progress externally through established performance standards can provide the following:

- a. a measurement of student performance on a dynamic, authentic curriculum;
- b. information for decision makers;
- c. a measure of pupil progression;
- d. a criterion for graduation;
- e. information for education program evaluation;
- f. demographic data;
- g. system-wide data; and
- h. data for national comparisons.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.6; R.S. 17:24.4; R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:

### **§111. Content Strands**

A. The six content strands translate the vision of the new mathematics curriculum: Number and Number Relations (N); Algebra (A); Measurement (M); Geometry (G); Data Analysis, Probability, and Discrete Math (D); and Patters, Relations, and Functions (P). Each of the strands is introduced with a focus statement followed by the standard and benchmarks for that strand.

B. The strands are intended to be thoroughly interwoven, providing rich connections at all grade levels. There should be deliberate reinforcement of concepts throughout the school year.

C. Although the content is delineated by strands, it is not a recipe to be followed line by line. Instead, the content provides the building blocks upon which a dynamic, cohesive, and comprehensive mathematics program can be built. It supports student explorations and investigations that relate objectives from several strands. The very nature of the content implies that concepts and understandings should not be taught in isolation.

D. To assist teachers, a handbook that contains sample classroom activities has been developed. The handbook will assist the teacher to translate the content into standards-based classroom instruction. Three or four activities are included for each grade level. The Framework and sample activities should assist the teacher in developing curriculum and instruction that enhance the mathematical power of all students.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.6; R.S. 17:24.4; R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:

### **Chapter 3. Strand One: Number and Number Relations**

#### **§301. Number and Number Relations**

A. Focus. Developing an intuitive, common-sense approach to number relationships and operations is of primary importance and should permeate every area of the mathematics curriculum. Number sense involves the use of "friendly easy numbers" and of actively seeking alternative ways of making computations. Number sense is not a topic to be taught as a unit, but is a prevailing theme throughout all mathematics. All students should develop a conceptual understanding of number magnitude and number operations through participation in hands-on investigative activities. These activities should provide many opportunities for students to discover and develop problem-solving strategies. Student involvement in these activities should assist in the development of estimation skills (particularly when an

approximate answer is sufficient) and other mental arithmetic skills (when an exact answer is required). When the numbers are not manageable for mental arithmetic and an exact answer is required, calculators or paper and pencil should be used. Parallel with the need to develop an understanding of the methods and usage of various computational techniques is the students' need for an informal development of mathematical language and symbolism. Inherent in our increasing dependence on technology is the danger of accepting machine answers at face value. A well-developed number sense can combat this danger. Furthermore, number sense leads naturally to the development of symbol sense necessary for use with technology, such as graphing calculators and symbolic manipulators. This developing mathematical power will allow the students to function and communicate more effectively and with greater confidence in real-life experiences.

B. Standard. In problem-solving investigations, students demonstrate an understanding to the real number system and communicate the relationships within the system using a variety of techniques and tools.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.6; R.S. 17:24.4; R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:

### **§303. Benchmarks K-4**

A. Students in Grades K-4 use estimate, mental arithmetic, number lines, graphs, appropriate models, manipulatives, calculators, and computers as they investigate problems involving whole numbers. As a result, what they know and are able to do includes:

1. N-1-E: Constructing number meaning and demonstrating that a number can be expressed in many different forms (e.g., standard notation, number words, number lines, geometrical representations, fractions, and decimals) (1, 2, 4);

2. N-2-E: Demonstrating number sense and estimation skills, giving particular attention to common equivalent reference points (i.e.,  $1/4 = 25\% = .25$ ;  $1/2 = 50\% = .5$ ;  $\$1 = 100\%$ , etc.) (1);

3. N-3-E: Reading, writing, representing, comparing, ordering, and using whole numbers in a variety of forms (e.g., standard notation, number line, and geometrical representations) (1, 4);

4. N-4-E: Demonstrating a conceptual understanding of the meaning of the basic arithmetic operations (add, subtract, multiply, and divide) and their relationships to each other (1);

5. N-5-E: Selecting appropriate operation(s) (add, subtract, multiply, and divide) for a given situation) (2, 3, 4);

6. N-6-E: Applying a knowledge of basic math facts and arithmetic operations to real-life situations (2, 4, 5);

7. N-7-E: Constructing, using, and explaining procedures to compute and estimate with whole numbers (e.g., mental math strategies) (1, 4);

8. N-8-E: Selecting and using appropriate computational methods and tools for given situations involving whole numbers (e.g., estimation, mental arithmetic, calculator, or paper and pencil) (2, 4);

9. N-9-E: Demonstrating the connection of number and number relations to the other strands and to real-life situations (1, 4, 5).

NOTE: The foundation skills addressed by each benchmark are listed numerically in parenthesis after the benchmark.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.6; R.S. 17:24.4; R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:

### **§305. Benchmarks 5-8**

A. Students in Grades 5-8 use estimation, mental arithmetic, number lines, graphs, appropriate models, manipulatives, calculators, and computers as they extend their investigations of problems involving rational numbers. As a result, what they know and are able to do includes:

1. N-1-M: Demonstrating that a rational number can be expressed in many forms, and selecting an appropriate form for a given situation (e.g., fractions, decimals, and percents) (1, 2, 4);

2. N-2-M: Demonstrating number sense and estimation skills that describe, order, and compare rational numbers (e.g., magnitude, integers, fractions, decimals, and percents) (2, 4);

3. N-3-M: Reading, writing, representing, and using rational numbers in a variety of forms (e.g., integers, mixed numbers, and improper fractions) (1);

4. N-4-M: Demonstrating a conceptual understanding of the meaning of the basic arithmetic operations (add, subtract, multiply and divide) and their relationships to each other (1, 2);

5. N-5-M: Applying an understanding of rational numbers and arithmetic operations to real-life situations (1, 2, 3, 4);

6. N-6-M: Constructing, using, and explaining procedures to compute and estimate with rational numbers employing mental math strategies (1, 2, 3, 4);

7. N-7-M: Selecting and using appropriate computational methods and tools for given situations involving rational numbers (e.g., estimation, or exact computation using mental arithmetic, calculator, computer, or paper and pencil) (2, 3, 4);

8. N-8-M: Demonstrating a conceptual understanding and applications of proportional reasoning (e.g., determining equivalent ratios, finding a missing term of a given proportion) (2, 4).

NOTE: The foundation skills addressed by each benchmark are listed numerically in parenthesis after the benchmark.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.6; R.S. 17:24.4; R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:

### **§307. Benchmarks 9-12**

A. Students in Grades 9-12 use estimation, mental arithmetic, number lines, graphs, appropriate models, manipulatives, calculators, and computers as they extend their investigations of problems involving real numbers. As a result, what they know and are able to do includes:

1. N-1-H: Demonstrating an understanding of the real number system (1, 2, 4);

2. N-2-H: Demonstrating that a number can be expressed in many forms, and selecting an appropriate form for a given situation (e.g., fractions, decimals, percents, and scientific notation) (1, 4);

3. N-3-H: Using number sense to estimate and determine if solutions are reasonable (2, 4)

4. N-4-H: Determining whether an exact or appropriate answer is necessary (2, 3, 4);

5. N-5-H: Selecting and using appropriate computational methods and tools for given situations (e.g., estimation, or exact computation using mental arithmetic, calculator, symbolic manipulator, or paper and pencil) (3);

6. N-6-H: Applying ratios and proportional thinking in a variety of situations (e.g., finding a missing term of a proportion) (2, 4);

7. N-7-H: Justifying reasonableness of solutions and verifying results (1, 2, 4).

NOTE: The foundation skills addressed by each benchmark are listed numerically in parentheses after the benchmark.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.6; R.S. 17:24.4; R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:

## **Chapter 5. Strand Two: Algebra**

### **§501. Algebra**

A. Focus. Algebra is much more than the study of generalized forms of arithmetic. It is a powerful language used to interpret real-world experience. This language is a communication tool used to analyze and describe relationships and mathematical structures. Beginning at the elementary level, the school mathematics curriculum should integrate the use of the language of Algebra throughout all strands of the curriculum to enable students to shift progressively from informal to formal concepts and from concrete to symbolic representations. The middle school mathematics curriculum should integrate the use of this language throughout all strands of the curriculum to enable students to progressively shift from the concrete to the symbolic. At this level, algebra should be conceptual and intuitive, not formally computational. It should involve actively seeking easy and alternative ways of looking at problems. These transitions should be powered by investigations involving the use of appropriate manipulatives, models, and technology, and should encourage the development of communication, reasoning, and problem-solving skills. Algebra, in the K-8 classrooms, refers to informal explorations and understandings of symbolism. It is beneficial to introduce the algebraic terminology (equation, inequality, variable, etc.) in the early grades. In this way high school students will be able to understand algebra as a natural outgrowth of their study of various number properties. The high school curriculum should continue the development of symbolic representatives. The use of modern technology frees teachers and students from the need to develop complicated pencil and paper manipulative skills in algebra. More classroom time is now allowed to apply algebra in solving challenging real-world problems. This will allow students to recognize the worth, importance, and power of the mathematics of abstraction and symbolism.

B. Standard. In problem-solving investigations students demonstrate an understanding of concepts and processes that allow them to analyze, represent, and describe relationships among variable quantities and to apply algebraic methods to real-world situations.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.6; R.S. 17:24.4; R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:

### **§503. Benchmarks K-4**

A. Students in Grades K-4 use manipulatives, models, graphs, tables, technology, number sense, and estimation as they investigate problems involving the concepts and application of algebra. As a result, what they know and are able to do includes:

1. A-1-E: Demonstrating a conceptual understanding of variables, expressions, equations, and inequalities (e.g., use letters or boxes to represent values; understand =, ≠, <, and symbols) (1, 4);

2. A-2-E: Modeling and developing strategies for solving equations and inequalities (1, 2, 3, 4);

3. A-3-E: Recognizing the connection of algebra to the other strands and to real-life situations (e.g., number sentences or formulas to represent real-world problems) (4, 5).

NOTE: The foundation skills addressed by each benchmark are listed numerically in parentheses after the benchmark.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.6; R.S. 17:24.4; R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:

### **§505. Benchmarks 5-8**

A. Students in Grades 5-8 use manipulatives, models, graphs, tables, technology, number sense, and estimation as they extend their investigations of problems involving the concepts and application of algebra. As a result, what they know and are able to do includes:

1. A-1-M: Demonstrating a conceptual understanding of variables, expressions, equations, and inequalities (e.g., symbolically represent real-world problems as linear terms, equations, or inequalities) (1, 2, 4);

2. A-2-M: Modeling and developing methods for solving equations and inequalities (e.g., using charts, graphs, manipulatives, and/or standard algebraic procedures) (2, 3, 4);

3. A-3-M: Representing situations and number patterns with tables, graphs, and verbal and written statements, while exploring the relationships among these representations (e.g., multiple representations for the same situation) (1, 4);

4. A-4-M: Analyzing tables and graphs to identify relationships exhibited by the data and making generalizations based upon these relationships (2, 3, 4);

5. A-5-M: Demonstrating the connection of algebra to the other strands and to real-life situations (1, 2, 3, 4, 5).

NOTE: The foundation skills addressed by each benchmark are listed numerically in parentheses after the benchmark.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.6; R.S. 17:24.4; R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:

### **§507. Benchmarks 9-12**

A. Students in Grades 9-12 use manipulatives, models, graphs, tables, technology, number sense, and estimation as they extend their investigations of problems involving the concepts and application of algebra. As a result, what they know and are able to do includes:

1. A-1-H: Demonstrating the ability to translate real-world situations (e.g., distance versus time relationships, population growth, growth functions for diseases, growth of

minimum wage, auto insurance tables) into algebraic expressions, equations, and inequalities and vice versa (1, 2, 4);

2. A-2-H: Recognizing the relationship between operations involving real numbers and operations involving algebraic equations (2, 4);

3. A-3-H: Using tables and graphs as tools to interpret algebraic expressions, equations, and inequalities (1, 3);

4. A-4-H: Solving algebraic equations and inequalities using a variety of techniques with the appropriate tools (e.g., hand-held manipulatives, graphing calculator, symbolic manipulator, or pencil and paper) (2, 3).

NOTE: The foundation skills addressed by each benchmark are listed numerically in parentheses after the benchmark.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.6; R.S. 17:24.4; R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:

## **Chapter 7. Strand Three: Measurement**

### **§701. Measurement**

A. Focus. Measurement is the connection between numbers and the real world and as such is a vital component of an attempt to organize the world. It allows one to communicate effectively and make decisions. It relates geometry and algebra, as well as geometry and numbers, in both intuitive and formal ways. It is also a connecting theme between such diverse fields as athletics, music, travel, astronomy, and engineering. The study of measurement should consist of active investigations based on real-world problems in both individual and group format. These explorations should include the appropriate use of manipulatives and technology and should encourage the development of communications, reasoning, and problem-solving skills. Students need to learn the effect of unit choice on mathematical entities, such as the shape of graphs and the magnitude of answers. Secondary students should become so adept with the use of units that they are comfortable with the use of compound units (foot-pounds, miles per second) and specialized units (atmospheres, millennia, gigabytes) as they occur in real-world problems.

B. Standard. In problem-solving investigations, students demonstrate an understanding of the concepts, processes, and real-life applications of measurement.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.6; R.S. 17:24.4; R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:

### **§703. Benchmarks K-4**

A. Students in Grades K-4 use number sense, estimation, appropriate manipulatives, tools, and technology as they investigate problems involving measurement. As a result, what they know and are able to do includes:

1. M-1-E: Applying (measure or solve measurement problem) the concepts of length (inches, feet, yards, miles, millimeters, centimeters, decimeters, meters, kilometers), area, volume, capacity (cups, liquid pints and quarts, gallons, milliliters, liters), weight (ounces, pounds, tons, grams, kilograms), mass, time (seconds, minutes, hours, days, weeks, months, years), money, and temperature (Celsius and Fahrenheit) to real-world experiences (1, 2, 3, 4, 5);

2. M-2-E: Selecting and using appropriate standard and non-standard units of measure (e.g., paper clips and Cuisenaire rods) and tools for measuring length, area,

capacity, weight/mass, and time for a given situation by considering the purpose and precision required for the task (1, 2, 3, 4);

3. M-3-E: Using estimation skills to describe, order, and compare measures of length, capacity, weight/mass, time, and temperature (1, 2, 3, 4);

4. M-4-E: Converting from one unit of measurement to another within the same system (customary and metric); comparisons between systems should be based on intuitive reference points, not formal computations (e.g., a meter is a little longer than a yard) (2, 3, 4);

5. M-5-E: Demonstrating the connection of measurement to the other strands and to real-life situations (2, 4, 5).

NOTE: The foundation skills addressed by each benchmark are listed numerically in parentheses after the benchmark.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.6; R.S. 17:24.4; R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:

### **§705. Benchmarks 5-8**

A. Students in Grades 5-8 use number sense, estimation, appropriate manipulatives, tools, and technology as they extend their investigations of problems involving measurement. As a result, what they know and are able to do includes:

1. M-1-M: Applying the concepts of length, area, surface area, volume, capacity, weight, mass, money, time, temperature, and rate to real-world experiences (2, 3, 4);

2. M-2-M: Demonstrating an intuitive sense of measurement (e.g., estimating and determining reasonableness of measures) (1, 2, 4);

3. M-3-M: Selecting appropriate units and tools for tasks by considering the purpose for the measurement and the precision required for the task (e.g., length of a room in feet rather than in inches) (2, 3, 4);

4. M-4-M: Using intuition and estimation skills to describe, order, and compare formal and informal measures (e.g., ordering cup, pint, quart, gallon; comparing a meter to a yard) (1, 2, 4);

5. M-5-M: Converting from one unit of measurement to another within the same system (Comparisons between systems, customary and metric, should be based on intuitive reference points, not formal computation.) (2, 4);

6. M-6-M: Demonstrating the connection of measurement to the other strands and to real-life situations (1, 2, 3, 4, 5).

NOTE: The foundation skills addressed by each benchmark are listed numerically in parenthesis after the benchmark.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.6; R.S. 17:24.4; R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:

### **§707. Benchmarks 9-12**

A. Students in Grades 9-12 use number sense, estimation, appropriate manipulatives, tools, and technology as they extend their investigations of problems involving measurement. As a result, what they know and are able to do includes:

1. M-1-H: Selecting and using appropriate units, techniques, and tools to measure quantities in order to achieve specified degrees of precision, accuracy, and error (or tolerance) of measurements (3);

2. M-2-H: Demonstrating an intuitive sense of measurement (e.g., estimating and determining reasonableness of results as related to area, volume, mass, rate, and distance) (1, 2, 4);

3. M-3-H: Estimating, computing, and applying physical measurement using suitable units (e.g., calculate perimeter and area of plane figures, surface area and volume of solids presented in real-world situations) (1, 3, 4);

4. M-4-H: Demonstrating the concept of measurement as it applied to real-world experiences (1, 2, 3, 4, 5).

NOTE: The foundation skills addressed by each benchmark are listed numerically in parentheses after the benchmark.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.6; R.S. 17:24.4; R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:

## **Chapter 9. Strand Four: Geometry**

### **§901. Geometry**

A. Focus. Geometry is the study of the physical shapes of the world in which we live. It provides a natural environment for the use of inductive and deductive reasoning. It is not only basic to design, construction, and engineering, but also to law, medicine, and other fields that depend on critical deductive thinking skills. It provides models for representing many numerical and algebraic concepts. In Grades K-4, students must have opportunities to examine, manipulate, and construct geometric models using concrete materials. These activities should take place in a setting where students may freely explore and discuss ideas in order to develop and use appropriate vocabulary. After such first-hand experiences, many students should be able to progress to pictorial and abstract representations. The study of geometry should center around cooperative group investigations designed to promote the discovery of geometric concepts and principles and should encourage the development of communication, reasoning, and problem-solving skills. Secondary students should develop coordinate and transformational geometry as well as the usual axiomatic geometry. They should develop deductive reasoning skills by way of written proofs in a variety of formats. In the study of geometry, students should have access to appropriate manipulatives, technology, and construction materials to enhance their investigations.

B. Standard. In problem-solving investigations, students demonstrate an understanding of geometric concepts and applications involving one-, two-, and three-dimensional geometry, and justify their findings.

NOTE: The foundation skills addressed by each benchmark are listed numerically in parentheses after the benchmark.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.6; R.S. 17:24.4; R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:

### **§903. Benchmarks K-4**

A. Students in Grades K-4 use number sense, estimation, models, drawings, manipulatives, and technology as they investigate problems involving geometric concepts. As a result, what they know and are able to do includes:

1. G-1-E: Determining the relationships among shapes (1, 2, 3, 4);

2. G-2-E: Identifying, describing, comparing, constructing, and classifying two-dimensional and three-dimensional geometric shapes using a variety of materials (1, 2, 3, 4);

3. G-3-E: Making predictions regarding combinations, subdivisions, and transformations (slides, flips, turns) of simple plane geometric shapes (1, 2, 4);

4. G-4-E: Drawing, constructing models, and comparing geometric shapes, with special attention to developing spatial sense (1, 2, 4);

5. G-5-E: Identifying and drawing line and angles and describing their relationships to each other and to the real world (1, 4, 5);

6. G-6-E: Demonstrating the connection of geometry to the other strands and to real-life situations (1, 2, 3, 4, 5).

NOTE: The foundation skills addressed by each benchmark are listed numerically in parentheses after the benchmark.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.6; R.S. 17:24.4; R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:

### **§905. Benchmarks 5-8**

A. Students in Grades 5-8 use number sense, estimation, models, drawings, manipulatives, and technology as they extend their investigations of problems involving geometric concepts. As a result, what they know and are able to do includes:

1. G-1-M: Using estimation skills to describe, order, and compare geometric measures (1, 2);

2. G-2-M: Identifying, describing, comparing, constructing, and classifying geometric figures and concepts (1, 2, 3);

3. G-3-M: Making predictions regarding transformations of geometric figures (e.g., make prediction regarding translations, reflections, and rotations or common figures) (1, 4);

4. G-4-M: Constructing two- and three-dimensional models (3);

5. G-5-M: Making and testing conjectures about geometric shapes and their properties (1, 2, 3, 4);

6. G-6-M: Demonstrating an understanding of the coordinate system (e.g., locate points, identify coordinates, and graph points in the coordinate plane to represent real-world situations) (1, 3, 4);

7. G-7-M: Demonstrating the connection of geometry to the other strands and to real-life situations (e.g., applications of the Pythagorean Theorem).

NOTE: The foundation skills addressed by each benchmark are listed numerically in parentheses after the benchmark.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.6; R.S. 17:24.4; R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:

### **§907. Benchmarks 9-12**

A. Students in Grades 9-12 use number sense, estimation, models, drawings, manipulatives, and technology as they extend their investigations of problems involving geometric concepts. As a result, what they know and are able to do includes:

1. G-1-H: Identifying, describing, comparing, constructing, and classifying geometric figures in two and three dimensions using technology where appropriate to explore and make conjectures about geometric concepts and figures (1, 2, 3, 4);

2. G-2-H: Representing and solving problems using geometric models and the properties of those models (e.g., Pythagorean Theorem or formulas involving radius, diameter, and circumference) (1, 2, 3);

3. G-3-H: Solving problems using coordinate methods, as well as synthetic and transformational methods (e.g., transform on a coordinate plane a design found in real-life situations) (2);

4. G-4-H: Using inductive reasoning to predict, discover, and apply geometric properties and relationships (e.g., patty paper constructions, sum of the angles in a polygon) (1, 2, 4);

5. G-5-H: Classifying figures in terms of congruence and similarity and applying these relationships (4);

6. G-6-H: Demonstrating deductive reasoning and mathematical justification (e.g., oral explanation, informal proof, and paragraph proof) (1, 2, 4).

NOTE: The foundation skills addressed by each benchmark are listed numerically in parentheses after the benchmark.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.6; R.S. 17:24.4; R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:

### **Chapter 11. Strand Five: Data Analysis, Probability, and Discrete Math**

#### **§1101. Data Analysis, Probability, and Discrete Math**

A. Focus. Data analysis is the collecting, organizing, presenting, and analyzing of numerical information using appropriate statistical methods. Discrete mathematics is the branch of mathematics that involves finite sets and structured sets, including matrices and graph theory. Probability is that branch of mathematics that deals with uncertainty and the likelihood of events occurring or not occurring. These three subjects are closely interwoven. Concepts from these subjects should develop gradually through many varied experiences based on students' natural interests. These concepts are essential to help students relate mathematical thinking to real-life situations, such as weather, games, sports, newspapers, and business. Classroom explorations involving these concepts should encourage the development of communication, connections, reasoning, and problem-solving skills and should effectively incorporate the use of appropriate models, manipulatives, and technology. Talking and writing should be of particular importance in this strand as students learn to analyze information and express similarities, differences, and patterns based on their investigations. The concepts studies will enable students to effectively communicate information in an organized and graphic manner that will enhance problem-solving skills.

B. Standard. In problem-solving investigations, students discover trends, formulate conjectures regarding cause-and-effect relationships, and demonstrate critical thinking skills in order to make informed decisions.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.6; R.S. 17:24.4; R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:

#### **§1103. Benchmarks K-4**

A. Students in Grades K-4 use collection and organizational techniques, number sense, estimation, manipulatives, and technology as they investigate problems involving data. As a result, what they know and are able to do includes:

1. D-1-E: Collecting, organizing, and describing data based on real-life situations (1, 3, 4, 5);

2. D-2-E: Constructing, reading, and interpreting data in charts, graphs, tables, etc. (1, 2, 3, 4);

3. D-3-E: Formulating and solving problems that involve the use of data (2, 3, 4);

4. D-4-E: Exploring, formulating, and solving sequence-of-pattern problems involving selection and arrangement of objects/numerals (2, 3, 4);

5. D-5-E: Predicting outcomes based on probability (e.g., make predictions of same chance, more likely, or less likely; determine fair and unfair games);

6. D-6-E: Demonstrating the connection of data analysis, probability, and discrete math to other strands and real-life situations (1, 2, 3, 4, 5).

NOTE: The foundation skills addressed by each benchmark are listed numerically in parentheses after the benchmark.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.6; R.S. 17:24.4; R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:

#### **§1105. Benchmarks 5-8**

A. Students in Grades 5-8 use collection and organizational techniques, number sense, estimation, manipulatives, and technology as they extend their investigations of problems involving data. As a result, what they know and are able to do includes:

1. D-1-M: Systematically collecting, organizing, describing, and displaying data in charts, tables, plots, graphs, and/or spreadsheets (1, 2, 3, 4);

2. D-2-M: Analyzing, interpreting, evaluating, drawing inferences, and making estimations, predictions, decisions, and convincing arguments based on organized data (e.g., analyze data using concepts of mean, median, mode, range, random samples, sample size, bias, and data extremes) (1, 2, 3, 4, 5);

3. D-3-M: Describing informal thinking procedures (e.g., solving elementary logic problems using Venn diagrams, tables, charts, and/or elementary logic operatives to solve logic problems in real-life situations; reach valid conclusions in elementary logic problems involving "and, or, not, if/then") (2, 3);

4. D-4-M: Analyzing various counting and enumeration procedures with and without replacement (e.g., find the total number of possible outcomes or possible choices in a given situation) (2, 4);

5. D-5-M: Comparing experimental probability results with theoretical probability (e.g., representing probabilities of concrete situations as common fractions, investigating single-event and multiple-event probability, using sample spaces, geometric figures, tables, and/or graphs) (2, 3, 4);

6. D-6-M: Demonstrating the connection of data analysis, probability, and discrete math to other strands and to real-life situations (1, 2, 3, 4, 5).

NOTE: The foundation skills addressed by each benchmark are listed numerically in parentheses after the benchmark.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.6; R.S. 17:24.4; R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:

#### **§1107. Benchmarks 9-12**

A. Students in Grades 9-12 use collection and organizational techniques, number sense, estimation, manipulatives, and technology as they extend their



investigations of problems involving data. As a result, what they know and are able to do includes:

1. D-1-H: Designing and conducting statistical experiments that involve the collection, representation, and analysis of data in various forms (Analysis should reflect an understanding of factors such as: sampling, bias, accuracy, and reasonableness of data.) (1, 2, 3, 4);

2. D-2-H: Recognizing data that relate two variables as linear, exponential, or otherwise in nature (e.g., match a data set, linear or non-linear, to a graph and vice versa) (1, 2, 3, 4);

3. D-3-H: Using simulations to estimate probabilities (e.g., lists and tree diagrams) (1, 2, 3, 4);

4. D-4-H: Demonstrating an understanding of the calculation of finite probabilities using permutations, combinations, sample spaces, and geometric figures (1, 3);

5. D-5-H: Recognizing events as dependent or independent in nature and demonstrating techniques for computing multiple-event probabilities (1, 2, 4);

6. D-6-H: Recognizing and answering questions about data that are normally or non-normally distributed (1, 2, 4);

7. D-7-H: Making inferences from data that are organized in charts, tables, and graphs (e.g., pictograph; bar, line, or circle graph; stem-and-leaf plot or scatter plot) (1, 3, 4);

8. D-8-H: Using logical thinking procedures, such as flow charts, Venn diagrams, and truth tables (2, 3, 4);

9. D-9-H: Using discrete math to model real-life situations (e.g., fair games or elections, map coloring) (1, 2, 3, 4, 5).

NOTE: The foundation skills addressed by each benchmark are listed numerically in parentheses after the benchmark.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.6; R.S. 17:24.4; R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:

### **Chapter 13. Strand Six: Patterns, Relations, and Functions**

#### **§1301. Patterns, Relations, and Functions**

A. Focus. The concepts of patterns, relations, and functions play a central role in modern mathematics. These concepts arise naturally from observations of the world. Business people, social scientists, and physical scientists use mathematics to make predictions following their study of patterns and relationships found among the quantities measured in their respective fields. In Grades K-8, students should use informal investigations to observe patterns created by nature and man (flowers, leaves, insects, music, predictable literature, wallpaper, fabric). Students should continue to use the study of patterns to explore mathematical relationships as they verbalize, complete, create, and analyze patterns. This gradual transition from the concrete to the symbolic provides a foundation for the study of functions. Not only does the high school curriculum contain in the formal study of functions and inverse relations, it also uses functions and inverse relations as modeling tools for the study of relationships found in our world. This study of functions and how things change leads naturally to powerful analytic techniques, which are collectively called calculus.

B. Standard. In problem-solving investigations, students demonstrate an understanding of patterns, relations, and functions that represent and explain real-world situations.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.6; R.S. 17:24.4; R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:

#### **§1303. Benchmarks K-4**

A. Students in Grades K-4 use number sense, estimation, manipulatives, drawings, tables, graphs, formulas, and technology as they investigate problems involving patterns, relations, and functions. As a result, what they know and are able to do includes:

1. P-1-E: Recognizing, describing, extending, and creating a wide variety of numerical (e.g., skip counting of whole numbers), geometrical, and statistical patterns (1, 2, 3, 4);

2. P-2-E: Representing and describing mathematical relationships using tables, variables, open sentences, and graphs (1, 2, 4);

3. P-3-E: Recognizing the use of patterns, relations, and functions in other strands and in real-life situations (2, 3, 4, 5).

NOTE: The foundation skills addressed by each benchmark are listed numerically in parentheses after the benchmark.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.6; R.S. 17:24.4; R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:

#### **§1305. Benchmarks 5-8**

A. Students in Grades 5-8 use number sense, estimation, manipulatives, drawings, tables, graphs, formulas, and technology as they extend their investigations of problems involving patterns, relations, and functions. As a result, what they know and are able to do includes:

1. P-1-M: Describing, extending, analyzing, and creating a wide variety of numerical, geometrical, and statistical patterns (e.g., skip counting of rational numbers and simple exponential number patterns) (1, 2, 3, 4);

2. P-2-M: Describing and representing relationships using tables, rules, simple equations, and graphs (1, 3, 4);

3. P-3-M: Analyzing relationships to explain how a change in one quantity results in a change in another (e.g., change in the dimensions of a rectangular solid affects the volume) (1, 2, 4);

4. P-4-M: Demonstrating the pervasive use of patterns, relations, and functions in other strands and in real-life situations (1, 4, 5).

NOTE: The foundation skills addressed by each benchmark are listed numerically in parentheses after the benchmark.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.6; R.S. 17:24.4; R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:

#### **§1307. Benchmarks 9-12**

A. Students in Grades 9-12 use number sense, estimation, manipulatives, drawings, tables, graphs, formulas, and technology as they extend their investigations of problems involving patterns, relations, and functions. As a result, what they know and are able to do includes:

1. P-1-H: Modeling the concepts of variables, functions, and relations as they occur in the real world and using the appropriate notation and terminology (1, 3, 4);

2. P-2-H: Translating between tabular, symbolic, or graphic representations of functions (1, 3, 4);

3. P-3-H: Recognizing behavior of families of elementary functions, such as polynomial, trigonometric,

and exponential functions, and, where appropriate, using graphing technologies to represent them (3, 4);

4. P-4-H: Analyzing the effects of changes in parameters (e.g., coefficients and constants) on the graphs of functions, using technology whenever possible (2, 3);

5. P-5-H: Analyzing real-world relationships that can be modeled by elementary functions (1, 3, 4).

NOTE: The foundation skills addressed by each benchmark are listed numerically in parentheses after the benchmark.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.6; R.S. 17:24.4; R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:

## Chapter 15. Grade Level Expectations

### §1501. Prekindergarten

#### A. Number and Number Relations: Strand One

1. GLE 1: Count by ones to 10 (PK-CM-N3) (N-1-E) (N-3-E).

2. GLE 2: Count a set of 5 or fewer objects by establishing a 1-to-1 correspondence between number names and objects (PK-CM-N2) (N-1-E).

3. GLE 3: Identify an object's position as first or last (PK-CM-G3) (N-1-E).

4. GLE 4: Identify numerals 1 to 5 (PK-CM-N5) (N-1-E) (N-3-E).

5. GLE 5: Compare sets of objects using the words *same/different* and *more/less/fewer* (PK-CM-N1) (N-3-E) (N-7-E).

#### B. Measurement: Strand Three

1. GLE 6: Use comparative vocabulary in measurement settings (e.g., long/longer, short/shorter, more/less, hotter/colder, heavier/lighter, bigger/smaller) (PK-CM-M3) (M-1-E) (M-2-E) (M-3-E).

2. GLE 7: Use words such as day, week, month, schedule, morning, noon, night (PK-CM-M1) (M-2-E).

#### C. Geometry: Strand Four

1. GLE 8: Identify rectangles, squares, circles, and triangles using concrete models (G-2-E).

2. GLE 9: Sort concrete objects by an attribute (e.g., shape, size, color) (PK-CM-D1) (G-2-E) (D-1-E).

3. GLE 10: Use words that indicate direction and position of an object (e.g., up, down, over, under, above, below, beside, in, out, behind) (PK-CM-G3) (G-3-E).

4. GLE 11: Recognize and manipulate an object's position in space (e.g., blocks, assembling puzzles) (PK-CM-G3) (G-3-E) (G-4-E).

#### D. Data Analysis, Probability, and Discrete Math: Strand Five

1. GLE 12: Arrange objects or pictures of objects to make an object or picture graph (PK-CM-D2) (D-4-E).

#### E. Patterns, Relations, and Functions: Strand Six

1. GLE 13: Recognize and copy repeated patterns (e.g., concrete objects, songs, rhymes, and body movements) (PK-CM-P1) (PK-CM-P2) (P-1-E) (P-3-E).

NOTE: The benchmarks addressed by each GLE are listed in parentheses after the GLE.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.6; R.S. 17:24.4; R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:

### §1503. Kindergarten

#### A. Number and Number Relations: Strand One

1. GLE 1: Count by ones to 20 (N-1-E) (N-3-E).

2. GLE 2: Count a set of 20 or fewer objects by establishing a 1-to-1 correspondence between number names and objects (N-1-E) (N-3-E) (A-1-E).

3. GLE 3: Use the ordinal numerals 1st through 10th to discuss positions in ordered lists (N-1-E).

4. GLE 4: Identify the numerals for the numbers 0 through 20 (N-1-E) (N-3-E).

5. GLE 5: Using a number line or chart, identify the numbers coming before/after a given number and between 2 given numbers (N-1-E) (N-3-E) (A-1-E).

6. GLE 6: Identify pennies, nickels, and dimes and their values using the cent sign ( $\text{¢}$ ) (N-1-E) (N-2-E) (N-6-E) (M-1-E).

7. GLE 7: Count forward and backward from a given number between 1 and 10 (N-3-E).

8. GLE 8: Compare sets containing 20 or fewer objects using the words *same/different* and *more/less/greater/fewer* (N-3-E) (N-1-E).

9. GLE 9: Use concrete objects to model simple real-life addition and subtraction problems (N-4-E).

10. GLE 10: Use operational vocabulary (*add, subtract, join, remove, take away, put together*) to explore sets of objects (N-5-E).

#### B. Algebra: Strand Two

1. GLE 11: Use the words *same, different, equal, not equal, greater than, and less than* while using concrete objects for comparative models (A-1-E).

2. GLE 12: Model and act out story problems, physically or with objects, to solve whole number sentences with sums less than or equal to 6 (A-2-E).

#### C. Measurement: Strand Three

1. GLE 13: Use vocabulary such as: *yesterday, today, tomorrow, hours, weeks*, names of days, names of months; sequence events; and identify calendars and clocks as objects that measure time (M-1-E) (M-2-E) (M-5-E).

2. GLE 14: Measure and estimate length and capacity using non-standard units (e.g., sticks, paper clips, blocks, beans) (M-2-E) (M-3-E).

3. GLE 15: Use comparative and superlative vocabulary in measurement settings (e.g., longest, shortest, most, hottest, heaviest, biggest) (M-3-E) (M-1-E) (M-2-E).

#### D. Geometry: Strand Four

1. GLE 16: Name and identify basic shapes using concrete models (e.g., circles, squares, triangles, rectangles, rhombuses, balls, boxes, cans, cones) (G-2-E) (G-1-E) (G-4-E) (G-5-E).

2. GLE 17: Compare, contrast, and sort objects or shapes according to two attributes (e.g., shape and size, shape and color, thickness and color) (G-2-E).

3. GLE 18: Use words that indicate direction and position of objects and arrange an object in a specified position and orientation (e.g., between, behind, above) (G-3-E).

4. GLE 19: Investigate the results of combining shapes (using paper shapes, pattern blocks, tangrams, etc.) (G-3-E) (G-1-E).

5. GLE 20: Draw circles, squares, rectangles, and triangles (G-4-E).

E. Data Analysis, Probability, and Discrete Math: Strand Five

1. GLE 21: Collect and organize concrete data using tally mark charts (D-1-E).

2. GLE 22: Collect and organize data in a simple bar graph using pictures or objects (D-1-E) (D-2-E).

3. GLE 23: Sort, represent, and use information in simple tables and bar/picture graphs (D-2-E) (D-3-E).

F. Patterns, Relations, and Functions: Strand Six

1. GLE 24: Recognize, copy, name, create, and extend repeating patterns (e.g., ABAB, AABB, ABBA) using concrete objects, shapes, pictures, numbers, and sounds (P-1-E).

NOTE: The benchmarks addressed by each GLE are listed in parentheses after the GLE.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6; R.S. 17:24.4; R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:

### §1505. First Grade

A. Number and Number Relations: Strand One

1. GLE 1: Count to 100 by 1s, 5s, 10s, and 25s (N-1-E) (N-3-E) (N-4-E).

2. GLE 2: Read and write numerals to 100 (N-1-E).

3. GLE 3: Write number words for 0 to 19 (N-1-E) (N-3-E).

4. GLE 4: Use ordinal numbers through 31<sup>st</sup> as they relate to the calendar (N-1-E).

5. GLE 5: Model and read place value in word, standard, and expanded form for numbers through 99 (N-1-E).

6. GLE 6: Use region models and sets of objects to demonstrate understanding of the concept of halves (N-1-E).

7. GLE 7: Identify quarters, half-dollars, and their values (N-1-E) (N-2-E) (M-1-E).

8. GLE 8: Find the value of a set of coins up to \$1.00, using one denomination of coin (N-2-E) (N-6-E) (M-1-E) (M-5-E).

9. GLE 9: Apply estimation strategies to estimate the size of groups up to 20 (N-2-E) (N-8-E).

10. GLE 10: Using a number line or chart, locate, compare, and order whole numbers less than 100 and identify the numbers coming before/after a given number and between 2 given numbers (N-3-E) (A-1-E).

11. GLE 11: From a given number between 1 and 100, count forward and backward (N-3-E).

12. GLE 12: Know the basic facts for addition and subtraction [0s, 1s, counting on and back 2s, doubles, doubles + 1, then 10s fact, and related turn-around (commutative) pairs] and use them to solve real-life problems (N-4-E) (N-6-E) (N-8-E).

13. GLE 13: Recognize and apply addition and subtraction as inverse operations (N-4-E).

14. GLE 14: Add and subtract 2-digit numbers using manipulatives (N-4-E) (N-7-E).

15. GLE 15: Recognize real-life situations as addition or subtraction problems (N-5-E) (N-4-E).

16. GLE 16: Given a number and number line/hundreds chart, identify the nearest ten (N-7-E).

B. Algebra: Strand Two

1. GLE 17: Use the equal sign (=) to express the relationship of equality (A-1-E).

2. GLE 18: Use objects, pictures, and number sentences to represent real-life problem situations involving addition and subtraction (A-1-E) (A-3-E) (N-7-E).

3. GLE 19: Use objects, pictures, and verbal information to solve for missing numbers (A-2-E) (N-7-E).

C. Measurement: Strand Three

1. GLE 20: Measure length to the nearest inch and centimeter using appropriate tools (M-1-E) (M-2-E).

2. GLE 21: Tell time to the hour and half-hour, and identify date, day, week, month, and year on a calendar (M-1-E) (M-2-E) (M-5-E).

3. GLE 22: Select appropriate non-standard units for linear measurement situations (e.g., sticks, blocks, paper clips) (M-2-E).

4. GLE 23: Compare the measure of objects to benchmarks (e.g., the width of a child's thumb is about a centimeter, the weight of a loaf of bread is about a pound, and the mass of a textbook is about a kilogram) (M-2-E).

5. GLE 24: Measure capacity using cups (M-2-E) (M-3-E) (M-1-E).

6. GLE 25: Identify the thermometer as a tool for measuring temperature (M-2-E).

D. Geometry: Strand Four

1. GLE 26: Compare, contrast, name, and describe attributes (e.g., corner, side, straight, curved, number of sides) of shapes using concrete models [circle, rectangle (including square), rhombus, triangle] (G-1-E) (G-2-E) (G-4-E).

2. GLE 27: Connect the informal language used for 3-dimensional shapes to their proper mathematical name (e.g., a ball is a sphere, a box is a rectangular prism, a can is a cylinder) (G-2-E).

3. GLE 28: Determine if a shape has a line of symmetry for folding (G-2-E).

4. GLE 29: Visualize, predict, and create new shapes by cutting apart and combining existing 2- and 3-dimensional shapes (G-3-E) (G-1-E).

5. GLE 30: Identify congruent shapes (i.e., same size and shape) in a variety of positions and orientations (G-3-E) (G-2-E).

6. GLE 31: Draw line segments (G-5-E).

E. Data Analysis, Probability, and Discrete Math: Strand Five

1. GLE 32: Given a set of data, construct and read information from bar graphs and charts (D-1-E) (D-2-E).

2. GLE 33: Determine whether an object satisfies a simple logical classification rule (e.g., belongs and does not belong) (D-1-E).

3. GLE 34: Appropriately use basic probability vocabulary (e.g., *more likely to happen/less likely to happen, always/never, same as*) (D-5-E).

F. Patterns, Relations, and Functions: Strand Six

1. GLE 35: Identify, describe, and explain the patterns in repeating situations (adding the same number (e.g., 2, 5, 8, 11, or skip-counting) (P-1-E).

2. GLE 36: Explain patterns created with concrete objects, numbers, shapes, and colors (P-2-E).

NOTE: The benchmarks addressed by each GLE are listed in parentheses after the GLE.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6; R.S. 17:24.4; R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:

### §1507. Second Grade

#### A. Number and Number Relations: Strand One

1. GLE 1: Model, read, and write place values for numbers through 999 in word, standard, and expanded form (N-1-E).

2. GLE 2: Model the concepts of thirds, fourth, fifths, and sixths using regions, sets, and fraction words (e.g., one-third, three-fourths, five-sixths) (N-1-E).

3. GLE 3: Make reasonable estimates of the number of objects in a collection with fewer than 100 objects (N-2-E).

4. GLE 4: Count and write the value of amounts of money up to \$1.00 using ¢ and \$ (N-2-E) (N-6-E) (M-1-E) (M-5-E).

5. GLE 5: Read, write, compare, and order whole numbers through 999 using words, number lines, and models (N-3-E) (N-1-E).

6. GLE 6: From a given number, count forward and backward and count to 100 by 2s (N-3-E) (N-1-E) (N-4-E).

7. GLE 7: Know all basic facts for addition and subtraction and use them to solve real-life problems (N-5-E) (N-6-E) (N-7-E) (N-8-E) (N-9-E).

8. GLE 8: Recognize, select, connect, and use operations, operational words and symbols (+, -) for addition (join, part/part/whole) or subtraction (take away, comparison, missing addend, and set/subset) situations (N-6-E) (N-5-E).

9. GLE 9: Add and subtract 1- and 2-digit numbers (N-6-E) (N-7-E).

10. GLE 10: Round numbers to the nearest 10 or 100 and identify situations in which rounding is appropriate (N-7-E) (N-9-E).

11. GLE 11: Use the concept of one-to-several correspondences to trade single items for a greater quantity of items with unequal value (1 nickel for 5 pennies, 1 dime for 2 nickels) (N-9-E).

#### B. Algebra: Strand Two

1. GLE 12: Use number sentences to represent real-life problems involving addition and subtraction (A-1-E) (A-2-E).

2. GLE 13: Find the missing number in an equation involving addition or subtraction (e.g.,  $\# + 4 = 7$ ,  $8 - \# = 3$ ) (A-2-E) (N-4-E).

#### C. Measurement: Strand Three

1. GLE 14: Measure and appropriately label measures of length and perimeter (i.e., inch, centimeter, foot), capacity (i.e., cup, quart, liter), and weight/mass (i.e., pound, kilogram) (M-1-E).

2. GLE 15: Read a thermometer in degrees in Fahrenheit and Celsius and interpret the temperature (M-1-E).

3. GLE 16: Tell time to the nearest 5 minutes, and identify the time one hour before or after a given time (M-1-E) (M-3-E).

4. GLE 17: Select and use appropriate tools and units to measure length, time, capacity, and weight (e.g., scales for pounds and kilograms; rulers for inches and centimeters; measuring containers for cup, quarts, and liters) (M-2-E).

5. GLE 18: Use non-standard units to cover a given region (M-2-E).

6. GLE 19: Estimate length in standard units (inch, foot, and centimeter) (M-3-E).

7. GLE 20: Compare units within the same system (inch is shorter than a foot, minute is shorter than an hour, day is shorter than a month, cup holds less than a quart) (M-3-E).

#### D. Geometry: Strand Four

1. GLE 21: Compare and contrast 3-dimensional shapes (i.e., sphere, cube, cylinder, cone, prism, pyramid) according to their attributes (e.g., number of faces, shape of faces) (G-2-E).

2. GLE 22: Identify a reduction or enlargement of a given shape (G-2-E).

3. GLE 23: Identify congruent 3-dimensional solids in a variety of positions and orientations (G-3-E) (G-4-E) (G-2-E).

4. GLE 24: Identify and draw horizontal and vertical line segments (G-5-E).

#### E. Data Analysis, Probability, and Discrete Math: Strand Five

1. GLE 25: Collect and organize data using observations, surveys, and experiments (D-1-E).

2. GLE 26: Construct and read line plots and tables (D-2-E).

3. GLE 27: Interpret pictographs in which each picture represents more than one object (D-2-E).

4. GLE 28: Generate questions that can be answered by collecting and analyzing data (D-3-E).

5. GLE 29: Solve logic problems involving two sets by using elementary set logic (i.e., and, or, and is/is not statements) (D-3-E).

#### F. Patterns, Relations, and Functions: Strand Six

1. GLE 30: Recognize, extend, create, and explain patterns of addition and subtraction as represented in charts and tables and in varied forms of skip-counting (P-1-E) (P-2-E).

2. GLE 31: Recognize, extend, create, and explain patterns that involve simple rotations or size changes with geometric objects (P-1-E) (P-2-E).

3. GLE 32: Recognize and apply patterns in problem-solving in other content areas and real-life situations (P-3-E) (N-9-E).

NOTE: The benchmarks addressed by each GLE are listed in parentheses after the GLE.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6; R.S. 17:24.4; R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:

### §1509. Third Grade

#### A. Number and Number Relations: Strand One

1. GLE 1: Model, read, and write place value in word, standard, and expanded form for numbers through 9999 (N-1-E).

2. GLE 2: Read, write, compare, and order whole numbers through 9999 using symbols (i.e.,  $<$ ,  $=$ ,  $>$ ) and models (N-1-E) (N-3-E).

3. GLE 3: Use region and set models and symbols to represent, estimate, read, write, and show understanding of fractions through tenths (N-1-E) (N-2-E).

4. GLE 4: Use the concepts of associative and commutative properties of multiplication to simplify computations (N-4-E) (N-7-E).

5. GLE 5: Recognize and model multiplication as a rectangular array or as repeated addition (N-4-E) (N-7-E).

6. GLE 6: Recognize and model division as separating quantities into equal subsets (fair shares) or as repeated subtraction (N-4-E) (N-7-E).

7. GLE 7: Recognize and apply multiplication and division as inverse operations (N-4-E).

8. GLE 8: Recognize, select, connect, and use operations, operational words, and symbols (i.e., +, -, x, ÷) to solve real-life situations (N-5-E) (N-6-E) (N-9-E).

9. GLE 9: Know basic multiplication and division facts [0s, 1s, 2s, 5s, 9s, and turn-arounds (commutative facts), including multiplying by 10s] (N-6-E) (N-4-E).

10. GLE 10: Calculate the value of a combination of bills and coins and make change up to \$5.00 (N-6-E) (M-1-E) (M-5-E).

11. GLE 11: Add and subtract numbers of digits or less (N-6-E) (N-7-E).

12. GLE 12: Round to the nearest 1000 and identify situations in which rounding is appropriate (N-7-E) (N-9-E).

13. GLE 13: Determine when and how to estimate, and when and how to use mental math, calculators, or paper/pencil strategies to solve addition and subtraction problems (N-8-E) (N-9-E).

#### B. Algebra: Strand Two

1. GLE 14: Use the symbols  $<$ ,  $>$ , and  $\neq$  to express inequalities (A-1-E).

2. GLE 15: Use objects, pictures, numbers, symbols, and words to represent multiplication and division problem situations (A-1-E).

3. GLE 16: Use number sentences to represent real-life problems involving multiplication and division (A-1-E) (N-4-E).

4. GLE 17: Analyze and describe situations where proportional trades or correspondences are required (e.g., trade 2 pieces of candy for 3 pieces for gum, make equivalent actions on pans to keep balance scale in equilibrium, plan for the number of pieces of bread needed for  $x$  sandwiches) (A-1-E).

5. GLE 18: Use letters as variables in mathematical statements that represent real-life problems (e.g.,  $2 \times n = 8$ ) (A-2-E).

#### C. Measurement: Strand Three

1. GLE 19: Measure length to the nearest yard, meter, and half-inch (M-1-E).

2. GLE 20: Measure capacity using pints and gallons (M-1-E).

3. GLE 21: Measure weight using grams and ounces (M-1-E).

4. GLE 22: Find the perimeter of a geometric shape given the length of its sides (M-1-E).

5. GLE 23: Find the area in square units of a given rectangle (including squares) drawn on a grid or by covering the region with square tiles (M-1-E).

6. GLE 24: Find elapsed time involving hours and minutes, without regrouping, and tell time to the nearest minute (M-1-E) (M-5-E).

7. GLE 25: Select and use the appropriate standard units of measure, abbreviations, and tools to measure length and perimeter (i.e., in., cm, ft., yd., m), area (square inch, square centimeter), capacity (i.e., cup, pint, quart, gallon, liter), and weight/mass (i.e., oz., lb., g, kg, ton) (M-2-E).

8. GLE 26: Order a set of measures within the same system (M-3-E).

9. GLE 27: Compare U.S. and metric measurement using approximate reference points without using conversions (e.g., a meter is longer than a yard) (M-3-E) (M-4-E).

10. GLE 28: Estimate length, weight/mass, and capacity (M-3-E).

#### D. Geometry: Strand Four

1. GLE 29: Classify and describe 2- and 3-dimensional objects according to given attributes (triangle vs. quadrilateral, parallelogram vs. prism) (G-2-E) (G-1-E) (G-4-E).

2. GLE 30: Apply concepts of congruence, similarity, and symmetry in real-life situations (G-2-E).

3. GLE 31: Draw or reconstruct figures from visual memory or verbal descriptions (G-3-E).

4. GLE 32: Recognize and execute specified flips, turns, and slides of geometric figures using manipulatives and correct terminology (including *clockwise* and *counterclockwise*) (G-3-E).

5. GLE 33: Construct and draw rectangles (including squares) with given dimensions (e.g., grid paper, square tiles) (G-4-E).

6. GLE 34: Fold a 2-dimensional net into a 3-dimensional object (G-4-E) (G-1-E).

7. GLE 35: Identify, give properties of, and distinguish among points, lines, line segments, planes, rays, and angles (G-5-E).

8. GLE 36: Identify and draw segments, rays, and lines that are perpendicular, parallel, and intersecting (G-5-E).

9. GLE 37: Identify, describe, and draw intersecting, horizontal, vertical, parallel, diagonal, and perpendicular lines, rays, and right angles in the real world (G-5-E) (G-6-E).

10. GLE 38: Find the length of a path (that does not include diagonals) between two points on a grid (G-6-E).

#### E. Data Analysis, Probability, and Discrete Math: Strand Five

1. GLE 39: Identify categories and sort objects based on qualitative (categorical) and quantitative (numerical) characteristics (D-1-E).

2. GLE 40: Read, describe, and organize a two-circle Venn diagram (D-1-E) (D-2-E).

3. GLE 41: Explain the word *average* and use it appropriately in discussing what is "typical" of a data set (D-1-E).

4. GLE 42: Match a data set to a graph, table, or chart and vice versa (D-2-E).

5. GLE 43: Represent and solve problems using data from a variety of sources (e.g., tables, graphs, maps, advertisements) (D-3-E).

6. GLE 44: Discuss chance situations in terms of *certain/impossible* and *equally likely* (D-5-E).

7. GLE 45: Use manipulatives to discuss the probability of an event (e.g., number cubes, spinners to determine what is most likely or least likely) (D-5-E).

F. Patterns, Relations, and Functions: Strand Six

1. GLE 46: Identify and model even and odd numbers with objects, pictures, and words (P-1-E).

2. GLE 47: Find patterns to complete tables, state the rule governing the shift between successive terms, and continue the pattern (including growing patterns) (P-1-E) (P-2-E).

NOTE: The benchmarks addressed by each GLE are listed in parentheses after the GLE.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.6; R.S. 17:24.4; R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:

**§1511. Fourth Grade**

A. Number and Number Relations: Strand One

1. GLE 1: Read and write place value in word, standard, and expanded form through 1,000,000 (N-1-E).

2. GLE 2: Read, write, compare, and order whole numbers using place value concepts, standard notation, and models through 1,000,000 (N-1-E) (N-3-E) (A-1-E).

3. GLE 3: Illustrate with manipulatives when a number is divisible by 2, 3, 5, or 10 (N-1-E).

4. GLE 4: Know all basic facts for multiplication and division through  $12 \times 12$  and  $144 \div 12$ , and recognize factors of composite numbers less than 50 (N-1-E) (N-6-E) (N-7-E).

5. GLE 5: Read, write, and relate decimals through hundredths and connect them with corresponding decimal fractions (N-1-E).

6. GLE 6: Model, read, write, compare, order, and represent fractions with denominators through twelfths using region and set models (N-1-E) (A-1-E).

7. GLE 7: Give decimal equivalents of halves, fourths, and tenths (N-2-E) (N-1-E).

8. GLE 8: Use common equivalent reference points for percents (i.e.,  $1/4$ ,  $1/2$ ,  $3/4$ , and 1 whole) (N-2-E).

9. GLE 9: Estimate fractional amounts through twelfths, using pictures, models, and diagrams (N-2-E).

10. GLE 10: Solve multiplication and division number sentences including interpreting remainders (N-4-E) (A-3-E).

11. GLE 11: Multiply 3-digit by 1-digit numbers, 2-digit by 2-digit numbers, and divide 3-digit numbers by 1-digit numbers, with and without remainders (N-6-E) (N-7-E).

12. GLE 12: Count money, determine change, and solve simple word problems involving money amounts using decimal notation (N-6-E) (N-9-E) (M-1-E) (M-5-E).

13. GLE 13: Determine when and how to estimate, and when and how to use mental math, calculators, or paper/pencil strategies to solve multiplication and division problems (N-8-E).

14. GLE 14: Solve real-life problems, including those in which some information is not given (N-9-E).

B. Algebra: Strand Two

1. GLE 15: Write number sentences or formulas containing a variable to represent real-life problems (A-1-E).

2. GLE 16: Write a related story problem for a given algebraic sentence (A-1-E).

3. GLE 17: Use manipulatives to represent the distributive property of multiplication over addition to explain multiplying numbers (A-1-E) (A-2-E).

4. GLE 18: Identify and create true/false and open/closed number sentences (A-2-E).

5. GLE 19: Solve one-step equations with whole number solutions (A-2-E) (N-4-E).

C. Measurement: Strand Three

1. GLE 20: Measure length to the nearest quarter-inch and mm (M-2-E) (M-1-E).

2. GLE 21: Describe the concept of volume, and measure volume using cubic in. and cubic cm and capacity using fl. oz. and ml (M-2-E) (M-3-E).

3. GLE 22: Select and use the appropriate standard units of measure, abbreviations, and tools to measure length and perimeter (i.e., in., cm, ft., yd., mile, m, km), area (i.e., square inch, square foot, square centimeter), capacity (i.e., fl. oz., cup, pt., qt., gal., l, ml), weight/mass (i.e., oz., lb., g, kg, ton), and volume (i.e., cubic cm, cubic in.) (M-2-E) (M-1-E).

4. GLE 23: Set up, solve, and interpret elapsed time problems (M-2-E) (M-5-E).

5. GLE 24: Recognize the attributes to be measured in a real-life situation (M-2-E) (M-5-E).

6. GLE 25: Use estimates and measurements to calculate perimeter and area of rectangular objects (including squares) in U.S. (including square feet) and metric units (M-3-E).

7. GLE 26: Estimate the area of an irregular shape drawn on a unit grid (M-3-E).

8. GLE 27: Use unit conversions within the same system to solve real-life problems (e.g., 60 sec. = 1 min., 12 objects = 1 dozen, 12 in. = 1 ft., 100 cm = 1 m, 1 pt = 2 cups) (M-4-E) (N-2-E) (M-5-E).

D. Geometry: Strand Four

1. GLE 28: Identify the top, bottom, or side view of a given 3-dimensional object (G-1-E) (G-3-E).

2. GLE 29: Identify, describe the properties of, and draw circles and polygons (triangle, quadrilateral, parallelogram, trapezoid, rectangle, square, rhombus, pentagon, hexagon, octagon, and decagon) (G-2-E).

3. GLE 30: Make and test predictions regarding transformations (i.e., slides, flips, and turns) of plane geometric shapes (G-3-E).

4. GLE 31: Identify, manipulate, and predict the results of rotations of 90, 180, 270, and 360 degrees on a given figure (G-3-E).

5. GLE 32: Draw, identify, and classify angles that are acute, right, and obtuse (G-5-E) (G-1-E).

6. GLE 33: Specify locations of points in the first quadrant of coordinate systems and describe paths of maps (G-6-E).

E. Data Analysis, Probability, and Discrete Math: Strand Five

1. GLE 34: Summarize information and relationships revealed by patterns or trends in a graph, and use the information to make predictions (D-1-E).

2. GLE 35: Find and interpret the meaning of mean, mode, and median of a small set of numbers (using concrete objects) when the answer is a whole number (D-1-E).

3. GLE 36: Analyze, describe, interpret, and construct various types of charts and graphs using appropriate titles, axis labels, scales, and legends (D-2-E) (D-1-E).

4. GLE 37: Determine which type of graph best represents a given set of discrete data (D-2-E) (D-1-E).

5. GLE 38: Solve problems involving simple deductive reasoning (D-3-E).

6. GLE 39: Use lists, tables, and tree diagrams to generate and record all possible combinations for 2 sets of 3 or fewer objects (e.g., combinations of pants and shirts, days and games) and for given experiments (D-3-E) (D-4-E).

7. GLE 40: Determine the total number of possible outcomes for a given experiment using lists, tables, and tree diagrams (e.g., spinning a spinner, tossing 2 coins) (D-4-E) (D-5-E).

8. GLE 41: Apply appropriate probabilistic reasoning in real-life contexts using games and other activities (e.g., examining fair and unfair situations) (D-5-E) (D-6-E).

F. Patterns, Relations, and Functions: Strand Six

1. GLE 42: Find and describe patterns resulting from operations involving even and odd numbers (such as even + even = even) (P-1-E).

2. GLE 43: Identify missing elements in a number pattern (P-1-E).

3. GLE 44: Represent the relationship in an input-output situations using a simple equation, graph, table, or word description (P-2-E).

NOTE: The benchmarks addressed by each GLE are listed in parentheses after the GLE.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6; R.S. 17:24.4; R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:

**§1513. Fifth Grade**

A. Number and Number Relations. Strand One

1. GLE 1: Differentiate between the terms *factor* and *multiple*, and *prime* and *composite* (N-1-M).

2. GLE 2: Recognize, explain, and compute equivalent fractions for common fractions (N-1-M) (N-3-M).

3. GLE 3: Add and subtract fractions with common denominators and use mental math to determine whether the answer is reasonable (N-2-M).

4. GLE 4: Compare positive fractions using number sense, symbols (i.e.,  $<$ ,  $=$ ,  $>$ ), and number lines (N-2-M).

5. GLE 5: Read, explain, and write a numerical representation for positive improper fractions, mixed numbers, and decimals from a pictorial representation and vice versa (N-3-M).

6. GLE 6: Select and discuss the correct operation for a given problem involving positive fractions using appropriate language such as *sum*, *difference*, *numerator*, and *denominator* (N-4-M) (N-5-M).

7. GLE 7: Select, sequence, and use appropriate operations to solve multi-step word problems with whole numbers (N-5-M) (N-4-M).

8. GLE 8: Use the whole number system (e.g., computational fluency, place value, etc.) to solve problems in real-life and other content areas (N-5-M).

9. GLE 9: Use mental math and estimation strategies to predict the results of computations (i.e., whole numbers, addition and subtraction of fractions) and to test the reasonableness of solutions (N-6-M) (N-2-M).

10. GLE 10: Determine when an estimate is sufficient and when an exact answer is needed in real-life problems using whole numbers (N-6-M) (N-5-M).

11. GLE 11: Explain concepts of ratios and equivalent ratios using models and pictures in real-life problems (e.g., understand that  $\frac{2}{3}$  means 2 divided by 3) (N-8-M) (N-5-M).

B. Algebra: Strand Two

1. GLE 12: Find unknown quantities in number sentences by using mental math, backward reasoning, inverse operations (i.e., unwrapping), and manipulatives (e.g., tiles, balance scales) (A-2-M) (A-3-M).

2. GLE 13: Write a number sentence from a given physical model of an equation (e.g., balance scale) (A-2-M) (A-1-M).

3. GLE 14: Find solutions to one-step inequalities and identify positive solutions on a number line (A-2-M) (A-3-M).

C. Measurement: Strand Three

1. GLE 15: Model, measure, and use the names of all common units in the U.S. and metric systems (M-1-M).

2. GLE 16: Apply the concepts of elapsed time in real-life situations and calculate equivalent times across time zones in real-life problems (M-1-M) (M-6-M).

3. GLE 17: Distinguish among the processes of counting, calculating, and measuring and determine which is the most appropriate strategy for a given situation (M-2-M).

4. GLE 18: Estimate time, temperature, weight/mass, and length in familiar situations and explain the reasonableness of answers (M-2-M).

5. GLE 19: Compare the relative sizes of common units for time, temperature, weight, mass, and length in real-life situations (M-2-M) (M-4-M).

6. GLE 20: Identify appropriate tools and units with which to measure time, mass, weight, temperature, and length (M-3-M).

7. GLE 21: Measure angles to the nearest degree (M-3-M).

8. GLE 22: Compare and estimate measurements between the U.S. and metric systems in terms of common reference points (e.g., l vs. qt., m vs. yd.) (M-4-M).

9. GLE 23: Convert between units of measurement for length, weight, and time, in U.S. and metric, within the same system (M-5-M).

D. Geometry: Strand Four

1. GLE 24: Use mathematical terms to classify and describe the properties of 2-dimensional shapes, including circles, triangles, and polygons (G-2-M).

2. GLE 25: Identify and use appropriate terminology for transformations (e.g., *translation* as *slide*, *reflection* as *flip*, and *rotation* as *turn*) (G-3-M).

3. GLE 26: Identify shapes that have rotational symmetry (G-3-M).

4. GLE 27: Identify and plot points on a coordinate grid in the first quadrant (G-6-M).

E. Data Analysis, Probability, and Discrete Math: Strand Five

1. GLE 28: Use various types of charts and graphs, including double bar graphs, to organize, display, and interpret data and discuss patterns verbally and in writing (D-1-M) (D-2-M) (P-3-M) (A-4-M).

2. GLE 29: Compare and contrast different scales and labels for bar and line graphs (D-1-M).

3. GLE 30: Organize and display data using spreadsheets, with technology (D-1-M).

4. GLE 31: Compare and contrast survey data from two groups relative to the same question (D-2-M).

5. GLE 32: Represent probabilities as common fractions and recognize that probabilities fall between 0 and 1, inclusive (D-5-M).

F. Patterns, Relations, and Functions: Strand Six

1. GLE 33: Fill in missing elements in sequences of designs, number patterns, positioned figures, and quantities of objects (P-1-M).

NOTE: The benchmarks addressed by each GLE are listed in parentheses after the GLE.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6; R.S. 17:24.4; R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:

**§1515. Sixth Grade**

A. Number and Number Relations: Strand One

1. GLE 1: Factor whole numbers into primes (N-1-M).

2. GLE 2: Determine common factors and common multiples for pairs of whole numbers (N-1-M).

3. GLE 3: Find the greatest common factor (GCF) and least common multiple (LCM) for whole numbers in the context of problem-solving (N-1-M).

4. GLE 4: Recognize and compute equivalent representations of fractions and decimals (i.e., halves, thirds, fourths, fifths, eighths, tenths, hundredths) (N-1-M) (N-3-M).

5. GLE 5: Decide which representation (i.e., fraction or decimal) of a positive number is appropriate in a real-life situation (N-1-M) (N-5-M).

6. GLE 6: Compare positive fractions, decimals, and positive and negative integers using symbols (i.e.,  $<$ ,  $=$ ,  $>$ ) and number lines (N-2-M).

7. GLE 7: Read and write numerals and words for decimals through ten-thousandths (N-3-M).

8. GLE 8: Demonstrate the meaning of positive and negative numbers and their opposites in real-life situations (N-3-M) (N-5-M).

9. GLE 9: Add and subtract fractions and decimals in real-life situations (N-5-M).

10. GLE 10: Use and explain estimation strategies to predict computational results with positive fractions and decimals (N-6-M).

11. GLE 11: Mentally multiply and divide by powers of 10 (e.g.,  $25/10 = 2.5$ ;  $12.56 \times 100 = 1,256$ ) (N-6-M).

12. GLE 12: Divide 4-digit numbers by 2-digit numbers with the quotient written as a mixed number or a decimal (N-7-M).

13. GLE 13: Use models and pictures to explain concepts or solve problems involving ratio, proportion, and percent with whole numbers (N-8-M).

B. Algebra: Strand Two

1. GLE 14: Model and identify perfect squares up to 144 (A-1-M).

2. GLE 15: Match algebraic equations and expressions with verbal statements and vice versa (A-1-M) (A-3-M) (A-5-M) (P-2-M).

3. GLE 16: Evaluate simple algebraic expressions using substitution (A-2-M).

4. GLE 17: Find solutions to 2-step equations with positive integer solutions (e.g.,  $3x - 5 = 13$ ,  $2x + 3x = 20$ ) (A-2-M).

C. Measurement: Strand Three

1. GLE 18: Measure length and read linear measurements to the nearest sixteenth-inch and mm (M-1-M).

2. GLE 19: Calculate perimeter and area of triangles, parallelograms, and trapezoids (M-1-M).

3. GLE 20: Calculate, interpret, and compare rates such as \$/lb., mpg, and mph (M-1-M) (A-5-M).

4. GLE 21: Demonstrate an intuitive sense of relative sizes of common units for length and area of familiar objects in real-life problems (e.g., estimate the area of a desktop in square feet, the average adult is between 1.5 and 2 meters tall) (M-2-M) (G-1-M).

5. GLE 22: Estimate perimeter and area of any 2-dimensional figure (regular and irregular) using standard units (M-2-M).

6. GLE 23: Identify and select appropriate units to measure area (M-3-M).

D. Geometry: Strand Four

1. GLE 24: Use mathematical terms to describe the basic properties of 3-dimensional objects (edges, vertices, faces, base, etc.) (G-2-M).

2. GLE 25: Relate polyhedra to their 2-dimensional shapes by drawing or sketching their faces (G-2-M) (G-4-M).

3. GLE 26: Apply concepts, properties, and relationships of points, lines, line segments, rays, diagonals, circles, and right, acute, and obtuse angles and triangles in real-life situations, including estimating sizes of angles (G-2-M) (G-5-M) (G-1-M).

4. GLE 27: Make and test predictions regarding tessellations with geometric shapes (G-3-M).

5. GLE 28: Use a rectangular grid and ordered pairs to plot simple shapes and find horizontal and vertical lengths and area (G-6-M).

E. Data Analysis, Probability, and Discrete Math: Strand Five

1. GLE 29: Collect, organize, label, display, and interpret data in frequency tables, stem-and-leaf plots, and scatter plots and discuss patterns in the data verbally and in writing (D-1-M) (D-2-M) (A-3-M).

2. GLE 30: Describe and analyze trends and patterns observed in graphic displays (D-2-M).

3. GLE 31: Demonstrate an understanding of precision, accuracy, and error in measurement (D-2-M) (M-2-M).

4. GLE 32: Calculate and discuss mean, median, mode, and range of a set of discrete data to solve real-life problems (D-2-M).

5. GLE 33: Create and use Venn diagrams with two overlapping categories to solve counting logic problems (D-3-M).

6. GLE 34: Use lists, tree diagrams, and tables to determine the possible combinations from two disjoint sets when choosing one item from each set (D-4-M).

7. GLE 35: Illustrate and apply the concept of complementary events (D-5-M).

8. GLE 36: Apply the meaning of *equally likely* and *equally probable* to real-life situations (D-5-M) (D-6-M).

F. Patterns, Relations, and Functions: Strand Six



1. GLE 37: Describe, complete, and apply a pattern of differences found in an input-output table (P-1-M) (P-2-M) (P-3-M).

2. GLE 38: Describe patterns in sequences of arithmetic and geometric growth and now-next relationships (i.e., growth patterns where the next term is dependent on the present term) with numbers and figures (P-3-M) (A-4-M).

NOTE: The benchmarks addressed by each GLE are listed in parentheses after the GLE.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.6; R.S. 17:24.4; R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:

### §1517. Seventh Grade

#### A. Number and Number Relations: Strand One

1. GLE 1: Recognize and compute equivalent representations of fractions, decimals, and percents (i.e., halves, thirds, fourths, fifths, eighths, tenths, hundredths) (N-1-M).

2. GLE 2: Compare positive fractions, decimals, percents, and integers using symbols (i.e.,  $<$ ,  $\leq$ ,  $=$ ,  $\geq$ ,  $>$ ) and position on a number line (N-2-M).

3. GLE 3: Solve order of operations problems involving grouping symbols and multiple operations (N-4-M).

4. GLE 4: Model and apply the distributive property in real-life applications (N-4-M).

5. GLE 5: Multiply and divide positive fractions and decimals (N-5-M).

6. GLE 6: Set up and solve simple percent problems using various strategies, including mental math (N-5-M) (N-6-M) (N-8-M).

7. GLE 7: Select and discuss appropriate operations and solve single- and multi-step, real-life problems involving positive fractions, percents, mixed numbers, decimals, and positive and negative integers (N-5-M) (N-3-M) (N-4-M).

8. GLE 8: Determine the reasonableness of answers involving positive fractions and decimals by comparing them to estimates (N-6-M) (N-7-M).

9. GLE 9: Determine when an estimate is sufficient and when an exact answer is needed in real-life problems using decimals and percents (N-7-M) (N-5-M).

10. GLE 10: Determine and apply rates and ratios (N-8-M).

11. GLE 11: Use proportions involving whole numbers to solve real-life problems (N-8-M).

#### B. Algebra: Strand Two

1. GLE 12: Evaluate algebraic expressions containing exponents (especially 2 and 3) and square roots, using substitution (A-1-M).

2. GLE 13: Determine the square root of perfect squares and mentally appropriate other square roots by identifying the two whole numbers between which they fall (A-1-M).

3. GLE 14: Write a real-life meaning of a simple algebraic equation or inequality, and vice versa (A-1-M) (A-5-M).

4. GLE 15: Match algebraic inequalities with equivalent verbal statements and vice versa (A-1-M).

5. GLE 16: Solve one- and two-step equations and inequalities (with one variable) in multiple ways (A-2-M).

6. GLE 17: Graph solutions sets of one-step equations and inequalities as points, or open and closed rays on a number line (e.g.,  $x = 5$ ,  $x < 5$ ,  $x \leq 5$ ,  $x > 5$ ,  $x \geq 5$ ) (A-2-M).

7. GLE 18: Describe linear, multiplicative, or changing growth relationships (e.g., 1, 3, 6, 10, 15, 21, ...) verbally and algebraically (A-3-M) (A-4-M) (P-1-M).

8. GLE 19: Use *function machines* to determine and describe the rule that generates outputs from given inputs (A-4-M) (P-3-M).

#### C. Measurement: Strand Three

1. GLE 20: Determine the perimeter and area of composite plane figures by subdivision and area addition (M-1-M) (G-7-M).

2. GLE 21: Compare and order measurements within and between the U.S. and metric systems in terms of common reference points (e.g., weight/mass and area) (M-4-M) (G-1-M).

3. GLE 22: Convert between units of area in U.S. and metric units within the same system (M-5-M).

4. GLE 23: Demonstrate an intuitive sense of comparisons between degrees of Fahrenheit and Celsius in real-life situations using common reference points (M-5-M).

#### D. Geometry: Strand Four

1. GLE 24: Identify and draw angles (using protractors), circles, diameters, radii, attitudes, and 2-dimensional figures with given specifications (G-2-M).

2. GLE 25: Draw the results of reflections and translations of geometric shapes on a coordinate grid (G-3-M).

3. GLE 26: Recognize  $\pi$  as the ratio between the circumference and diameter of any circle (i.e.,  $\pi = C/d$  or  $\pi = C/2r$ ) (G-5-M).

4. GLE 27: Model and explain the relationship between perimeter and area (how scale change in a linear dimension affects perimeter and area) and between circumference and area of a circle (G-5-M).

5. GLE 28: Determine the radius, diameter, circumference, and area of a circle and apply these measures in real-life problems (G-5-M) (G-7-M) (M-6-M).

6. GLE 29: Plot points on a coordinate grid in all 4 quadrants and locate the coordinates of a missing vertex in a parallelogram (G-6-M) (A-5-M).

7. GLE 30: Apply the knowledge that the measures of the interior angles in a triangle add up to 180 degrees (G-7-M).

#### E. Data Analysis, Probability, and Discrete Math: Strand Five

1. GLE 31: Analyze and interpret circle graphs, and determine when a circle graph is the most appropriate type of graph to use (D-2-M).

2. GLE 32: Describe data in terms of patterns, clustered data, gaps, and outliers (D-2-M).

3. GLE 33: Analyze discrete and continuous data in real-life applications (D-2-M) (D-6-M).

4. GLE 34: Create and use Venn diagrams with three overlapping categories to solve counting logic problems (D-3-M).

5. GLE 35: Use informal thinking procedures of elementary logic involving *if/then* statements (D-3-M).

6. GLE 36: Apply the fundamental counting principle in real-life situations (D-4-M).

7. GLE 37: Determine probability from experiments and from data displayed in tables and graphs (D-5-M).

8. GLE 38: Compare theoretical and experimental probability in real-life situations (D-5-M).

F. Patterns, Relations, and Functions: Strand Six

1. GLE 39: Analyze and describe simple exponential number patterns (i.e., 3, 9, 27 or  $3^1, 3^2, 3^3$ ) (P-1-M).

2. GLE 40: Analyze and verbally describe real-life additive and multiplicative patterns involving fractions and integers (P-1-M) (P-4-M).

3. GLE 41: Illustrate patterns of change in length(s) of sides and corresponding changes in areas of polygons (P-3-M).

NOTE: The benchmarks addressed by each GLE are listed in parentheses after the GLE.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.6; R.S. 17:24.4; R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:

**§1519. Eighth Grade**

A. Number and Number Relations: Strand One

1. GLE 1: Compare rational numbers using symbols (i.e.,  $<$ ,  $\leq$ ,  $=$ ,  $\geq$ ,  $>$ ) and position on a number line (N-1-M) (N-2-M).

2. GLE 2: Use whole number exponents (0-3) in problem-solving contexts (N-1-M) (N-5-M).

3. GLE 3: Estimate the answer to an operation involving rational numbers based on the original numbers (N-2-M) (N-6-M).

4. GLE 4: Read and write numbers in scientific notation with positive exponents (N-3-M).

5. GLE 5: Simplify expressions involving operations on integers, grouping symbols, and whole number exponents using order of operations (N-4-M).

6. GLE 6: Identify missing information or suggest a strategy for solving a real-life, rational-number problem (N-5-M).

7. GLE 7: Use proportional reasoning to model and solve real-life problems (N-8-M).

8. GLE 8: Solve real-life problems involving percentages, including percentages less than 1 or greater than 100 (N-8-M) (N-5-M).

9. GLE 9: Find unit/cost rates and apply them in real-life problems (N-8-M) (N-5-M) (A-5-M).

B. Algebra: Strand Two

1. GLE 10: Write real-life meanings of expressions and equations involving rational numbers and variables (A-1-M) (A-5-M).

2. GLE 11: Translate real-life situations that can be modeled by linear or exponential relationships to algebraic expressions, equations, and inequalities (A-1-M) (A-4-M) (A-5-M).

3. GLE 12: Solve and graph solutions of multi-step linear equations and inequalities (A-2-M).

4. GLE 13: Switch between functions represented as tables, equations, graphs, and verbal representations, with and without technology (A-3-M) (P-2-M) (A-4-M).

5. GLE 14: Construct a table of  $x$ - and  $y$ -values satisfying a linear equation and construct a graph of the line on the coordinate plane (A-3-M) (A-2-M).

6. GLE 15: Describe and compare situations with constant or varying rates of change (A-4-M).

7. GLE 16: Explain and formulate generalizations about how a change in one variable results in a change in another variable (A-4-M).

C. Measurement: Strand Three

1. GLE 17: Determine the volume and surface area of prisms and cylinders (M-1-M) (G-7-M).

2. GLE 18: Apply rate of change in real-life problems, including density, velocity, and international monetary conversions (M-1-M) (N-8-M) (M-6-M).

3. GLE 19: Demonstrate an intuitive sense of the relative sizes of common units of volume in relation to real-life applications and use this sense when estimating (M-2-M) (G-1-M).

4. GLE 20: Identify and select appropriate units for measuring volume (M-3-M).

5. GLE 21: Compare and estimate measurements of volume and capacity within and between the U.S. and metric systems (M-4-M) (G-1-M).

6. GLE 22: Convert units of volume/capacity within systems for U.S. and metric units (M-5-M).

D. Geometry: Strand Four

1. GLE 23: Define and apply the terms measure, distance, midpoint, bisect, bisector, and perpendicular bisector (G-2-M).

2. GLE 24: Demonstrate conceptual and practical understanding of symmetry, similarity, and congruence and identify similar and congruent figures (G-2-M).

3. GLE 25: Predict, draw, and discuss the resulting changes in lengths, orientation, angle measures, and coordinates when figures are translated, reflected across horizontal or vertical lines, and rotated on a grid (G-3-M) (G-6-M).

4. GLE 26: Predict, draw, and discuss the resulting changes in lengths, orientation, and angle measures that occur in figures under a similarity transformation (dilation) (G-3-M) (G-6-M).

5. GLE 27: Construct polyhedra using 2-dimensional patterns (nets) (G-4-M).

6. GLE 28: Apply concepts, properties, and relationships of adjacent, corresponding, vertical, alternate interior, complementary, and supplementary angles (G-5-M).

7. GLE 29: Solve problems involving lengths of sides of similar triangles (G-5-M) (A-5-M).

8. GLE 30: Construct, interpret, and use scale drawings in real-life situations (G-5-M) (M-6-M) (N-8-M).

9. GLE 31: Use area to justify the Pythagorean theorem and apply the Pythagorean theorem and its converse in real-life problems (G-5-M) (G-7-M).

10. GLE 32: Model and explain the relationship between the dimensions of a rectangular prism and its volume (i.e., how scale change in linear dimension(s) affects volume) (G-5-M).

11. GLE 33: Graph solutions to real-life problems on the coordinate plane (G-6-M).

E. Data, Analysis, Probability, and Discrete Math: Strand Five

1. GLE 34: Determine what kind of data display is appropriate for a given situation (D-1-M).

2. GLE 35: Match a data set or graph to a described situation, and vice versa (D-1-M).

3. GLE 36: Organize and display data using circle graphs (D-1-M).

4. GLE 37: Collect and organize data using box-and-whisker plots and use the plots to interpret quartiles and range (D-1-M) (D-2-M).

5. GLE 38: Sketch and interpret a trend line (i.e., line of best fit) on a scatterplot (D-2-M) (A-4-M) (A-5-M).

6. GLE 39: Analyze and make predictions from discovered data patterns (D-2-M).

7. GLE 40: Explain factors in a data set that would affect measures of central tendency (e.g., impact of extreme values) and discuss which measure is most appropriate for a given situation (D-2-M).

8. GLE 41: Select random samples that are representative of the population, including sampling with and without replacement, and explain the effect of sampling on bias (D-2-M) (D-4-M).

9. GLE 42: Use lists, tree diagrams, and tables to apply the concept of permutations to represent an ordering with and without replacement, and explain the effect of sampling on bias (D-4-M).

10. GLE 43: Use lists and tables to apply the concept of combinations to represent the number of possible ways a set of objects can be selected from a group (D-4-M).

11. GLE 44: Use experimental data presented in tables and graphs to make outcome predictions of independent events (D-5-M).

12. GLE 45: Calculate, illustrate, and apply single- and multiple-event probabilities, including mutually exclusive, independent events and non-mutually exclusive, dependent events (D-5-M).

#### F. Patterns, Relations, and Functions: Strand Six

1. GLE 46: Distinguish between and explain when real-life numerical patterns are linear/arithmetic (i.e., grows by addition) or exponential/geometric (i.e., grows by multiplication) (P-1-M) (P-4-M).

2. GLE 47: Represent the  $n^{\text{th}}$  term in a pattern as a formula and test the representation (P-1-M) (P-2-M) (P-3-M) (A-5-M).

3. GLE 48: Illustrate patterns of change in dimension(s) and corresponding changes in volumes of rectangular solids (P-3-M).

NOTE: The benchmarks addressed by each GLE are listed in parentheses after the GLE.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.6; R.S. 17:24.4; R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:

### §1521. Ninth Grade

#### A. Number and Number Relations: Strand One

1. GLE 1: Identify and describe differences among natural numbers, whole numbers, integers, rational numbers, and irrational numbers (N-1-H) (N-2-H) (N-3-H).

2. GLE 2: Evaluate and write numerical expressions involving integer exponents (N-2-H).

3. GLE 3: Apply scientific notation to perform computations, solve problems, and write representations of numbers (N-2-H).

4. GLE 4: Distinguish between an exact and an approximate answer, and recognize errors introduced by the use of approximate numbers with technology (N-3-H) (N-4-H) (N-7-H).

5. GLE 5: Demonstrate computational fluency with all rational numbers (e.g., estimation, mental math, technology, paper/pencil) (N-5-H).

6. GLE 6: Simplify and perform basic operations on numerical expressions involving radicals (e.g.,  $2\sqrt{3} + 5\sqrt{3} = 7\sqrt{3}$ ) (N-5-H);

7. GLE 7: Use proportional reasoning to model and solve real-life problems involving direct and inverse variation (N-6-H).

#### B. Algebra: Strand Two

1. GLE 8: Use order of operations to simplify or rewrite variable expressions (A-1-H) (A-2-H).

2. GLE 9: Model real-life situations using linear expressions, equations, and inequalities (A-1-H) (D-2-H) (P-5-H).

3. GLE 10: Identify independent and dependent variables in real-life relationships (A-1-H).

4. GLE 11: Use equivalent forms of equations and inequalities to solve real-life problems (A-1-H).

5. GLE 12: Evaluate polynomial expressions for given values of the variable (A-2-H).

6. GLE 13: Translate between the characteristics defining a line (i.e., slope, intercepts, points) and both its equation and graph (A-2-H) (G-3-H).

7. GLE 14: Graph and interpret linear inequalities in one or two variables and systems of linear inequalities (A-2-H) (A-4-H).

8. GLE 15: Translate among tabular, graphical, and algebraic representations of functions and real-life situations (A-3-H) (P-1-H) (P-2-H).

9. GLE 16: Interpret and solve systems of linear equations using graphing, substitution, elimination, with and without technology, and matrices using technology (A-4-H).

#### C. Measurement: Strand Three

1. GLE 17: Distinguish between precision and accuracy (M-1-H).

2. GLE 18: Demonstrate and explain how the scale of a measuring instrument determines the precision of that instrument (M-1-H).

3. GLE 19: Use significant digits in computational problems (M-1-H) (N-2-H).

4. GLE 20: Demonstrate and explain how relative measurement error is compounded when determining absolute error (M-1-H) (M-2-H) (M-3-H).

5. GLE 21: Determine appropriate units and scales to use when solving measurement problems (M-2-H) (M-3-H) (M-1-H).

6. GLE 22: Solve problems using indirect measurement (M-4-H).

#### D. Geometry: Strand Four

1. GLE 23: Use coordinate methods to solve and interpret problems (e.g., slope as rate of change, intercept as initial value, intersection as common solution, midpoint as equidistant) (G-2-H) (G-3-H).

2. GLE 24: Graph a line when the slope and a point or when two points are known (G-3-H).

3. GLE 25: Explain slope as a representation of "rate of change" (G-3-H) (A-1-H).

4. GLE 26: Perform translations and line reflections on the coordinate plane (G-3-H).

#### E. Data Analysis, Probability, and Discrete Math: Strand Five

1. GLE 27: Determine the most appropriate measure of central tendency for a set of data based on its distribution (D-1-H).

2. GLE 28: Identify trends in data and support conclusions by using distribution characteristics such as patterns, clusters, and outliers (D-1-H) (D-6-H) (D-7-H).

3. GLE 29: Create a scatter plot from a set of data and determine if the relationship is linear or nonlinear (D-1-H) (D-6-H) (D-7-H).

4. GLE 30: Use simulations to estimate probabilities (D-3-H) (D-5-H).

5. GLE 31: Define probability in terms of sample spaces, outcomes, and events (D-4-H).

6. GLE 32: Compute probabilities using geometric models and basic counting techniques such as combinations and permutations (D-4-H).

7. GLE 33: Explain the relationship between the probability of an event occurring, and the odds of an event occurring and compute one given the other (D-4-H).

8. GLE 34: Follow and interpret processes expressed in flow charts (D-8-H).

#### F. Patterns, Relations, and Functions: Strand Six

1. GLE 35: Determine if a relation is a function and use appropriate function notation (P-1-H).

2. GLE 36: Identify the domain and range of functions (P-1-H);

3. GLE 37: Analyze real-life relationships that can be modeled by linear functions (P-1-H) (P-5-H);

4. GLE 38: Identify and describe the characteristics of families of linear functions, with and without technology (P-3-H);

5. GLE 39: Compare and contrast linear functions algebraically in terms of their rates of change and intercepts (P-4-H);

6. GLE 40: Explain how the graph of a linear function changes as the coefficients or constants are changed in the function's symbolic representation (P-4-H).

NOTE: The benchmarks addressed by each GLE are listed in parentheses after the GLE.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.6; R.S. 17:24.4; R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:

### §1523. Tenth Grade

#### A. Number and Number Relations: Strand One

1. GLE 1: Simplify and determine the value of radical expressions (N-2-H) (N-7-H).

2. GLE 2: Predict the effect of operations on real numbers (e.g., the quotient of a positive number divided by a positive number less than 1 is greater than the original dividend) (N-3-H) (N-7-H).

3. GLE 3: Define *sine*, *cosine*, and *tangent* in ratio form and calculate them using technology (N-6-H).

4. GLE 4: Use ratios and proportional reasoning to solve a variety of real-life problems including similar figures and scale drawings (N-6-H) (M-4-H).

#### B. Algebra: Strand Two

1. GLE 5: Write the equation of a line of best fit for a set of 2-variable real-life data presented in table or scatter plot form, with or without technology (A-2-H) (D-2-H).

2. GLE 6: Write the equation of a line parallel or perpendicular to a given line through a specific point (A-3-H) (G-3-H).

#### C. Measurement: Strand Three

1. GLE 7: Find volume and surface area of pyramids, spheres, and cones (M-3-H) (M-4-H).

2. GLE 8: Model and use trigonometric ratios to solve problems involving right triangles (M-4-H) (N-6-H).

#### D. Geometry: Strand Four

1. GLE 9: Construct 2- and 3-dimensional figures when given the name, description, or attributes, with and without technology (G-1-H).

2. GLE 10: Form and test conjectures concerning geometric relationships including lines, angles, and polygons (i.e., triangles, quadrilaterals, and  $n$ -gons), with and without technology (G-1-H) (G-4-H) (G-6-H).

3. GLE 11: Determine angle measurements using the properties of parallel, perpendicular, and intersecting lines in a plane (G-2-H).

4. GLE 12: Apply the Pythagorean theorem in both abstract and real-life settings (G-2-H).

5. GLE 13: Solve problems and determine measurements involving chords, radii, arcs, angles, secants, and tangents of a circle (G-2-H).

6. GLE 14: Develop and apply coordinate rules for translations and reflections of geometric figures (G-3-H).

7. GLE 15: Draw or use other methods, including technology, to illustrate dilations of geometric figures (G-3-H).

8. GLE 16: Represent and solve problems involving distance on a number line or in the plane (G-3-H).

9. GLE 17: Compare and contrast inductive and deductive reasoning approaches to justify conjectures and solve problems (G-4-H) (G-6-H).

10. GLE 18: Determine angle measures and side lengths of right and similar triangles using trigonometric ratios and properties of similarity, including congruence (G-5-H) (M-4-H).

11. GLE 19: Develop formal and informal proofs (e.g., Pythagorean theorem, flow charts, paragraphs) (G-6-H).

#### E. Data Analysis, Probability, and Discrete Math: Stand Five

1. GLE 20: Show or justify the correlation (match) between a linear or non-linear data set and a graph (D-2-H) (P-5-H).

2. GLE 21: Determine the probability of conditional and multiple events, including mutually and non-mutually exclusive events (D-4-H) (D-5-H).

3. GLE 22: Interpret and summarize a set of experimental data presented in a table, bar graph, line graph, scatter plot, matrix, or circle graph (D-7-H).

4. GLE 23: Draw and justify conclusions based on the use of logic (e.g., conditional statements, converse, inverse, contrapositive) (D-8-H) (G-6-H) (N-7-H).

5. GLE 24: Use counting procedures and techniques to solve real-life problems (D-9-H).

6. GLE 25: Use discrete math to model real life situations (e.g., fair games, elections) (D-9-H).

#### F. Patterns, Relations, and Functions: Strand Six

1. GLE 26: Generalize and represent patterns symbolically, with and without technology (P-1-H).

2. GLE 27: Translate among tabular, graphical, and symbolic representations of patterns in real-life situations, with and without technology (P-2-H) (P-3-H) (A-3-H).

NOTE: The benchmarks addressed by each GLE are listed in parentheses after the GLE.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.6; R.S. 17:24.4; R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:

### **§1525. Eleventh and Twelfth Grade**

#### A. Number and Number Relations: Strand One

1. GLE 1: Read, write, and perform basic operations on complex numbers (N-1-H) (N-5-H).
2. GLE 2: Evaluate and perform basic operations on expressions containing rational exponents (N-2-H).
3. GLE 3: Describe the relationship between exponential and logarithmic equations (N-2-H).

#### B. Algebra: Strand Two

1. GLE 4: Translate and show the relationships among non-linear graphs, related tables of values, and algebraic symbolic representations (A-1-H).
2. GLE 5: Factor simple quadratic expressions including general trinomials, perfect squares, difference of two squares, and polynomials with common factors (A-2-H).
3. GLE 6: Analyze functions based on zeros, asymptotes, and local and global characteristics of the function (A-3-H).
4. GLE 7: Explain, using technology, how the graph of a function is affected by change of degree, coefficient, and constants in polynomial, rational, radical, exponential, and logarithmic functions (A-3-H).
5. GLE 8: Categorize non-linear graphs and their equations as quadratic, cubic, exponential, logarithmic, step function, rational, trigonometric, or absolute value (A-3-H) (P-5-H).
6. GLE 9: Solve quadratic equations by factoring, completing the square, using the quadratic formula, and graphing (A-4-H).

7. GLE 10: Model and solve problems involving quadratic, polynomial, exponential, logarithmic, step function, rational, and absolute value equations using technology (A-4-H).

#### C. Measurement: Strand Three

1. GLE 11: Calculate angle measures in degrees, minutes, and seconds (M-1-H).
2. GLE 12: Explain the unit circle basis for radian measure and show its relationship to degree measure of angles (M-1-H).
3. GLE 13: Identify and apply the unit circle definition to trigonometric functions and use this definition to solve real-life problems (M-4-H).
4. GLE 14: Use the Law of Sines and the Law of Cosines to solve problems involving triangle measurements (M-4-H).

#### D. Geometry: Strand Four

1. GLE 15: Identify conic sections, including the degenerate conics, and describe the relationship of the plane and double-napped cone that forms each conic (G-1-H).
2. GLE 16: Represent translations, reflections, rotations, and dilations of plane figures using sketches, coordinates, vectors, and matrices (G-3-H).

#### E. Data Analysis, Probability, and Discrete Math: Strand Five

1. GLE 17: Discuss the differences between samples and populations (D-1-H).
2. GLE 18: Devise and conduct well-designed experiments/surveys involving randomization and considering the effects of sample size and bias (D-1-H).

3. GLE 19: Correlate/match data sets or graphs and their representations and classify them as exponential, logarithmic, or polynomial functions (D-2-H).

4. GLE 20: Interpret and explain, with the use of technology, the regression coefficient and the correlation coefficient for a set of data (D-2-H).

5. GLE 21: Describe and interpret displays of normal and non-normal distributions (D-6-H).

6. GLE 22: Explain the limitations of predictions based on organized sample sets of data (D-7-H).

7. GLE 23: Represent data and solve problems involving Euler and Hamiltonian paths (D-9-H).

#### E. Patterns, Relations, and Functions: Strand Six

1. GLE 24: Model a given set of real-life data with a non-linear function (P-1-H) (P-5-H).

2. GLE 25: Apply the concept of a function and function notation to represent and evaluate functions (P-1-H) (P-5-H).

3. GLE 26: Represent and solve problems involving  $n$ th terms and sums for arithmetic and geometric series (P-2-H).

4. GLE 27: Compare and contrast the properties of families of polynomial, rational, exponential, and logarithmic functions, with and without technology (P-3-H).

5. GLE 28: Represent and solve problems involving the translation of functions in the coordinate plane (P-4-H).

6. GLE 29: Determine the family or families of functions that can be used to represent a given set of real-life data, with and without technology (P-5-H).

NOTE: The benchmarks addressed by each GLE are listed in parentheses after the GLE.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6; R.S. 17:24.4; R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:

## **Chapter 17. Glossary and References**

### **§1701. Definitions**

*Accuracy* (see *Precision*)—refers to relative error, that is, the maximum allowable error (*tolerance*) of a measurement divided by the measurement. (For example, if a stick is measured to the nearest centimeter as 25 centimeters long, the accuracy of that measurement is one-half, the maximum error is half a centimeter, divided by 25, or 2 percent.)

*Algebra*—the branch of mathematics that is the symbolic generalization of the ideas of arithmetic.

*Basic Facts*—addition facts through 10 ( $0 + 0, 1 + 0, \dots, 10 + 10$ ), subtraction facts which are the inverses of the addition facts ( $20 - 10, \dots, 1 - 0, 0 - 0$ ), multiplication facts ( $1 \times 1, 1 \times 2, \dots, 10 \times 10$ ), and division facts which are the inverses of the multiplication facts ( $1 \div 1, 2 \div 1, \dots, 100 \div 10$ ).

*Coordinate Geometry*—geometry based on the coordinate system.

*Data Analysis*—the collection, organization, and interpretation of numerical data arising in the real world.

*Discrete Math*—the branch of mathematics dealing with countable sets including matrices, graph theory, and counting procedures.

*Experimental Probability*—probability determined by collecting data from repeated trials of an experiment.

*Function*—a relationship between two sets of numbers (or other mathematical objects). Functions can be used to

understand how one quantity varies in relation to another (e.g., the relationship between the number of cars and the number of tires). Once a member of the first set is chosen, the associated member of the second set is uniquely determined.

*Integers*—the set of numbers consisting of the counting numbers (i.e., 1, 2, 3, 4, 5, ...), their opposite (i.e., negative numbers, -1, -2, -3, ...), and zero.

*Intuitive*—perceived insight or awareness.

*Magnitude*—size of largeness.

*Measurement*—a way of quantifying the world in which we live.

*Patty Paper*—thin, waxy squares of paper used in geometric constructions (e.g., hamburger paper).

*Precision*—the precision of a measurement is determined by the size of the unit used. The smaller the unit, the more precise the measurement. Precision refers to the fineness of the measurement and is limited by the measuring instrument used.

*Rational Number*—a number that can be expressed in the form  $a/b$ , where  $a$  and  $b$  are integers and  $b \neq 0$  (e.g.,  $3/4$ ,  $2/1$ , or  $11/3$ ). Every integer is a rational number, since it can be expressed in the form  $a/b$  (e.g.,  $5 - 5/1$ ). Rational numbers may be expressed as fractional or decimal numbers (e.g.,  $3/4$  or  $.75$ ). Finite decimals, repeating decimals, and mixed numbers all represent rational numbers.

*Reflection* (also called a *flip*)—a transformation which produces the mirror image of a geometric figure.

*Relation*—a correspondence between two sets of numbers.

*Rotation* (also called a *turn*)—a transformation which turns a figure about a point by a given number of degrees.

*Sample Space*—the portion of a population from which data is drawn.

*Statistics*—the branch of mathematics which is the study of the methods of collecting and analyzing data.

*Symbolic Manipulator*—technological tool (graphing calculator, computer) that performs traditional algebraic tasks, such as changing the form of expressions (e.g., factoring) and solving equations and inequalities.

*Tolerance*—the tolerance of a measurement is the largest possible error, generally half of the unit of measure.

*Transformation*—the process of changing one configuration or expression into another in accordance with a rule. Common geometric transformations include translations, rotations, and reflections.

*Translation* (also called a *slide*)—a transformation that moves a geometric figure by sliding. Each of the points of the geometric figure moves the same distance in the same direction.

*Venn Diagrams*—a method of illustrating sets and their properties using overlapping and non-overlapping circles and other plane geometric figures.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.6; R.S. 17:24.4; R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:

Interested persons may submit written comments until 4:30 p.m., September 8, 2005, to Nina A. Ford, Board of

Elementary and Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA 70804-9064.

Weegie Peabody  
Executive Director

**FISCAL AND ECONOMIC IMPACT STATEMENT  
FOR ADMINISTRATIVE RULES  
RULE TITLE: Bulletin 1955—Louisiana Content  
Standards, Benchmarks, and Grade Level  
Expectations for Mathematics**

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

This revision of the Louisiana mathematics content standards includes Grade-Level Expectations (GLEs) for all grades pre-kindergarten through 12th. Grade-Level Expectations are statements of knowledge and skills that students should master at the end of each grade. The cost for printing GLE materials for math and for providing training to school and district staff totaled \$205,750. These costs were paid by federal Title VI funds in the '04-'05 fiscal year.

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

There will be no 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)

There will be no costs or economic benefits to persons or nongovernmental groups.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There will be no effect on competition and employment.

Marlyn J. Langley                      Robert E. Hosse  
Deputy Superintendent              General Government Section Director  
Management and Finance          Legislative Fiscal Office  
0507#036

**NOTICE OF INTENT**

**Board of Elementary and Secondary Education**

Bulletin 1962—Louisiana Content Standards, Benchmarks,  
and Grade Level Expectations for Science  
(LAC 28:CXXIII.Chapters 1-21)

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, notice is hereby given that the Board of Elementary and Secondary Education approved for advertisement *Bulletin 1962—Louisiana Content Standards, Benchmarks, and Grade Level Expectations for Science*. Bulletin 1962 will be printed in codified format as Part CXXIII of the Louisiana Administrative Code. This revision of the Louisiana science content standards includes Grade Level Expectations for all grades pre-kindergarten through 12th. Grade Level Expectations are statements of knowledge and skills that students should master at the end of each grade. The federal No Child Left Behind legislation requires every state to have grade specific standards. Since the

Louisiana content standards are by grade band, it was necessary to develop the Grade Level Expectations.

## **Title 28**

### **EDUCATION**

#### **Part CXXIII. Bulletin 1962—Louisiana Content Standards, Benchmarks, and Grade Level Expectations for Science**

##### **Chapter 1. Introduction**

##### **§101. Philosophy of Science Education**

A. Science education in Louisiana must prepare students to become informed citizens who have acquired the necessary scientific and technological knowledge and skills to function responsibly in the global community of the 21st century. It is essential that everyone involved in science education provide an opportunity for all students to become scientifically literate and reflective of the inherent nature of scientific knowledge, methods, and processes.

B. Scientific knowledge should be constructed through a hands-on/minds-on approach with overarching concepts that connect the sciences and other disciplines. Methodology and teaching strategies should be inquiry-based and include hands-on/minds-on activities. Assessment should reflect this inquiry-based curriculum and instruction and be used to improve teaching and learning. It is the responsibility of the entire community to be involved in science education reform efforts. This widespread involvement should encourage students of this state to become life-long learners.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.6; R.S. 17:24.4; R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:

##### **§103. Need and Context for Reform**

A. Over the past decade, due in part to *Science for All Americans*, published by the American Association for the Advancement of Science, educators across the country have reexamined the purposes of and approaches to science education. A major impetus for this critical look is our ever-changing society. Science and mathematics are increasingly important, as they provide a basis for citizens to make informed decisions and to earn a living in a scientific and technological world.

B. The movement to reform science education focuses on science literacy for all students. Project 2061 Update 1994 defines scientifically literate persons as those "equipped with the knowledge and skills they need to make sense of how the world works, to think critically and independently, and to lead responsible and productive lives in a culture increasingly shaped by science and technology" (American Association for the Advancement of Science [AAAS], 1994, p. 6). This intent of science literacy for everyone is reflected in the following national education goals originally put forward by the National Governor's Association.

1. American students will leave grades four, eight, and twelve having demonstrated competency over challenging subject matter including English, mathematics, science, foreign languages, civics and government, economics, arts, history, and geography.

2. U.S. students will be first in the world in mathematics and science achievement.

3. Every adult American will be literate and will possess the knowledge and skills necessary to compete in a

global economy and to exercise the rights and responsibilities of citizenship.

C. A number of national initiatives have helped to establish new perspectives and resources for reforming science education. The National Science Foundation's (NSF) Statewide Systemic Initiatives program funded selected states' efforts to make extensive changes in mathematics and science education. The American Association for the Advancement of Science established Project 2061, a long-range reform project that identifies key concepts in science, mathematics, and technology. The National Research Council, a division of the National Academy of Science, published the National Science Education Standards for Grades K-12 in 1996; and the National Science Teachers Association developed the Scope, Sequence, and Coordination project to implement reform approaches in secondary science classrooms.

D. It has become clear that the current approaches to science education must be reformed to meet the need for a scientifically literate citizenry and workforce. This reform effort in Louisiana began with a successful application to establish an NSF-funded statewide systemic initiative. A broad-based coalition of Louisianians secured a five-year, \$10 million grant for the Louisiana Systemic Initiatives Program (LaSIP). Louisiana provided matching funds from the Louisiana Board of Elementary and Secondary Education (LBESE) and the Louisiana Board of Regents (LBoR) for colleges and universities to support the work of reforming mathematics and science education.

E. The Louisiana Department of Education (LDE) was awarded a Dwight D. Eisenhower National Program for Mathematics and Science Education grant from the United States Department of Education. This grant enabled the LDE, in collaboration with LaSIP, to develop the Louisiana Mathematics and Science Curriculum and Assessment Frameworks.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.6; R.S. 17:24.4; R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:

##### **§105. Purpose of the Framework**

A. This Framework document articulates, organizes, and integrates the content and processes of science education. It serves as a bridge between classroom practices and the national standards established by the science education community, as the standards define what a scientifically literate person should know, understand, and be able to do. It reflects research in science education as it outlines instructional content, teaching methodologies, and assessment strategies.

B. The Louisiana Science Framework is designed to guide the process of reforming science education in this state. It provides the following:

1. a master plan for developing the scientific literacy of Louisiana's students as they progress from kindergarten through Grade 12;

2. a design for science education that meets Louisiana's specific needs;

3. a catalyst for insightful discussion of the fundamental nature of science;

4. a guide for evaluating progress in achieving scientific literacy among the students of Louisiana; and

5. a vision of science education for the state and a tool to enable local districts, schools, and educators to grasp the nature, purpose, and role of science education.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.6; R.S. 17:24.4; R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:

#### **§107. Intended Audiences**

A. This Framework, including the Introduction, Teaching and Learning of Science, Assessment, and Content Standards, is intended to be used mainly by teachers and curriculum developers to plan curriculum, instruction, and assessment for teachers and students.

B. The Introduction and Teaching and Learning of Science sections of the Framework can be used by a broad audience as a reference point to achieve a common vision of what and how science should be taught in Louisiana schools. The Framework does not address issues such as Standards for the Professional Development for Teachers of Science, Science Education Program Standards, and Science Education System Standards. The National Science Education Standards (NSES) includes standards and information on the above topics, as well as Science and Technology, Science in Personal and Social Perspective, and History and Nature of Science. Anyone interested in professional development, program, or system standards should obtain a copy of the NSES. Anyone looking at the NSES for the first time should be sure to look at the Changing Emphases pages at the end of each section, which give an overview of the kinds of changes needed in standards-based science education.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.6; R.S. 17:24.4; R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:

#### **§109. Intended Use**

A. This Framework serves as a guide for curriculum and instruction and as a general reference to the basic principles of science education.

B. Intended uses for this Framework include the following:

1. for teachers and curriculum developers, a guide for planning curriculum, instruction, and assessment;

2. for parents, a means for assessing the effectiveness of their children's science education;

3. for administrators and school board members, a vision for science education and a basis for planning resource allocations, material purchases, local curriculum development, and teachers' professional development;

4. for policy makers and state education staffs, a basis for developing laws, policies, and funding priorities to support local reforms;

5. for staff developers, a basis for creating professional development materials and strategies designed to increase teachers' knowledge of science content, teaching methodologies, and assessment strategies;

6. for assessment specialists and test developers, a guide for the development of an assessment framework to assess students' scientific understanding and ability more effectively;

7. for colleges and universities, a guide for content and design of teacher preparation programs; and

8. for business and industry leaders and governmental agencies, a basis for developing effective partnerships and local reforms for funding instructional materials and professional development.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.6; R.S. 17:24.4; R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:

#### **§111. Louisiana Content Standards Foundation Skills**

A. The Louisiana Content Standards Task Force has developed the following foundation skills which should apply to all students in all disciplines.

1. Communication. A process by which information is exchanged and a concept of "meaning" is created and shared between individuals through a common system of symbols, signs, or behavior. Students should be able to communicate clearly, fluently, strategically, technologically, critically, and creatively in society and in a variety of workplaces. This process can best be accomplished through use of the following skills: reading, writing, speaking, listening, viewing, and visually representing.

2. Problem Solving. The identification of an obstacle or challenge and the application of knowledge and thinking processes which include reasoning, decision making, and inquiry in order to reach a solution using multiple pathways, even when no routine path is apparent.

3. Resource Access and Utilization. The process of identifying, locating, selecting, and using resource tools to help in analyzing, synthesizing, and communicating information. The identification and employment of appropriate tools, techniques, and technologies are essential in all learning processes. These resource tools include pen, pencil, and paper; audio/video material, word processors, computers, interactive devices, telecommunication, and other emerging technologies.

4. Linking and Generating Knowledge. The effective use of cognitive processes to generate and link knowledge across the disciplines and in a variety of contexts. In order to engage in the principles of continued improvement, students must be able to transfer and elaborate on these processes. "Transfer" refers to the ability to apply a strategy or content knowledge effectively in a setting or context other than that in which it was originally learned. "Elaboration" refers to monitoring, adjusting, and expanding strategies into other contexts.

5. Citizenship. The application of the understanding of the ideals, rights, and responsibilities of active participation in a democratic republic that includes working respectfully and productively together for the benefit of the individual and the community; being accountable for one's choices and actions and understanding their impact on oneself and others; knowing one's civil, constitutional, and statutory rights; and mentoring others to be productive citizens and lifelong learners.

NOTE: These foundation skills are listed numerically in parentheses at the end of each benchmark.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.6; R.S. 17:24.4; R.S. 17:154.



HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:

**§113. Information Literacy Model for Lifelong Learning**

A. Students must become competent and independent users of information to be productive citizens of the 21st century. They must be prepared to live in an information-rich and changing global society. Due to the rapid growth of technology, the amount of information available is accelerating so quickly that teachers are no longer able to impart a complete knowledge base in a subject area. In addition, students entering the workforce must know how to access information, solve problems, make decisions, and work as part of a team. Therefore, information literacy, the ability to recognize an information need and then locate, evaluate, and effectively use the needed information, is a basic skill essential to the 21st century workplace and home. Information literate students are self-directed learners who, individually or collaboratively, use information responsibly to create quality products and to be productive citizens. Information literacy skills must not be taught in isolation; they must be integrated across all content areas, utilizing fully the resources of the classroom, the school library media center, and the community. The Information Literacy Model for Lifelong Learners is a framework that teachers at all levels can apply to help students become independent lifelong learners.

1. Defining/Focusing. The first task is to recognize that an information need exists. Students make preliminary decisions about the type of information needed based on prior knowledge.

2. Selecting Tools and Resources. After students decide what information is needed, they then develop search strategies for locating and accessing appropriate, relevant sources in the school library media center, community libraries and agencies, resource people, and others as appropriate.

3. Extracting and Recording. Students examine the resources for readability, currency, usefulness, and bias. This task involves skimming or listening for key words, "chunking" reading, finding main ideas, and taking notes.

4. Processing Information. After recording information, students must examine and evaluate the data in order to utilize the information retrieved. Students must interact with the information by categorizing, analyzing, evaluating, and comparing for bias, inadequacies, omissions, errors, and value judgments. Based on their findings, they either move on to the next step or do additional research.

5. Organizing Information. Students effectively sort, manipulate, and organize the information that was retrieved. They make decisions on how to use and communicate their findings.

6. Presenting Findings. Students apply and communicate what they have learned (e.g., research report, project, illustration, dramatization, portfolio, book, book report, map, oral/audio/visual presentation, game, bibliography, hyperstack).

7. Evaluating Efforts. Throughout the information problem solving process, students evaluate their efforts. This assists students in determining the effectiveness of the research process. The final product may be evaluated by the

teacher and also other qualified or interested resource persons.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6; R.S. 17:24.4; R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:

**Chapter 3. The Teaching and Learning of Science**  
**§301. Nature of Science**

A. Science is a way of thinking and a system of knowledge that uses reason, observation, experimentation, and imagination. The goal of science is to describe, explain, and predict natural phenomena and processes. Science shares some characteristics with other forms of scholarly inquiry, but it is unique in several important ways. Science attempts to meet the criteria of testability, objectivity, and consistency. Scientific information is continuously open to review and modification; science is not a static body of knowledge. One of the functions of science education is to teach students to understand scientific information and the processes by which it was derived.

B. Science is a complex social activity. Scientific knowledge is generated not only by individuals but also by scientists who work cooperatively in laboratories and in the field. For scientific ideas to become widely accepted, peers must review, analyze, and critique results through journal articles, replication of experiments, and presentations at professional meetings. This process has implications for the way science is taught. It suggests the importance of working in cooperative groups, recording and presenting laboratory and field results, debating issues, and posing new questions based on current findings.

C. Scientists generally work with theories, which are explanations or predictions drawn from analyses of past scientific results. Investigations of the validity of a theory may take many different forms, including observing, collecting specimens and data for analysis, and conducting experiments.

D. Few scientists actually follow the orderly steps of what is known as the "scientific method." Instead, they may omit, move, or augment one or more of these steps. Scientists' explanations about what happens in the world come partly from what they observe and partly from what they infer; sometimes scientists have different explanations for the same set of observations. Scientists also use their imaginations to consider possible causes or outcomes: A number of scientific discoveries have been based on a scientist's idea, which was then tested for validity. It is always important for scientists to consider their own biases or preconceptions and to seek to eliminate these from their work.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6; R.S. 17:24.4; R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:

**§303. Unifying Concepts and Processes**

A. Science, mathematics, and technology are crosscut by big ideas that transcend disciplinary boundaries. They are useful in teaching as a means of organizing science content in ways that are meaningful for students and that promote interdisciplinary instruction. Current approaches to science teaching emphasize the need to convey "big ideas" rather than isolated facts that may not fit into any meaningful

pattern for the student. When instruction is organized around large concepts, it is easier for students to find meaning in specific facts and to relate them to the larger concepts presented.

B. Unifying concepts and processes provide students with powerful ideas to help them understand the natural world. These include, but are not limited to, the following:

1. systems, order, and organization;
2. evidence, models, and explanation;
3. change, constancy, and measurement; and
4. form and function.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6; R.S. 17:24.4; R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:

### §305. Instructional Issues

A. The purpose of science education is not for students to memorize the "right" answer, but for them to move along a learning continuum toward a deeper understanding of science concepts and processes. Current research indicates that it is best for understanding to be constructed actively by the learner. This learning style offers a new role for the science teacher as a facilitator of learning versus an imparter of knowledge. Instruction should minimize rote learning and focus on in-depth understanding of major concepts and topics, with students actively exploring those ideas through activities they can relate to their own lives. Students often work cooperatively in small groups to exchange and critique their own ideas, with the teacher facilitating discussion rather than providing answers. Science is presented as a human enterprise and a continuing process for extending understanding, instead of the ultimate, unalterable truth. Learning activities are often interdisciplinary, stressing the connections between the sciences and other subjects. Science teachers must have a solid understanding of the basic concepts and processes of science in order to construct meaningful science activities that address all students' diverse experiences and learning styles.

B. During the last decade, a major change has occurred in science educators' views about how science learning takes place. The science education research community now views effective science teaching as helping the learner build upon prior knowledge to construct a scientific understanding of the phenomena being studied, making learning a lifelong construction project.

C. Research studies have shown that students begin school not as "blank slates," but with a substantial set of ideas about how the world functions. These ideas usually have developed without any exposure to formal science instruction, but rather through observation, guesswork, and bits of information filtered down from adults and other children. Students often form misconceptions about such basic processes as why the seasons change, how gravity works, and what electricity is. The most important finding from these research studies is not that students have preconceptions about science, but that their misconceptions are deeply rooted and tenacious.

D. To address this instructional dilemma, teachers need to elicit students' ideas and then allow the students to test their ideas against scientific knowledge and thereby construct their own understanding. It is important to underscore that the learners must do the constructing, not the teacher. The teacher should choose excellent teaching

activities and materials, but it is the learner who must actively connect the new knowledge to what he or she already knows.

E. Activities or processes that facilitate this construction of knowledge are listed below in three broad categories.

1. Using Knowledge:
  - a. describing;
  - b. explaining;
  - c. predicting;
  - d. designing;
  - e. analyzing;
2. Constructing New Knowledge:
  - a. asking questions;
  - b. solving problems;
  - c. interpreting text;
  - d. reconstructing knowledge;
3. Reflecting on Knowledge:
  - a. justifying;
  - b. criticizing;
  - c. describing limits;
  - d. making connections;
  - e. taking perspectives;
  - f. describing interactions (Michigan State Board of

Education, 1991).

NOTE: These activities will offer students the opportunity to dispel their misconceptions as they continually construct new scientific knowledge.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6; R.S. 17:24.4; R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:

### §307. Technology

A. Just as science is both a process and content, so is technology. As a process, technology is the using of scientific knowledge and other resources to develop new products and processes. "...[T]he relationship between science and technology is so close that any presentation of science without developing understanding of technology would portray an inaccurate picture of science" [*National Science Education Standards Draft* (Standards), 1994, pp. v-153].

B. While the emphasis in science is on gaining knowledge of the natural world, the emphasis in technology is on finding practical ways to apply that knowledge to solve problems. "Science helps drive technology, as it provides knowledge for better understanding, instruments, and techniques. Technology is essential to science because it enables observations of phenomena that are far beyond the capabilities of scientists due to factors such as distance, location, size, and speed and provides tools for investigations, inquiry, and analysis" (*NSE Standards*, pp. v-95).

C. The emphasis of technology in the classroom should be on knowledge construction to solve problems. The posing and solving of problems that are increasingly complex will enable students to develop skills that are vital to living in a technical world.

D. Students should develop an awareness and appreciation for the continuing progress in technology as it affects the quality of individual lives as well as society, in order to become better informed citizens and consumers and become computer literate and proficient, as it applies to the computer's capability to acquire data (with sensors), interpret

data (by graphing), and as a research tool (library and Internet).

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.6; R.S. 17:24.4; R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:

### **§309. Materials and Equipment**

A. Instructional materials and equipment can increase students' interest and improve achievement; they deserve a prominent place in science programs. Students should have access to materials and equipment and be offered opportunities to learn to use them effectively. It is essential that classroom teachers have the necessary nonconsumable and consumable materials and equipment provided and that they be maintained and/or replenished.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.6; R.S. 17:24.4; R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:

### **§311. Science and Equity**

A. The reform emphasis on science literacy has no boundaries. It excludes no one regardless of gender, race, ethnicity, and socioeconomic status. Unfortunately, because this has not always been the case in science education, it is not reflected in the enrollment in high school science classes and in the adult workforce of scientists. "To neglect the science education of any (as has happened too often to girls and minority students) is to deprive them of a basic education . . . and deprive the nation of talented workers and informed citizens, a loss the nation can ill afford" (*Science for All Americans*, 1989, pp. 156-157).

B. It is imperative that reform science education in Louisiana include hands-on, inquiry-based science teaching that will develop thinking skills in all students for a lifetime of use. Pre-conceived notions that science has a very narrow scope and that it is limited to a select few can be dispelled by developing critical thinking skills in all students and by developing the practice of using these thinking skills in every area of life involving cognitive processes. Development of these skills begins with kindergarten science explorations. Memorizing science facts will not suffice. It is critical that appropriate instructional tools be provided for all students so that this type of inquiry-based instruction can be implemented.

C. However, this philosophy is not enough to address the equity issue. Science education must also include keeping students in contact with culturally appropriate role models and career information. Reform efforts must dispel preconceived notions about who can be a scientist. All students must become aware of their own abilities to achieve in science. The content and methods of the Louisiana Science Framework reflect careful consideration of equity to assure that all students are provided the opportunity to succeed in learning science.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.6; R.S. 17:24.4; R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:

## **Chapter 5. Assessment**

### **§501. Purpose of Assessment**

A. "Assessment is a systemic, multi-step process involving the collection and interpretation of educational data" (*NSE Standards*, p. 76). The purpose of assessment is

to provide information to all the stakeholders in order to improve teaching and learning. Teachers, students, and parents need feedback on student progress. School administrators, educational planners, and the community need information to determine the overall effectiveness of the science program. As science instruction moves from a focus on facts to a focus on in-depth understanding of major concepts and processes, the assessment of science learning also must change.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.6; R.S. 17:24.4; R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:

### **§503. Classroom Assessment**

A. Assessment serves many important purposes in the science classroom: diagnostic (to plan instruction to fit the student's prior knowledge), formative (to improve performance and adapt instruction), and summative (to report on final performance). The purpose of the assessment determines the assessment technique.

1. Assessment should parallel instruction. As science education develops toward a hands-on, inquiry-based approach to learning, assessments will need to become more activity-based.

2. Assessment should be fair and equitable. Throughout the learning process, expectations should be clearly articulated to students. Assessment activities that measure skills beyond recall of facts should be challenging and thoughtful; however, all students should be given learning opportunities that enable them to apply concepts and skills successfully. In order to determine what students know and are able to do as a result of science instruction, teachers must develop assessments that are free of gender, racial, and language barriers.

3. Assessment should include data from multiple sources. Varied assessment strategies provide opportunities for teachers to observe students as they conduct a variety of tasks in different settings. Student-generated products from group work, entries from individual science journals, student-designed investigations and exhibitions, and student-constructed written responses are rich sources of data that enable teachers to determine students' understanding of science concepts and processes.

B. Assessment should encourage the development of higher order thinking skills; therefore, assessment must be designed to require students not just to recall random facts, but to demonstrate scientific problem-solving and conceptual knowledge. New designs for assessment must encourage forms of active assessment that are imbedded in instruction.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.6; R.S. 17:24.4; R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:

### **§505. Large-Scale Assessment**

A. Large-scale assessment refers to assessment at the district, state, and national level. These external assessments are conducted for the purpose of providing the following:

1. information for policy makers;
  2. data for program evaluation;
  3. a measure of pupil progression;
  4. data for district, state, and national comparisons;
- and

5. a criterion for graduation.

B. Assessment can have a powerful influence on curriculum and instruction; therefore, the utilization of assessment techniques that closely parallel effective instructional activities and outcomes are beneficial in the science classroom.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.6; R.S. 17:24.4; R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:

## **Chapter 7. Content Strands**

### **§701. Science Strands**

A. The Science Framework is divided into five strands: Science as Inquiry, Physical Science, Life Science, Earth and Space Science, and Science and the Environment. Each of the strands is organized into grade clusters and introduced with a focus statement that describes important aspects inherent to that section, followed by a standard (overarching goal) and benchmarks. Benchmarks, for the purpose of this document, are defined as broad statements of process and/or content that are to be used as a reference to develop curriculum and assess student progress. They are based on the National Science Education Standards and reflect the goal of increased science literacy for all students. The benchmarks were designed to provide breadth and continuity of content throughout the K-12 curriculum, while allowing for the flexibility of instruction in the individual classroom.

B. The first strand, Science as Inquiry, centers on the scientific process of inquiry, which citizens continually practice as they seek to understand issues, solve problems, and make decisions in everyday life. It is included in the benchmarks, along with the subject matter in Physical Science, Life Science, Earth and Space Science, and Science and the Environment, to emphasize the importance of the processes of science. It is envisioned that integration of the strands will occur and that there will be integration across the sciences and other disciplines.

C. To assist the teacher, handbooks that consist of the Framework, a sample module, and selected activities are under development for Grades K-8. The learning modules are designed as models and are provided for the grade clusters of K-2, 3-4, and 5-8. They consist of readings for teachers and students, a vignette, teaching materials, and learning activities that integrate assessment into the instruction. These modules are designed to aid in the transfer of the broad benchmarks into classroom instruction. The handbook is intended to assist in the development of curriculum and teaching methods that promote science literacy for all students.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.6; R.S. 17:24.4; R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:

## **Chapter 9. Strand One: Science As Inquiry**

### **§901. Science As Inquiry**

A. Focus. The process of scientific inquiry involves "asking a question, planning and conducting an investigation, using appropriate tools, mathematics, and techniques, thinking critically and logically about the relationships between evidence and explanations, constructing and analyzing alternative explanations, and communicating scientific arguments" (*NSE Standards*, pp. v-4). Students develop these skills as they are encouraged to

think scientifically rather than simply memorize and/or study science facts.

B. Standard. The students will do science by engaging in partial and full inquiries that are within their developmental capabilities.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.6; R.S. 17:24.4; R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:

### **§903. Benchmarks K-4**

A. In Grades K-4, what students know and are able to do includes:

1. the abilities necessary to do scientific inquiry:
  - a. SI-E-A1: asking appropriate questions about organisms and events in the environment (1, 3);
  - b. SI-E-A2: planning and/or designing and conducting a scientific investigation (2, 3);
  - c. SI-E-A3: communicating that observations are made with one's senses (1, 3);
  - d. SI-E-A4: employing equipment and tools to gather data and extend the sensory observations (3);
  - e. SI-E-A5: using data, including numbers and graphs, to explain observations and experiments (1, 2, 3);
  - f. SI-E-A6: communicating observations and experiments in oral and written formats (1, 3);
  - g. SI-E-A7: utilizing safety procedures during experiments (3, 5);
2. understanding scientific inquiry:
  - a. SI-E-B1: categorizing questions into what is known, what is not known, and what questions need to be explained (2, 4);
  - b. SI-E-B2: using appropriate experiments depending on the questions to be explored (2, 4);
  - c. SI-E-B3: choosing appropriate equipment and tools to conduct an experiment (2, 3, 5);
  - d. SI-E-B4: developing explanations by using observations and experiments (1, 2, 3, 4);
  - e. SI-E-B5: presenting the results of experiments (1, 3);
  - f. SI-E-B6: reviewing and asking questions about the results of investigations (1, 3, 4).

NOTE: The foundation skills addressed by each benchmark are listed numerically in parenthesis after the benchmark.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.6; R.S. 17:24.4; R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:

### **§905. Benchmarks 5-8**

A. As students in Grades 5-8 extend their knowledge, what they know and are able to do includes:

1. the abilities necessary to do scientific inquiry:
  - a. SI-M-A1: identifying questions that can be used to design a scientific investigation (1, 2, 3);
  - b. SI-M-A2: designing and conducting a scientific investigation (1, 2, 3, 4, 5);
  - c. SI-M-A3: using mathematics and appropriate tools and techniques to gather, analyze, and interpret data (1, 2, 3, 4, 5);
  - d. SI-M-A4: developing descriptions, explanations, and graphs using data (1, 2, 3, 4);
  - e. SI-M-A5: developing models and predictions using the relationships between data and explanations (1, 2, 3, 4);

- f. SI-M-A6: comparing alternative explanations and predictions (1, 3, 4);
  - g. SI-M-A7: communicating scientific procedures, information, and explanations (1, 3);
  - h. SI-M-A8: utilizing safety procedures during scientific investigations (3, 5);
2. understanding scientific inquiry:
- a. SI-M-B1: recognizing that different kinds of questions guide different kinds of scientific investigations (2, 4);
  - b. SI-M-B2: communicating that current scientific knowledge guides scientific investigations (1, 3, 4);
  - c. SI-M-B3: understanding that mathematics, technology, and scientific techniques used in an experiment can limit or enhance the accuracy of scientific knowledge (3, 4);
  - d. SI-M-B4: using data and logical arguments to propose, modify, or elaborate on principles and models (1, 2, 3, 4);
  - e. SI-M-B5: understanding that scientific knowledge is enhanced through peer review, alternative explanations, and constructive criticism (1, 4, 5);
  - f. SI-M-B6: communicating that scientific investigations can result in new ideas, new methods or procedures, and new technologies (1, 3, 4);
  - g. SI-M-B7: understanding that scientific development/technology is driven by societal needs and funding (4, 5).

NOTE: The foundation skills addressed by each benchmark are listed numerically in parenthesis after the benchmark.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.6; R.S. 17:24.4; R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:

### §907. Benchmarks 9-12

A. As students in Grades 9-12 extend their knowledge, what they know and are able to do includes:

- 1. the abilities necessary to do scientific inquiry:
  - a. SI-H-A1: identifying questions and concepts that guide scientific investigations (2, 4);
  - b. SI-H-A2: designing and conducting scientific investigations (1, 2, 3, 4, 5);
  - c. SI-H-A3: using technology and mathematics to improve investigations and communications (1, 2, 3);
  - d. SI-H-A4: formulating and revising scientific explanations and models using logic and evidence (1, 2, 3, 4);
  - e. SI-H-A5: recognizing and analyzing alternative explanations and models (4);
  - f. SI-H-A6: communicating and defending a scientific argument (1, 3, 4);
  - g. SI-H-A7: utilizing science safety procedures during scientific investigations (3, 5);
- 2. understanding scientific inquiry:
  - a. SI-H-B1: communicating that scientists usually base their investigations on existing models, explanations, and theories (1, 3, 4);
  - b. SI-H-B2: communicating that scientists conduct investigations for a variety of reasons, such as exploration of new areas, discovery of new aspects of the natural world, confirmation of prior investigations, evaluation of current theories, and comparison of models and theories (1, 3, 4);

- c. SI-H-B3: communicating that scientists rely on technology to enhance the gathering and manipulation of data (1, 3);
- d. SI-H-B4: analyzing a proposed explanation of scientific evidence according to the following criteria: follow a logical structure, follow rules of evidence, allow for questions and modifications, and is based on historical and current scientific knowledge (2, 4, 5);
- e. SI-H-B5: communicating that the results of scientific inquiry, new knowledge, and methods emerge from different types of investigations and public communication among scientists (1, 3, 4, 5).

NOTE: The foundation skills addressed by each benchmark are listed numerically in parenthesis after the benchmark.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.6; R.S. 17:24.4; R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:

## Chapter 11. Strand Two: Physical Science

### §1101. Physical Science

A. Focus. Exploring the characteristics, forces, and changes in objects and materials encourages students to develop an understanding of the world in which they live to establish a basis for a lifelong study of their world. As students increase their understanding and abilities, they will be able to use more sophisticated qualitative and quantitative methods to construct and analyze information. This study will enable them to make informed decisions based on a better understanding of how things work in the physical world.

B. Standard. Students will develop an understanding of the characteristics and interrelationships of matter and energy in the physical world.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.6; R.S. 17:24.4; R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:

### §1103. Benchmarks K-4

A. In Grades K-4, what students know and are able to do includes:

- 1. properties of objects and materials:
  - a. PS-E-A1: observing, describing, and classifying objects by properties (size, weight, shape, color, texture, and temperature) (4);
  - b. PS-E-A2: measuring properties of objects using appropriate materials, tools, and technology (3, 4, 5);
  - c. PS-E-A3: observing and describing the objects by the properties of the materials from which they are made (paper, wood, metal) (2, 4);
  - d. PS-E-A4: describing the properties of the different states of matter and identifying the conditions that cause matter to change states (2, 3);
  - e. PS-E-A5: creating mixtures and separating them based on differences in properties (salt, sand) (2, 3);
- 2. position and motion of objects:
  - a. PS-E-B1: observing and describing the position of an object relative to another object or the background (1, 2);
  - b. PS-E-B2: exploring and recognizing that the position and motion of objects can be changed by pushing or pulling (force) over time (1, 2, 3);
  - c. PS-E-B3: describing an object's motion by tracing and measuring its position over time (1, 2, 3, 4);

d. PS-E-B4: investigating and describing how the motion of an object is related to the strength of the force (pushing or pulling) and the mass of the object (1, 2, 3, 4);

3. forms of energy:

a. PS-E-C1: experimenting and communicating how vibrations of objects produce sound and how changing the rate of vibration varies the pitch (2);

b. PS-E-C2: investigating and describing how light travels and what happens when light strikes an object (reflection, refraction, and absorption) (2);

c. PS-E-C3: investigating and describing different ways heat can be produced and moved from one object to another by conduction (2);

d. PS-E-C4: investigating and describing how electricity travels in a circuit (2);

e. PS-E-C5: investigating and communicating that magnetism and gravity can exert forces on objects without touching the objects (2);

f. PS-E-C6: exploring and describing simple energy transformations (2);

g. PS-E-C7: exploring and describing the uses of energy at school, home, and play (1, 2, 4, 5).

NOTE: The foundation skills addressed by each benchmark are listed numerically in parenthesis after the benchmark.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.6; R.S. 17:24.4; R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:

### §1105. Benchmarks 5-8

A. As students in Grades 5-8 extend their knowledge, what they know and are able to do includes:

1. properties and changes of properties in matter:

a. PS-M-A1: investigating, measuring, and communicating the properties of different substances which are independent of the amount of the substance (1, 2, 3, 4);

b. PS-M-A2: understanding that all matter is made up of particles called atoms and that atoms of different elements are different (2, 4);

c. PS-M-A3: grouping substances according to similar properties and/or behaviors (4);

d. PS-M-A4: understanding that atoms and molecules are perpetually in motion (4);

e. PS-M-A5: investigating the relationships among temperature, molecular motion, phase changes, and physical properties of matter (2, 3);

f. PS-M-A6: investigating chemical reactions between different substances to discover that new substances formed may have new physical properties and do have new chemical properties (2, 3, 4, 5);

g. PS-M-A7: understanding that during a chemical reaction in a closed system, the mass of the products is equal to that of the reactants (2, 3, 4);

h. PS-M-A8: discovering and recording how factors such as temperature influence chemical reactions (2);

i. PS-M-A9: identifying elements and compounds found in common foods, clothing, household materials, and automobiles (1, 2, 3, 4, 5);

2. motions and forces:

a. PS-M-B1: describing and graphing the motions of objects (1, 2, 3);

b. PS-M-B2: recognizing different forces and describing their effects (gravity, electrical, magnetic) (1, 2);

c. PS-M-B3: understanding that, when an object is not being subjected to a force, it will continue to move at a constant speed and in a straight line (2, 3, 4);

d. PS-M-B4: describing how forces acting on an object will reinforce or cancel one another, depending upon their direction and magnitude (1, 2);

e. PS-M-B5: understanding that unbalanced forces will cause changes in the speed or direction of an object's motion (2, 4);

3. transformations of energy:

a. PS-M-C1: identifying and comparing the characteristics of different types of energy (2, 3, 4);

b. PS-M-C2: understanding the different kinds of energy transformations and the fact that energy can be neither destroyed nor created (2, 3, 4);

c. PS-M-C3: understanding that the sun is a major source of energy and that energy arrives at the earth's surface as light with a range of wavelengths (2, 3, 4);

d. PS-M-C4: observing and describing the interactions of light and matter (reflection, refraction, absorption, transmission, scattering) (1, 2, 3, 4);

e. PS-M-C5: investigating and describing the movement of heat and the effects of heat in objects and systems (2, 3, 4);

f. PS-M-C6: describing the types of energy that can be involved, converted, or released in electrical circuits (2, 3, 4);

g. PS-M-C7: understanding that energy is involved in chemical reactions (2, 4);

h. PS-M-C8: comparing the uses of different energy resources and their effects upon the environment (1, 2, 3, 4, 5).

NOTE: The foundation skills addressed by each benchmark are listed numerically in parenthesis after the benchmark.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.6; R.S. 17:24.4; R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:

### §1107. Benchmarks 9-12

A. As students in Grades 9-12 extend their knowledge and abilities, what they know and are able to do includes:

1. measurement and symbolic representation:

a. PS-H-A1: manipulating and analyzing quantitative data using the SI system (2, 3, 4);

b. PS-H-A2: understanding the language of chemistry (formulas, equations, symbols) and its relationship to molecules, atoms, ions, and subatomic particles (1, 2, 3, 4);

2. atomic structure:

a. PS-H-B1: describing the structure of the atom and identifying and characterizing the particles that compose it (including the structure and properties of isotopes) (1, 2, 4);

b. PS-H-B2: describing the nature and importance of radioactive isotopes and nuclear reactions (fission, fusion, radioactive decay) (1, 2, 3, 4, 5);

c. PS-H-B3: understanding that an atom's electron configuration, particularly that of the outermost electrons, determines the chemical properties of that atom (2, 3, 4);

3. the structure and properties of matter:

a. PS-H-C1: distinguishing among elements, compounds, and/or mixtures (1, 2, 4);

- b. PS-H-C2: discovering the patterns of physical and chemical properties found on the periodic table of the elements (2, 4);
  - c. PS-H-C3: understanding that physical properties of substances reflect the nature of interactions among its particles (2, 4);
  - d. PS-H-C4: separating mixtures based upon the physical properties of their components (2);
  - e. PS-H-C5: understanding that chemical bonds are formed between atoms when the outermost electrons are transferred or shared to produce ionic and covalent compounds (1, 2, 4);
  - f. PS-H-C6: recognizing that carbon atoms can bond to one another in chains, rings, and branching networks to form a variety of structures (1, 2, 3, 4);
  - g. PS-H-C7: using the kinetic theory to describe the behavior of atoms and molecules during phase changes and to describe the behavior of matter in its different phases (1, 2, 4);
4. chemical reactions:
- a. PS-H-D1: observing and describing changes in matter and citing evidence of chemical change (1, 2, 4);
  - b. PS-H-D2: comparing, contrasting, and measuring the pH of acids and bases using a variety of indicators (1, 2, 3, 4);
  - c. PS-H-D3: writing balanced equations to represent a variety of chemical reactions (acid/base, oxidation/reduction, etc.) (2);
  - d. PS-H-D4: analyzing the factors that affect the rate and equilibrium of a chemical reaction (1, 2, 4);
  - e. PS-H-D5: applying the law of conservation of matter to chemical reactions (1, 2, 4);
  - f. PS-H-D6: comparing and contrasting the energy changes that accompany changes in matter (1, 2, 4);
  - g. PS-H-D7: identifying important chemical reactions that occur in living systems, the home, industry, and the environment (1, 2, 3, 4, 5);
5. forces and motion:
- a. PS-H-E1: recognizing the characteristics and relative strengths of the forces of nature (gravitational, electrical, magnetic, nuclear) (4, 5);
  - b. PS-H-E2: understanding the relationship of displacement, time, rate of motion, and rate of change of motion; representing rate and changes of motion mathematically and graphically (1, 2, 3, 4);
  - c. PS-H-E3: understanding effects of forces on changes in motion as explained by Newtonian mechanics (1, 4);
  - d. PS-H-E4: illustrating how frame of reference affects our ability to judge motion (1, 2, 4);
6. energy:
- a. PS-H-F1: describing and representing relationships among energy, work, power, and efficiency (2, 3, 4);
  - b. PS-H-F2: applying the universal law of conservation of matter, energy, and momentum, and recognizing their implications (2, 3, 4, 5);
7. interactions of energy and matter:
- a. PS-H-G1: giving examples of the transport of energy through wave action (1, 4);

- b. PS-H-G2: analyzing the relationship and interaction of magnetic and electrical fields and the forces they produce (1, 2, 3, 4);
- c. PS-H-G3: characterizing and differentiating electromagnetic and mechanical waves and their effects on objects as well as humans (1, 2, 4);
- d. PS-H-G4: explaining the possible hazards of exposure to various forms and amounts of energy (1, 4, 5)

NOTE: The foundation skills addressed by each benchmark are listed numerically in parenthesis after the benchmark.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.6; R.S. 17:24.4; R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:

## **Chapter 13. Strand Three: Life Science**

### **§1301. Life Science**

A. Focus. As investigations of the living environment are conducted, the rationales are set to establish further observations, measurements, and classifications of the various life forms. Patterns of similarities and differences within the diversity of life establish the basis for understanding the special relationships among living things in ecosystems.

B. Standard. The students will become aware of the characteristics and life cycles of organisms and understand their relationships to each other and to their environment.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.6; R.S. 17:24.4; R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:

### **§1303. Benchmarks K-4**

A. In Grades K-4, what students know and are able to do includes:

- 1. characteristics of organisms, which includes:
  - a. LS-E-A1: identifying the needs of plants and animals, based on age-appropriate recorded observations (1, 2, 3, 4);
  - b. LS-E-A2: distinguishing between living and nonliving things (1, 2, 3, 4);
  - c. LS-E-A3: locating and comparing major plant and animal structures and their functions (1, 3);
  - d. LS-E-A4: recognizing that there is great diversity among organisms (1);
  - e. LS-E-A5: locating major human body organs and describing their functions (1, 4);
  - f. LS-E-A6: recognizing the food groups necessary to maintain a healthy body (1, 2, 4, 5);
- 2. life cycles of organisms, which include:
  - a. LS-E-B1: observing and describing the life cycles of some plants and animals (1, 3);
  - b. LS-E-B2: observing, comparing, and grouping plants and animals according to likenesses and/or differences (1, 2, 4);
  - c. LS-E-B3: observing and recording how the offspring of plants and animals are similar to their parents (1, 2, 3, 4);
  - d. LS-E-B4: observing, recording, and graphing student growth over time using a variety of quantitative measures (height, weight, linear measure of feet and hands, etc.) (1, 3);
- 3. Organisms and their environments, which include:

a. LS-E-C1: examining the habitats of plants and animals and determining how basic needs are met within each habitat (1, 2, 3, 4, 5);

b. LS-E-C2: describing how the features of some plants and animals enable them to live in specific habitats (1, 2, 3, 4, 5);

c. LS-E-C3: observing animals and plants and describing interaction or interdependence (1, 4).

NOTE: The foundation skills addressed by each benchmark are listed numerically in parenthesis after the benchmark.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.6; R.S. 17:24.4; R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:

### §1305. Benchmarks 5-8

A. As students in Grades 5-8 extend their knowledge, what they know and are able to do includes:

1. structure and function in living systems, which includes:

a. LS-M-A1: describing the observable components and functions of a cell, such as the cell membrane, nucleus, and movement of molecules into and out of cells (1);

b. LS-M-A2: comparing and contrasting the basic structures and functions of different plant and animal cells (1, 2, 3, 4);

c. LS-M-A3: observing and analyzing the growth and development of selected organisms, including a seed plant, an insect with complete metamorphosis, and an amphibian (1, 2, 3, 4);

d. LS-M-A4: describing the basic processes of photosynthesis and respiration and their importance to life (1, 4, 5);

e. LS-M-A5: investigating human body systems and their functions (including circulatory, digestive, skeletal, respiratory) (1, 3, 4);

f. LS-M-A6: describing how the human body changes with age and listing factors that affect the length and quality of life (1, 2, 3, 4, 5);

g. LS-M-A7: describing communicable and noncommunicable diseases (1, 2, 3, 4, 5);

2. reproduction and heredity, which includes:

a. LS-M-B1: describing the importance of body cell division (mitosis) and sex cell production (meiosis) (1, 4);

b. LS-M-B2: describing the role of chromosomes and genes in heredity (1, 4);

c. LS-M-B3: describing how heredity allows parents to pass certain traits to offspring (1, 4);

3. populations and ecosystems, which include:

a. LS-M-C1: constructing and using classification systems based on the structure of organisms (1, 2, 3, 4);

b. LS-M-C2: modeling and interpreting food chains and food webs (1, 2, 3, 4);

c. LS-M-C3: investigating major ecosystems and recognizing physical properties and organisms within each (1, 2, 3, 4, 5);

d. LS-M-C4: explaining the interaction and interdependence of nonliving and living components within ecosystems (1, 2, 3, 4, 5);

4. adaptations of organisms:

a. LS-M-D1: describing the importance of plant and animal adaptation, including local examples (1, 3, 4, 5);

b. LS-M-D2: explaining how some members of a species survive under changed environmental conditions (1, 2, 3, 4, 5).

NOTE: The foundation skills addressed by each benchmark are listed numerically in parenthesis after the benchmark.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.6; R.S. 17:24.4; R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:

### §1307. Benchmarks 9-12

A. As students in Grades 9-12 extend their knowledge, what they know and are able to do includes:

1. the cell, which includes:

a. LS-H-A1: observing cells, identifying organelles, relating structure to function, and differentiating among cell types (1, 2, 3, 4);

b. LS-H-A2: demonstrating a knowledge of cellular transport (1, 3, 4);

c. LS-H-A3: investigating cell differentiation and describing stages of embryological development in representative organisms (1, 2, 3, 4);

2. the molecular basis of heredity:

a. LS-H-B1: explaining the relationship among chromosomes, DNA, genes, RNA, and proteins (1, 3, 4);

b. LS-H-B2: comparing and contrasting mitosis and meiosis (1, 3, 4);

c. LS-H-B3: describing the transmission of traits from parent to offspring and the influence of environmental factors on gene expression (1, 2, 3, 4, 5);

d. LS-H-B4: exploring advances in biotechnology and identifying possible positive and negative effects (1, 2, 3, 4, 5);

3. biological evolution, which includes:

a. LS-H-C1: exploring experimental evidence that supports the theory of the origin of life (1, 3);

b. LS-H-C2: recognizing the evidence for evolution (1, 3, 4);

c. LS-H-C3: discussing the patterns, mechanisms, and rate of evolution (1, 3, 4);

d. LS-H-C4: classifying organisms (1, 2, 3, 4);

e. LS-H-C5: distinguishing among the kingdoms (1, 3, 4);

f. LS-H-C6: comparing and contrasting life cycles of organisms (1, 2, 3, 4);

g. LS-H-C7: comparing viruses to cells (1, 2, 3, 4);

4. interdependence of organisms, which includes:

a. LS-H-D1: illustrating the biogeochemical cycles and explaining their importance (1, 2, 3, 4, 5);

b. LS-H-D2: describing trophic levels and energy flows (1, 3, 4, 5);

c. LS-H-D3: investigating population dynamics (2, 3, 4, 5);

d. LS-H-D4: exploring how humans have impacted ecosystems and the need for societies to plan for the future (1, 2, 4, 5);

5. matter, energy, and organization of living systems:

a. LS-H-E1: comparing and contrasting photosynthesis and cellular respiration; emphasizing their relationships (1, 2, 3, 4);

b. LS-H-E2: recognizing the importance of the ATP cycle in energy usage within the cell (1, 2, 3, 4);



- c. LS-H-E3: differentiating among levels of biological organization (1, 4);
- 6. systems and the behavior of organisms:
  - a. LS-H-F1: identifying the structure and functions of organ systems (1, 3, 4);
  - b. LS-H-F2: identifying mechanisms involved in homeostasis (1, 3, 4);
  - c. LS-H-F3: recognizing that behavior is the response of an organism to internal changes and/or external stimuli (1, 3, 4);
  - d. LS-H-F4: recognizing that behavior patterns have adaptive value (3, 4);
- 7. personal and community health:
  - a. LS-H-G1: relating fitness and health to longevity (1, 3, 4, 5);
  - b. LS-H-G2: contrasting how organisms cause disease (1, 3, 4, 5);
  - c. LS-H-G3: explaining the role of the immune system in fighting disease (1, 3, 4, 5);
  - d. LS-H-G4: exploring current research on the major diseases with regard to cause, symptoms, treatment, prevention, and cure (1, 3, 4, 5);
  - e. LS-H-G5: researching technology used in prevention, diagnosis, and treatment of diseases/disorders (1, 3, 4, 5).

NOTE: The foundation skills addressed by each benchmark are listed numerically in parenthesis after the benchmark.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.6; R.S. 17:24.4; R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:

## **Chapter 15. Strand Four: Earth and Space Science**

### **§1501. Earth and Space Science**

A. Focus. In order to develop a basic understanding of our world, it is essential for students to reflect upon the structure, order, and origin of the universe. This understanding occurs gradually over time as students observe, investigate, model, describe, and find patterns in a changing world. As humans modify their surroundings, they must reflect upon the consequences that these changes will bring. Scientific knowledge about environmental forces and resources will provide a rich topic for critical thinking by students to analyze the effects of their choices on the world.

B. Standard. The students will develop an understanding of the properties of earth materials, the structure of the earth system, the earth's history, and the earth's place in the universe.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.6; R.S. 17:24.4; R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:

### **§1503. Benchmarks K-4**

A. In Grades K-4, what students know and are able to do includes:

- 1. properties of earth materials, which include:
  - a. ESS-E-A1: understanding that earth materials are rocks, minerals, and soils (1);
  - b. ESS-E-A2: understanding that approximately three-fourths of the earth's surface is covered with water and how this condition affects weather patterns and climates (1);
  - c. ESS-E-A3: investigating, observing, and describing how water changes from one form to another and interacts with the atmosphere (2, 4);

- d. ESS-E-A4: investigating, observing, measuring, and describing changes in daily weather patterns and phenomena (2, 4);
- e. ESS-E-A5: observing and communicating that rocks are composed of various substances (1);
- f. ESS-E-A6: observing and describing variations in soil (1);
- g. ESS-E-A7: investigating fossils and describing how they provide evidence about plants and animals that lived long ago and the environment in which they lived (1, 2, 4);

2. objects in the sky, which include:

- a. ESS-E-B1: observing and describing the characteristics of objects in the sky (1);
- b. ESS-E-B2: demonstrating how the relationship of the earth, moon, and sun causes eclipses and moon phases (2, 3, 4);
- c. ESS-E-B3: observing and recording the changing appearances and positions of the moon in the sky at night and determining the monthly pattern of lunar change (1, 2, 3, 4);
- d. ESS-E-B4: modeling changes that occur because of the rotation of the earth (alternation of night and day) and the revolution of the earth around the sun (1, 2, 3, 4);
- e. ESS-E-B5: understanding that the sun, a star, is a source of heat and light energy and identifying its effects upon the earth (1, 2, 3, 4);
- f. ESS-E-B6: understanding that knowledge of the earth as well as of the universe is gained through space exploration (1).

NOTE: The foundation skills addressed by each benchmark are listed numerically in parenthesis after the benchmark.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.6; R.S. 17:24.4; R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:

### **§1505. Benchmarks 5-8 (Warning: Benchmarks 9-12 need to be addressed if Earth Science is not offered at the high school level.)**

A. As students in Grades 5-8 extend their knowledge, what they know and are able to do includes:

- 1. structure of the earth:
  - a. ESS-M-A1: understanding that the earth is layered by density with an inner and outer core, a mantle, and a thin outer crust (1);
  - b. ESS-M-A2: understanding that the earth's crust and solid upper mantle are dividing plates that move in response to convection currents (energy transfers) in the mantle (1);
  - c. ESS-M-A3: investigating the characteristics of earthquakes and volcanoes and identifying zones where they may occur (2, 3, 4);
  - d. ESS-M-A4: investigating how soils are formed from weathered rock and decomposed organic material (2, 3, 4);
  - e. ESS-M-A5: identifying the characteristics and uses of minerals and rocks and recognizing that rocks are mixtures of minerals (2, 3, 4);
  - f. ESS-M-A6: explaining the processes involved in the rock cycle (1, 4);
  - g. ESS-M-A7: modeling how landforms result from the interaction of constructive and destructive forces (1, 2, 3, 4);

h. ESS-M-A8: identifying the man-made and natural causes of coastal erosion and the steps taken to combat it (1, 2, 3, 4, 5);

i. ESS-M-A9: compare and contrast topographic features of the ocean floor to those formed above sea level (2, 3, 4);

j. ESS-M-A10: explaining (illustrating) how water circulates, on and through the crust, in the oceans, and in the atmosphere, in the water cycle (1, 4);

k. ESS-M-A11: understanding that the atmosphere interacts with the hydrosphere to affect weather and climate conditions (1, 4);

l. ESS-M-A12: predicting weather patterns through use of a weather map (1, 2, 3, 4, 5);

2. earth story:

a. ESS-M-B1: investigating how fossils show the development of life over time (2, 3, 4);

b. ESS-M-B2: devising a model that demonstrates supporting evidence that the earth has existed for a vast period of time (1, 2, 3, 4);

c. ESS-M-B3: understanding that earth processes such as erosion and weathering affect the earth today and are similar to those which occurred in the past (1, 2, 3, 4);

3. earth in the solar system:

a. ESS-M-C1: identifying the characteristics of the sun and other stars (1, 2, 3, 4);

b. ESS-M-C2: comparing and contrasting the celestial bodies in our solar system (2, 4);

c. ESS-M-C3: investigating the force of gravity and the ways gravity governs motion in the solar system and objects on earth (2, 3, 4);

d. ESS-M-C4: modeling the motions of the earth-moon-sun system to explain day and night, a year, eclipses, moon phases, and tides (1, 2, 3, 4);

e. ESS-M-C5: modeling the position of the earth in relationship to other objects in the solar system (1, 2, 3, 4);

f. ESS-M-C6: modeling and describing how radiant energy from the sun affects phenomena on the earth's surface, such as winds, ocean currents, and the water cycle (1, 2, 3, 4);

g. ESS-M-C7: modeling and explaining how seasons result from variations in amount of the sun's energy hitting the surface due to the tilt of earth's rotation on its axis and the length of the day (1, 2, 3, 4);

h. ESS-M-C8: understanding that space exploration is an active area of scientific and technological research and development (1, 5).

NOTE: The foundation skills addressed by each benchmark are listed numerically in parenthesis after the benchmark.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6; R.S. 17:24.4; R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:

**§1507. Benchmarks 9-12**

A. As students in Grades 9-12 extend their knowledge, what they know and are able to do includes:

1. energy in the earth system:

a. ESS-H-A1: investigating the methods of energy transfer and identifying the sun as the major source of energy for most of the earth's systems (1, 3, 4);

b. ESS-H-A2: modeling the seasonal changes in the relative position and appearance of the sun and inferring the

consequences with respect to the earth's temperature (1, 2, 3, 4);

c. ESS-H-A3: explaining fission and fusion in relation to the earth's internal and external heat sources (1, 3, 4);

d. ESS-H-A4: explaining how decay of radioactive isotopes and the gravitational energy from the earth's original formation generates the earth's internal heat (1, 3, 4);

e. ESS-H-A5: demonstrating how the sun's radiant energy causes convection currents within the atmosphere and the oceans (1, 2, 3, 4);

f. ESS-H-A6: describing the energy transfer from the sun to the earth and its atmosphere as it relates to the development of weather and climate patterns (1, 2, 3, 4);

g. ESS-H-A7: modeling the transfer of the earth's internal heat by way of convection currents in the mantle which powers the movement of the lithospheric plates (1, 2, 3, 4);

2. geochemical cycles:

a. ESS-H-B1: illustrating how stable chemical atoms or elements are recycled through the solid earth, oceans, atmosphere, and organisms (1, 2, 3, 4);

b. ESS-H-B2: demonstrating earth's internal and external energy sources as forces in moving chemical atoms or elements (1, 2, 3, 4);

3. the origin and evolution of the earth system:

a. ESS-H-C1: explaining the formation of the solar system from a nebular cloud of dust and gas (1, 2, 3, 4);

b. ESS-H-C2: estimating the age of the earth by using dating techniques (1, 2, 3, 4);

c. ESS-H-C3: communicating the geologic development of Louisiana (1, 2, 3, 4);

d. ESS-H-C4: examining fossil evidence as it relates to the evolution of life and the resulting changes in the amount of oxygen in the atmosphere (1, 2, 3, 4);

e. ESS-H-C5: explaining that natural processes and changes in the earth system may take place in a matter of seconds or develop over billions of years (1, 2, 3, 4);

4. the original and evolution of the universe:

a. ESS-H-D1: identifying scientific evidence that supports the latest theory of the age and origin of the universe (1, 2, 3, 4);

b. ESS-H-D2: describing the organization of the known universe (1, 3, 4);

c. ESS-H-D3: comparing and contrasting the sun with other stars (1, 4);

d. ESS-H-D4: identifying the elements found in the sun and other stars by investigating the spectra (1, 2, 3, 4);

e. ESS-H-D5: describing the role of hydrogen in the formation of all the natural elements (1, 4);

f. ESS-H-D6: demonstrating the laws of motion for orbiting bodies (1, 3, 4);

g. ESS-H-D7: describe the impact of technology on the study of the earth, the solar system, and the universe (1, 2, 3, 4, 5).

NOTE: The foundation skills addressed by each benchmark are listed numerically in parenthesis after the benchmark.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6; R.S. 17:24.4; R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:

## Chapter 17. Strand Five: Science and the Environment

### §1701. Science and the Environment

A. Focus. Environmental education is a process aimed at the development of a literate citizenry which is aware of and shows concern for the total environment and its associated problems. This goal will be met by developing the knowledge, attitudes, motivation, commitment, and skills to work individually and collectively toward the solutions of current problems and the prevention of new ones.

B. Standard. In learning environmental science, students will develop an appreciation of the natural environment, learn the importance of environmental quality, and acquire a sense of stewardship. As consumers and citizens, they will be able to recognize how our personal, professional, and political actions affect the natural world.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.6; R.S. 17:24.4; R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:

### §1703. Benchmarks K-4

A. In Grades K-4, what students know and are able to do includes:

1. SE-E-A1: understanding that an "ecosystem" is made of living and non-living components (1, 3, 4);

2. SE-E-A2: understanding the components of a food chain (1, 3, 4);

3. SE-E-A3: identifying ways in which humans have altered their environment, both in positive and negative ways, either for themselves or for other living things (1, 2, 3, 4, 5);

4. SE-E-A4: understanding that the original sources of all material goods are natural resources and that the conserving and recycling of natural resources is a form of stewardship (1, 2, 3, 4, 5);

5. SE-E-A5: understanding that most plant and animal species are threatened or endangered today due to habitat loss or change (1, 2, 4).

NOTE: The foundation skills addressed by each benchmark are listed numerically in parenthesis after the benchmark.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.6; R.S. 17:24.4; R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:

### §1705. Benchmarks 5-8

A. As students in Grades 5-8 extend their knowledge, what they know and are able to do includes:

1. SE-M-A1: demonstrating knowledge that an ecosystem includes living and nonliving factors and that humans are an integral part of ecosystems (1, 3, 4, 5);

2. SE-M-A2: demonstrating an understanding of how carrying capacity and limiting factors affect plant and animal populations (1, 2, 3, 4, 5);

3. SE-M-A3: defining the concept of pollutant and describing the effects of various pollutants on ecosystems (1, 2, 3, 4, 5);

4. SE-M-A4: understanding that human actions can create risks and consequences in the environment (1, 2, 3, 4, 5);

5. SE-M-A5: tracing the flow of energy through an ecosystem and demonstrating a knowledge of the roles of producers, consumers, and decomposers in the ecosystem (1, 2, 3, 4, 5);

6. SE-E-A6: distinguishing between renewable and nonrenewable resources and understanding that nonrenewable natural resources are not replenished through the natural cycles and thus are strictly limited in quantity (1, 2, 3, 4, 5);

7. SE-M-A7: demonstrating knowledge of the natural cycles, such as the carbon cycle, nitrogen cycle, water cycle, and oxygen cycle (1, 2, 4);

8. SE-M-A8: investigating and analyzing how technology affects the physical, chemical, and biological factors in an ecosystem (1, 2, 3, 4, 5);

9. SE-M-A9: demonstrating relationships of characteristics of soil types to agricultural practices and productivity (1, 2, 3, 4, 5);

10. SE-M-A10: identifying types of soil erosion and preventive measures (1, 2, 3, 4, 5).

NOTE: The foundation skills addressed by each benchmark are listed numerically in parenthesis after the benchmark.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.6; R.S. 17:24.4; R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:

### §1707. Benchmarks 9-12

A. As students in Grades 9-12 extend their knowledge, what they know and are able to do includes:

1. ecological systems and interactions, which include:

a. SE-H-A1: demonstrating an understanding of the functions of earth's major ecological systems (1, 2, 3, 4);

b. SE-H-A2: investigating the flow of energy in ecological systems (1, 2, 3, 4);

c. SE-H-A3: describing how habitat, carrying capacity, and limiting factors influence plant and animal populations (including humans) (1, 3, 4, 5);

d. SE-H-A4: understanding that change is a fundamental characteristic of every ecosystem and that ecosystems have varying capacities for change and recovery (1, 2, 3, 4, 5);

e. SE-H-A5: describing the dynamic interactions between divisions of the biosphere (1, 3, 4);

f. SE-H-A6: describing and explaining the earth's biochemical and geochemical cycles and their relationship to ecosystem stability (1, 2, 4);

g. SE-H-A7: comparing and contrasting the dynamic interaction within the biosphere (1, 2, 4);

h. SE-H-A8: analyzing evidence that plant and animal species have evolved physical, biochemical, and/or behavioral adaptations to their environments (1, 2, 3, 4, 5);

i. SE-H-A9: demonstrating an understanding of influencing factors of biodiversity (1, 3, 4, 5);

j. SE-H-A10: explaining that all species represent a vital link in a complex web of interaction (1, 3, 4, 5);

k. SE-H-A11: understanding how pollutants can affect living systems (1, 2, 3, 4, 5);

2. resources and resource management, which include:

a. SE-H-B1: explaining the relationships between renewable and nonrenewable resources (1, 3, 4);

b. SE-H-B2: comparing and contrasting conserving and preserving resources (1, 3, 4);

c. SE-H-B3: recognizing that population size and geographic and economic factors result in the inequitable distribution of the earth's resources (1, 2, 3, 4, 5);

d. SE-H-B4: comparing and contrasting long and short-term consequences of resource management (1, 2, 3, 4, 5);

e. SE-H-B5: analyzing resource management (1, 2, 3, 4, 5);

f. SE-H-B6: recognizing that sustainable development is a process of change in which resource use, investment direction, technological development, and institutional change meet society's present as well as future needs (1, 2, 3, 4, 5);

3. environmental awareness and protection:

a. SE-H-C1: evaluating the dynamic interaction of land, water, and air and its relationship to living things in maintaining a healthy environment (1, 2, 3, 4, 5);

b. SE-H-C2: evaluating the relationships between quality of life and environmental quality (1, 2, 3, 4, 5);

c. SE-H-C3: investigating and communicating how environmental policy is formed by the interaction of social, economic, technological, and political considerations (1, 2, 3, 4, 5);

d. SE-H-C4: demonstrating that environmental decisions include analyses that incorporate ecological, health, social, and economic factors (1, 2, 3, 4, 5);

e. SE-H-C5: analyzing how public support affects the creation and enforcement of environmental laws and regulations (1, 2, 3, 4, 5);

4. personal choices and responsible actions:

a. SE-H-D1: demonstrating the effects of personal choices and actions on the natural environment (1, 2, 3, 4, 5);

b. SE-H-D2: analyzing how individuals are capable of reducing and reversing their impact on the environment through thinking, planning, education, collaboration, and action (1, 2, 3, 4, 5);

c. SE-H-D3: demonstrating that the most important factor in prevention and control of pollution is education (1, 2, 3, 4, 5);

d. SE-H-D4: demonstrating a knowledge that environmental issues should be a local and global concern (1, 2, 3, 4, 5);

e. SE-H-D5: recognizing that the development of accountability toward the environment is essential for sustainability (1, 2, 3, 4, 5);

f. SE-H-D6: developing an awareness of personal responsibility as stewards of the local and global environment (1, 2, 3, 4, 5).

NOTE: The foundation skills addressed by each benchmark are listed numerically in parenthesis after the benchmark.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.6; R.S. 17:24.4; R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:

## Chapter 19. Grade Level Expectations

### §1901. Prekindergarten

#### A. Science as Inquiry: Strand One

##### 1. The Abilities Necessary to Do Scientific Inquiry

a. GLE 1: Ask questions about objects and events in the environment (e.g., plants, rocks, storms) (PK-CS-I1) (SI-E-A1).

b. GLE 2: Pose questions that can be answered by using students' own observations and scientific knowledge (PK-CS-I1) (SI-E-A1).

c. GLE 3: Use the five senses to describe observations (PK-CS-P3) (SI-E-A3).

d. GLE 4: Select and use developmentally appropriate equipment and tools and units of measurement to observe and collect data (PK-CS-I4) (SI-E-A4).

e. GLE 5: Express data in a variety of ways by constructing illustrations, graphs, charts, tables, concept maps, and oral and written explanations as appropriate (PK-CS-I5) (SI-E-A5) (SI-E-B4).

f. GLE 6: Use a variety of appropriate formats to describe procedures and to express ideas about demonstrations or experiments (e.g., drawings, journals, reports, presentations, exhibitions, portfolios) (PK-CS-I5) (SI-E-A6).

g. GLE 7: Identify and use appropriate safety procedures and equipment when conducting investigations (e.g., gloves, goggles, hair ties) (PK-CS-I4) (SI-E-A7).

#### 2. Understanding Scientific Inquiry

a. GLE 8: Recognize that a variety of tools can be used to examine objects at different degrees of magnification (e.g., hand lens, microscope) (PK-CS-I4) (SI-E-B3).

#### B. Physical Science: Strand Two

##### 1. Properties of Objects and Materials

a. GLE 9: Sort objects using one characteristic (PK-CS-P2) (PS-E-A1).

b. GLE 10: Determine whether objects float or sink through investigations (PK-CS-P1) (PS-E-A1).

c. GLE 11: Describe properties of materials by using observations made with the aid of equipment such as magnets, magnifying glasses, pan balances, and mirrors (PK-CS-P4) (PS-E-A2).

d. GLE 12: Determine whether one object weighs more or less than another by using a pan balance (PK-CS-I4) (PS-E-A2).

e. GLE 13: Compare the properties of different solids and liquids through observation (PK-CS-P1) (PS-E-A4).

f. GLE 14: Identify components of simple mixtures (e.g., salt/water, rice/beans, iron filings/sand) (PK-CS-P1) (PS-E-A5).

##### 2. Position and Motion of Objects

a. GLE 15: Demonstrate motion by using students' own bodies (PK-CS-P3) (PS-E-B3).

b. GLE 16: Explore the motion of objects by using balls, toy cars, or spinning tops (PK-CS-I2) (PS-E-B3).

##### 3. Forms of Energy

a. GLE 17: Identify different sounds as *soft* or *loud* (PK-CS-P3) (PS-E-C1).

b. GLE 18: Identify selected substances as *hot* or *cold* (PK-CS-P2) (PS-E-C3).

#### C. Life Science: Strand Three

##### 1. Characteristics of Organisms

a. GLE 19: Identify parts of the body and how they move (PK-CS-L1) (LS-E-A3).

b. GLE 20: Give examples of different kinds of plants and different kinds of animals (PK-CS-L1) (LS-E-A4).

c. GLE 21: Distinguish food items from nonfood items (PK-CS-L1) (LS-E-A6).

##### 2. Life Cycles of Organisms

a. GLE 22: Learn about animals and plants through nonfiction literature (PK-CS-L1) (LS-E-B1).

b. GLE 23: Observe and care for pets and plants (PK-CS-L1) (LS-E-B1).

3. Organisms and Their Environments

a. GLE 24: Describe plants and animals in the schoolyard or home environments (PK-CS-L1) (LS-E-C1).

D. Earth and Space Science: Strand Four

1. Properties of Earth Materials

a. GLE 25: Explore and describe various properties of rocks, minerals, and soils (PK-CS-L2) (ESS-E-A1).

b. GLE 26: Describe the weather and its daily changes (PK-CS-ES2) (ESS-E-A4).

c. GLE 27: Describe different types of weather students have experienced and give examples of how daily activities and appropriate attire are affected by weather conditions (PK-CS-ES2) (ESS-E-A4).

2. Objects in the Sky

a. GLE 28: Learn about objects in the sky through nonfiction literature (PK-CS-ES3) (ESS-E-B1).

NOTE: The foundation skills addressed by each benchmark are listed numerically in parenthesis after the benchmark.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.6; R.S. 17:24.4; R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:

**§1903. Kindergarten**

A. Science as Inquiry: Strand One

1. The Abilities to Do Scientific Inquiry

a. GLE 1: Ask questions about objects and events in the environment (e.g., plants, rocks, storms) (SI-E-A1).

b. GLE 2: Pose questions that can be answered by using students' own observations and scientific knowledge (SI-E-A1).

c. GLE 3: Predict and anticipate possible outcomes (SI-E-A2).

d. GLE 4: Use the five senses to describe observations (SI-E-A3).

e. GLE 5: Measure and record length and temperature in both metric system and U.S. system units (SI-E-A4).

f. GLE 6: Select and use developmentally appropriate equipment and tools and units of measurement to observe and collect data (SI-E-A4).

g. GLE 7: Express data in a variety of ways by constructing illustrations, graphs, charts, tables, concept maps, and oral and written explanations as appropriate (SI-E-A5) (SI-E-B4).

h. GLE 8: Use a variety of appropriate formats to describe procedures and to express ideas about demonstrations or experiments (e.g., drawings, journals, reports, presentations, exhibitions, portfolios) (SI-E-A6).

i. GLE 9: Identify and use appropriate safety procedures and equipment when conducting investigations (e.g., gloves, goggles, hair ties) (SI-E-A7).

2. Understanding Scientific Inquiry

a. GLE 10: Recognize that a variety of tools can be used to examine objects at different degrees of magnification (e.g., hand lens, microscope) (SI-E-B3).

B. Physical Science: Strand Two

1. Properties of Objects and Materials

a. GLE 11: Identify objects by using the senses (PS-E-A1).

b. GLE 12: Construct patterns by using color, size, and shape of objects (PS-E-A1).

c. GLE 13: Sort objects based on their properties (e.g., size, weight, texture) (PS-E-A1).

d. GLE 14: Determine whether objects are magnetic or nonmagnetic (PS-E-A1).

e. GLE 15: Create and separate mixtures (e.g., oil/water, rice/beans) (PS-E-A5).

2. Position and Motion of Objects

a. GLE 16: Follow directions using vocabulary such as *front/back*, *above/below*, *right/left*, and *next to* (PS-E-B1).

b. GLE 17: Trace the motion of an object, such as a ball or toy car, as it rolls (PS-E-B3).

c. GLE 18: Sequence the relative order of the speed of various objects (e.g., snails, turtles, tricycles, bicycles, cars, airplanes) (PS-E-B3).

3. Forms of Energy

a. GLE 19: Demonstrate and identify sounds as *soft* or *loud* (PS-E-C1).

b. GLE 20: Identify objects that give off heat, such as people, animals, and the sun (PS-E-C3).

C. Life Science: Strand Three

1. Characteristics of Organisms

a. GLE 21: Record observations on the growth of plant seeds (LS-E-A1).

b. GLE 22: Classify objects in a variety of settings as *living (biotic)* or *nonliving (abiotic)* (LS-E-A2).

c. GLE 23: Compare the human body at various stages of development (LS-E-A3).

d. GLE 24: Compare the human body with plants and animals (LS-E-A3).

e. GLE 25: Identify easily observable variations within types of plants and animals (e.g., features of classmates, varieties of trees, breeds of dogs) (LS-E-A4).

f. GLE 26: Classify various foods into the major groups (e.g., bread, meat, vegetable, fruit) (LS-E-A6).

g. GLE 27: Determine which foods are superior for developing a healthy body (LS-E-A6).

2. Life Cycles of Organisms

a. GLE 28: Observe life cycles and describe changes (e.g., humans, dogs, insects) (LS-E-B1).

b. GLE 29: Match models of baby animals with their parents (LS-E-B3).

D. Earth and Space Science: Strand Four

1. Properties of Earth Materials

a. GLE 30: Distinguish between areas of earth covered by land and water (ESS-E-A2).

b. GLE 31: Identify the patterns in information recorded on a weather calendar (ESS-E-A4).

2. Objects in the Sky

a. GLE 32: Discuss and differentiate objects seen in the day and/or night sky (e.g., clouds, sun, stars, moon) (ESS-E-B1).

NOTE: The foundation skills addressed by each benchmark are listed numerically in parenthesis after the benchmark.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.6; R.S. 17:24.4; R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:

**§1905. First Grade**

A. Science as Inquiry: Strand One

1. The Abilities to Do Scientific Inquiry

- a. GLE 1: Ask questions about objects and events in the environment (e.g., plants, rocks, storms) (SI-E-A1).
  - b. GLE 2: Pose questions that can be answered by using students' own observations and scientific knowledge (SI-E-A1).
  - c. GLE 3: Predict and anticipate possible outcomes (SI-E-A2).
  - d. GLE 4: Use a variety of methods and materials and multiple trials to investigate ideas (observe, measure, accurately record data) (SI-E-A2).
  - e. GLE 5: Use the five senses to describe observations (SI-E-A3).
  - f. GLE 6: Measure and record length and temperature in both metric system and U.S. system units (SI-E-A4).
  - g. GLE 7: Select and use developmentally appropriate equipment and tools and units of measurement to observe and collect data (SI-E-A4).
  - h. GLE 8: Express data in a variety of ways by constructing illustrations, graphs, charts, tables, concept maps, and oral and written explanations as appropriate (SI-E-A5) (SI-E-B4).
  - i. GLE 9: Use a variety of appropriate formats to describe procedures and to express ideas about demonstrations or experiments (e.g., drawings, journals, reports, presentations, exhibitions, portfolios) (SI-E-A6).
  - j. GLE 10: Identify and use appropriate safety procedures and equipment when conducting investigations (e.g., gloves, goggles, hair ties) (SI-E-A7).
2. Understanding Scientific Inquiry
- a. GLE 11: Recognize that a variety of tools can be used to examine objects at different degrees of magnification (e.g., hand lens, microscope) (SI-E-B3).
  - b. GLE 12: Explain and give examples of how scientific discoveries have affected society (SI-E-B6).
- B. Physical Science: Strand Two
- 1. Properties of Objects and Materials
    - a. GLE 13: Sort a group of objects by using multiple characteristics (PS-E-A1).
    - b. GLE 14: Order objects by weight/mass (PS-E-A1).
    - c. GLE 15: Measure length and width of a variety of objects and materials by using nonstandard tools, such as a paper clip, cube, shoe, and hands (PS-E-A2).
    - d. GLE 16: Observe and describe common properties of solids, liquids, and gases (PS-E-A4).
    - e. GLE 17: Sort and classify objects by their state of matter (PS-E-A4).
  - 2. Forms of Energy
    - a. GLE 18: Demonstrate how sound is made in a variety of ways (e.g., singing, whispering, striking an object) (PS-E-C1).
    - b. GLE 19: Describe and demonstrate the volume of sound (e.g., soft, loud) (PS-E-C1).
    - c. GLE 20: Use a flashlight and various objects and materials to determine if light is transmitted or reflected (PS-E-C2).
    - d. GLE 21: Demonstrate that light can be reflected onto another object by using a mirror (PS-E-C2).
    - e. GLE 22: Identify some examples where heat is released (e.g., burning candles, rubbing hands, running) (PS-E-C3).

- f. GLE 23: Identify materials attracted by magnets (PS-E-C5).
  - g. GLE 24: Determine, through experimentation, which poles of magnets are attracted to each other and which poles repel each other (PS-E-C5).
  - h. GLE 25: Discuss what type of energy makes objects work (e.g., car/gasoline, waterwheel/water, lamp/electricity) (PS-E-C6) (PS-E-C7).
- C. Life Science: Strand Three
- 1. Characteristics of Organisms
    - a. GLE 26: Describe the differences between plants and animals (LS-E-A1).
    - b. GLE 27: Identify what animals and plants need to grow and develop (LS-E-A1).
    - c. GLE 28: Describe the characteristics of *living (biotic)* and *nonliving (abiotic)* things (LS-E-A2).
    - d. GLE 29: Describe basic functions of parts of the body (e.g., lungs, heart, bones, muscles) (LS-E-A3).
  - 2. Life Cycles of Organisms
    - a. GLE 30: Record and share observations of changes in developing plants (LS-E-B1).
    - b. GLE 31: Describe how animals and their offspring are similar and how they are different (LS-E-B3).
  - 3. Organisms and Their Environments
    - a. GLE 32: Describe features of some animals that benefit them in their environments (LS-E-C1).
    - b. GLE 33: Explain how pets' needs are met in their habitats (LS-E-C1).
    - c. GLE 34: Record evidence of plants and animals in the schoolyard or other environments (LS-E-C2).
- D. Earth and Space Science: Strand Four
- 1. Properties of Earth Materials
    - a. GLE 35: Examine soils to determine that they are often found in layers (ESS-E-A1).
    - b. GLE 36: Locate and compare the relative proportions of land and water found on earth (ESS-E-A2).
    - c. GLE 37: Illustrate how water changes from one form to another (e.g., freezing, melting, evaporating) (ESS-E-A3).
    - d. GLE 38: Compare weather patterns as they relate to seasonal changes in students' immediate environment (ESS-E-A4).
    - e. GLE 39: Identify the characteristics of soil, according to color, texture, and components, including *living (biotic)* and *nonliving (abiotic)* substances (ESS-E-A6).
- NOTE: The foundation skills addressed by each benchmark are listed numerically in parenthesis after the benchmark.
- AUTHORITY NOTE: Promulgated in accordance with R.S. 17.6; R.S. 17:24.4; R.S. 17:154.
- HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:
- §1907. Second Grade**
- A. Science as Inquiry: Strand One
- 1. The Abilities to Do Scientific Inquiry
    - a. GLE 1: Ask questions about objects and events in the environment (e.g., plants, rocks, storms) (SI-E-A1).
    - b. GLE 2: Pose questions that can be answered by using students' own observations, scientific knowledge, and testable scientific investigations (SI-E-A1).
    - c. GLE 3: Use observations to design and conduct simple investigations or experiments to answer testable questions (SI-E-A2).

d. GLE 4: Predict and anticipate possible outcomes (SI-E-A2).

e. GLE 5: Use a variety of methods and materials and multiple trials to investigate ideas (observe, measure, accurately record data) (SI-E-A2).

f. GLE 6: Use the five senses to describe observations (SI-E-A3).

g. GLE 7: Measure and record length and temperature in both metric system and U.S. system units (SI-E-A4).

h. GLE 8: Select and use developmentally appropriate equipment and tools (e.g., magnifying lenses, graduated cylinders) and units of measurement to observe and collect data (SI-E-A4).

i. GLE 9: Express data in a variety of ways by constructing illustrations, graphs, charts, tables, concept maps, and oral and written explanations as appropriate (SI-E-A5) (SI-E-B4).

j. GLE 10: Use a variety of appropriate formats to describe procedures and to express ideas about demonstrations or experiments (e.g., drawings, journals, reports, presentations, exhibitions, portfolios) (SI-E-A6).

k. GLE 11: Identify and use appropriate safety procedures and equipment when conducting investigations (e.g., gloves, goggles, hair ties) (SI-E-A7).

## 2. Understanding Scientific Inquiry

a. GLE 12: Recognize that a variety of tools can be used to examine objects at different degrees of magnification (e.g., hand lens, microscope) (SI-E-B3).

b. GLE 13: Explain and give examples of how scientific discoveries have affected society (SI-E-B6).

## B. Physical Science: Strand Two

### 1. Properties of Objects and Materials

a. GLE 14: Classify objects as *bendable* or *rigid* (PS-E-A1).

b. GLE 15: Record the temperature of objects (Celsius and Fahrenheit) (PS-E-A1).

c. GLE 16: Measure weight/mass and volume of a variety of objects and materials by using a pan balance and various containers (PS-E-A2).

d. GLE 17: Use standard tools to measure objects or materials (e.g., ruler, meter stick, measuring tape, pan balance, thermometer, graduated cylinder) (PS-E-A2).

e. GLE 18: Observe, describe, and record the characteristics of materials that make up different objects (e.g., metal, nonmetal, plastic, rock, wood, paper) (PS-E-A3).

f. GLE 19: Describe and illustrate what remains after water evaporates from a salt or sugar solution (PS-E-A5).

### 2. Position and Motion of Objects

a. GLE 20: Observe and describe differences in motion between objects (e.g., toward/away, cardinal directions) (PS-E-B3).

### 3. Forms of Energy

a. GLE 21: Use students' own voices to demonstrate pitch (e.g., low, high) (PS-E-C1).

b. GLE 22: Give examples of objects that vibrate to produce sound (e.g., drum, stringed instrument, end of a ruler, cymbal) (PS-E-C1).

c. GLE 23: Change the direction of light by using a mirror and/or lens (PS-E-C2).

d. GLE 24: Describe how light behaves when it strikes objects and materials (e.g., transparent, translucent, opaque) (PS-E-C2).

e. GLE 25: Investigate ways of producing static electricity and describe its effects (PS-E-C4).

f. GLE 26: Identify and describe sources of energy used at school, home, and play (PS-E-C7).

## C. Life Science: Strand Three

### 1. Characteristics of Organisms

a. GLE 27: Match the appropriate food source and habitat for a variety of animals (e.g., cows/grass/field, fish/tadpoles/water) (LS-E-A1).

b. GLE 28: Describe structures of plants (e.g., roots, leaves, stems, flowers, seeds) (LS-E-A3).

c. GLE 29: Compare differences and similarities among a variety of seed plants (LS-E-A3).

d. GLE 30: Identify physical characteristics of organisms (e.g., worms, amphibians, plants) (LS-E-A4).

e. GLE 31: Identify and discuss the arrangement of the food pyramid (LS-E-A6).

f. GLE 32: Analyze selected menus to determine whether they include representatives of all the required food groups (LS-E-A6).

### 2. Life Cycles of Organisms

a. GLE 33: Compare the life cycles of selected organisms (e.g., mealworm, caterpillar, tadpole) (LS-E-B1).

b. GLE 34: Describe inherited characteristics of living things (LS-E-B3).

### 3. Organisms and Their Environments

a. GLE 35: Identify the components of a variety of habitats and describe how organisms in those habitats depend on each other (LS-E-C1).

## D. Earth and Space Science: Strand Four

### 1. Properties of Earth Materials

a. GLE 36: Observe and record the properties of rocks, minerals, and soils gathered from their surroundings (e.g., color, texture, odor) (ESS-E-A1).

b. GLE 37: Compare bodies of water found on earth (e.g., oceans, seas, lakes, rivers, glaciers) (ESS-E-A2).

c. GLE 38: Explain why most of the water on earth cannot be used as drinking (potable) water (ESS-E-A2).

d. GLE 39: Design an experiment involving evaporation (ESS-E-A3).

e. GLE 40: Gather, record, and graph weather data (e.g., precipitation, wind speed, wind direction, temperature) using appropriate instruments (ESS-E-A4).

f. GLE 41: Analyze recorded daily temperatures and weather conditions from newspapers, television, the Internet, and home/outdoor thermometers (ESS-E-A4).

g. GLE 42: Identify and use appropriate tools to gather and study rocks, minerals, and fossils (ESS-E-A5).

### 2. Objects in the Sky

a. GLE 43: Describe characteristics of the sun, stars, and earth's moon (e.g., relative size, shape, color, production of light/heat) (ESS-E-B1).

b. GLE 44: Give examples of how the sun affects earth's processes (e.g., weather, water cycle) (ESS-E-B5).

## E. Science and the Environment: Strand Five

1. GLE 45: Locate and identify plants and animals within an ecosystem (SE-E-A2).

2. GLE 46: Illustrate and describe a simple food chain located within an ecosystem (SE-E-A2).

3. GLE 47: Identify the sun as the primary energy source in a food chain (SE-E-A2).
4. GLE 48: Describe a variety of activities related to preserving the environment (SE-E-A3).
5. GLE 49: Describe how consumption of resources can be reduced by recycling, reusing, and conserving (SE-E-A4).
6. GLE 50: Describe ways in which habitat loss or change can occur as a result of natural events or human impact (SE-E-A5).
7. GLE 51: Describe and give examples of threatened or endangered species (SE-E-A5).

NOTE: The foundation skills addressed by each benchmark are listed numerically in parenthesis after the benchmark.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.6; R.S. 17:24.4; R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:

### §1909. Third Grade

- A. Science as Inquiry: Strand One
  1. The Abilities to Do Scientific Inquiry
    - a. GLE 1: Ask questions about objects and events in the environment (e.g., plants, rocks, storms) (SI-E-A1).
    - b. GLE 2: Pose questions that can be answered by using students' own observations, scientific knowledge, and testable scientific investigations (SI-E-A1).
    - c. GLE 3: Use observations to design and conduct simple investigations or experiments to answer testable questions (SI-E-A2).
    - d. GLE 4: Predict and anticipate possible outcomes (SI-E-A2).
    - e. GLE 5: Use a variety of methods and materials and multiple trials to investigate ideas (observe, measure, accurately record data) (SI-E-A2).
    - f. GLE 6: Use the five senses to describe observations (SI-E-A3).
    - g. GLE 7: Measure and record length, temperature, mass, volume, and area in both metric system and U.S. system units (SI-E-A4).
    - h. GLE 8: Select and use developmentally appropriate equipment and tools (e.g., magnifying lenses, microscopes, graduated cylinders) and units of measurement to observe and collect data (SI-E-A4).
    - i. GLE 9: Express data in a variety of ways by constructing illustrations, graphs, charts, tables, concept maps, and oral and written explanations as appropriate (SI-E-A5) (SI-E-B4).
    - j. GLE 10: Combine information, data, and knowledge from one or more of the science content areas to reach a conclusion or make a prediction (SI-E-A5).
    - k. GLE 11: Use a variety of appropriate formats to describe procedures and to express ideas about demonstrations or experiments (e.g., drawings, journals, reports, presentations, exhibitions, portfolios) (SI-E-A6).
      1. GLE 12: Identify and use appropriate safety procedures and equipment when conducting investigations (e.g., gloves, goggles, hair ties) (SI-E-A7).
  2. Understanding Scientific Inquiry
    - a. GLE 13: Identify questions that need to be explained through further inquiry (SI-E-B1).
    - b. GLE 14: Distinguish between what is known and what is unknown in scientific investigations (SI-E-B1).

- c. GLE 15: Recognize that a variety of tools can be used to examine objects at different degrees of magnification (e.g., hand lens, microscope) (SI-E-B3).
  - d. GLE 16: Describe procedures and communicate data in a manner that allows others to understand and repeat an investigation or experiment (SI-E-B5).
  - e. GLE 17: Explain and give examples of how scientific discoveries have affected society (SI-E-B6).
- B. Physical Science: Strand Two
    1. Properties of Objects and Materials
      - a. GLE 18: Compare and classify objects on properties determined through experimentation (e.g., ability to conduct electricity, tendency to float or sink in water) (PS-E-A1).
      - b. GLE 19: Select the appropriate metric system and U.S. system tools for measuring length, width, temperature, volume, and mass (PS-E-A2).
      - c. GLE 20: Measure temperature by using Fahrenheit and Celsius thermometers and compare results (PS-E-A2).
      - d. GLE 21: Compare common objects and identify the original material from which they are made (e.g., paper, pencil, comb) (PS-E-A3).
      - e. GLE 22: Investigate and explain conditions under which matter changes physical states: heating, freezing, evaporating, condensing, boiling (PS-E-A4).
    2. Position and Motion of Objects
      - a. GLE 23: Demonstrate how force is a *push* or a *pull* by using students' bodies, toy cars, or balls (PS-E-B2).
      - b. GLE 24: Explain how the amount and direction of force exerted on an object (e.g., push, pull, friction, gravity) determine how much the object will move (PS-E-B2).
      - c. GLE 25: Observe and analyze motion and position of objects over time (e.g., shadows, apparent path of the sun across the sky) (PS-E-B3).
      - d. GLE 26: Explain the effect of varying amounts of force on the motion of an object (PS-E-B4).
    3. Forms of Energy
      - a. GLE 27: Use the words *high/low* to compare the pitch of sound and the words *loud/soft* to compare the volume (amplitude) of sound (PS-E-C1).
      - b. GLE 28: Describe the reflection/absorption properties of various colored objects (PS-E-C2).
      - c. GLE 29: Determine which materials insulate best by using experimental data (PS-E-C3).
      - d. GLE 30: Demonstrate and explain the movement of electricity in closed and open circuits (PS-E-C4).
      - e. GLE 31: Compare and describe the common forms of energy and explain how they are used in everyday life (e.g., light, electricity, heat, mechanical) (PS-E-C6).
      - f. GLE 32: Give examples of how energy can be used to move or lift objects (PS-E-C6).
      - g. GLE 33: Identify simple machines and the tasks they make possible (PS-E-C6).
  - C. Life Science: Strand Three
    1. Characteristics of Organisms
      - a. GLE 34: Describe what the human body needs to grow and be healthy (LS-E-A1).
      - b. GLE 35: Compare structures (parts of the body) in a variety of animals (e.g., fish, mammals, reptiles, amphibians, birds, insects) (LS-E-A3).



- c. GLE 36: Compare structures (e.g., roots, leaves, stems, flowers, seeds) and their functions in a variety of plants (LS-E-A3).
- d. GLE 37: Describe how plant structures enable the plant to meet its basic needs (LS-E-A3).
- e. GLE 38: Classify groups of organisms based on common characteristics (LS-E-A4).
- f. GLE 39: Compare organisms from different groups (e.g., birds with mammals, terrestrial plants with aquatic plants) (LS-E-A4).
- g. GLE 40: Explain how the organs of the digestive system function (LS-E-A5).
- h. GLE 41: Describe how the components of the skeletal system function (LS-E-A5).
- i. GLE 42: Describe the relationship between eating habits and maintaining a healthy body (LS-E-A6).
- j. GLE 43: Identify a meal that includes representatives from each group of the food pyramid (LS-E-A6).

## 2. Life Cycles of Organisms

- a. GLE 44: Graph, analyze, and interpret personal and class data (LS-E-B4).

## D. Earth and Space Science: Strand Four

### 1. Properties of Earth Materials

- a. GLE 45: Recognize and describe that rock is composed of different combinations of minerals (ESS-E-A1) (ESS-E-A5).

- b. GLE 46: Describe earth processes that have affected selected physical features in students' neighborhoods (e.g., rusting, weathering, erosion) (ESS-E-A1).

- c. GLE 47: Describe the difference between weather and climate (ESS-E-A2).

- d. GLE 48: Identify examples of the processes of a water cycle (e.g., evaporation, condensation, precipitation, collection of runoff) (ESS-E-A3).

- e. GLE 49: Describe climate patterns from recorded weather conditions over a period of time (ESS-E-A4).

- f. GLE 50: Compare and group common rocks according to their characteristics (i.e., igneous, metamorphic, sedimentary) (ESS-E-A5).

- g. GLE 51: Identify and compare the components found in soil (ESS-E-A6) (ESS-E-A1).

- h. GLE 52: Identify characteristics of selected fossils and explain how fossil records are used to learn about the past (ESS-E-A7).

### 2. Objects in the Sky

- a. GLE 53: Identify, in order, the planets of the solar system (ESS-E-B1).

- b. GLE 54: Describe the patterns of apparent change in the position of the sun (ESS-E-B2).

- c. GLE 55: Explain the results of the rotation and revolution of earth (e.g., day and night, year) (ESS-E-B4).

- d. GLE 56: Compare shadow direction and length at different times of day and year (ESS-E-B4).

## E. Science and the Environment: Strand Five

- 1. GLE 57: Describe the interrelationships of *living (biotic)* and *nonliving (abiotic)* components within various ecosystems (e.g., terrarium, swamp, backyard) (SE-E-A1).

- 2. GLE 58: Describe how humans have had negative and positive effects on organisms and their environments (SE-E-A3) (SE-E-A5).

- 3. GLE 59: Classify manufactured products according to the natural resources from which they are made (e.g., copper wire from copper ore, plastic from petroleum) (SE-E-A4).

- 4. GLE 60: Explain how renewable and nonrenewable resources can be replenished or depleted (SE-E-A4).

- 5. GLE 61: Explain how selected animals once classified as endangered have recovered (SE-E-A5).

- 6. GLE 62: Identify animals in Louisiana that have recovered and that are no longer considered endangered (SE-E-A5).

NOTE: The foundation skills addressed by each benchmark are listed numerically in parenthesis after the benchmark.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6; R.S. 17:24.4; R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:

## §1911. Fourth Grade

### A. Science as Inquiry: Strand One

#### 1. The Abilities to Do Scientific Inquiry

- a. GLE 1: Ask questions about objects and events in the environment (e.g., plants, rocks, storms) (SI-E-A1).

- b. GLE 2: Pose questions that can be answered by using students' own observations, scientific knowledge, and testable scientific investigations (SI-E-A1).

- c. GLE 3: Use observations to design and conduct simple investigations or experiments to answer testable questions (SI-E-A2).

- d. GLE 4: Predict and anticipate possible outcomes (SI-E-A2).

- e. GLE 5: Identify variables to ensure that only one experimental variable is tested at a time (SI-E-A2).

- f. GLE 6: Use a variety of methods and materials and multiple trials to investigate ideas (observe, measure, accurately record data) (SI-E-A2).

- g. GLE 7: Use the five senses to describe observations (SI-E-A3).

- h. GLE 8: Measure and record length, temperature, mass, volume, and area in both metric system and U.S. system units (SI-E-A4).

- i. GLE 9: Select and use developmentally appropriate equipment and tools (e.g., magnifying lenses, microscopes, graduated cylinders) and units of measurement to observe and collect data (SI-E-A4).

- j. GLE 10: Express data in a variety of ways by constructing illustrations, graphs, charts, tables, concept maps, and oral and written explanations as appropriate (SI-E-A5) (SI-E-B4).

- k. GLE 11: Combine information, data, and knowledge from one or more of the science content areas to reach a conclusion or make a prediction (SI-E-A5).

- l. GLE 12: Use a variety of appropriate formats to describe procedures and to express ideas about demonstrations or experiments (e.g., drawings, journals, reports, presentations, exhibitions, portfolios) (SI-E-A6).

- m. GLE 13: Identify and use appropriate safety procedures and equipment when conducting investigations (e.g., gloves, goggles, hair ties) (SI-E-A7).

#### 2. Understanding Scientific Inquiry

- a. GLE 14: Identify questions that need to be explained through further inquiry (SI-E-B1).

- b. GLE 15: Distinguish between what is known and what is unknown in scientific investigations (SI-E-B1).

c. GLE 16: Select the best experimental design to answer a given testable question (SI-E-B2).

d. GLE 17: Recognize that a variety of tools can be used to examine objects at different degrees of magnification (e.g., hand lens, microscope) (SI-E-B3).

e. GLE 18: Base explanations and logical inferences on scientific knowledge, observations, and scientific evidence (SI-E-B4).

f. GLE 19: Describe procedures and communicate data in a manner that allows others to understand and repeat an investigation or experiment (SI-E-B5).

g. GLE 20: Determine whether further investigations are needed to draw valid conclusions (SI-E-B6).

h. GLE 21: Use evidence from previous investigations to ask additional questions and to initiate further explorations (SI-E-B6).

i. GLE 22: Explain and give examples of how scientific discoveries have affected society (SI-E-B6).

#### B. Physical Science: Strand Two

##### 1. Properties of Objects and Materials

a. GLE 23: Determine linear, volume, and weight/mass measurements by using both metric system and U.S. system units to compare the results (PS-E-A2).

b. GLE 24: Illustrate how heating/cooling affects the motion of small particles in different phases of matter (PS-E-A4).

c. GLE 25: Describe various methods to separate mixtures (e.g., evaporation, condensation, filtration, magnetism) (PS-E-A5).

##### 2. Position and Motion of Objects

a. GLE 26: Measure, record, and graph changes in position over time (e.g., speed of cars, ball rolling down inclined plane) (PS-E-B3).

b. GLE 27: Describe how the amount of force needed to cause an object to change its motion depends on the mass of the object (PS-E-B4).

##### 3. Forms of Energy

a. GLE 28: Explain the relationship between volume (amplitude) of sound and energy required to produce the sound (PS-E-C1).

b. GLE 29: Compare the rates at which sound travels through solids, liquids, and gases (PS-E-C1).

c. GLE 30: Explain the relationship between frequency (rate of vibration) and pitch (PS-E-C1).

d. GLE 31: Diagram what happens to white light as it passes through a prism (PS-E-C2).

e. GLE 32: Describe how light bends or refracts when traveling through various materials (e.g., pencil in a glass of water) (PS-E-C2).

f. GLE 33: Describe how heat energy moves through a material by conduction (PS-E-C3).

g. GLE 34: Give examples of ways heat can be generated through friction (e.g., rubbing hands) (PS-E-C3).

h. GLE 35: Give examples of ways heat can be produced by conversion from other sources of energy (PS-E-C3).

i. GLE 36: Test and classify materials as *conductors* and *insulators* of electricity (PS-E-C4).

j. GLE 37: Demonstrate how a complete circuit is needed for conducting electricity (PS-E-C4).

k. GLE 38: Explain the effects of earth's gravity on all objects at or near the surface of earth (PS-E-C5).

l. GLE 39: Describe energy transformations (e.g., electricity to light, friction to heat) (PS-E-C6).

#### C. Life Science: Strand Three

##### 1. Characteristics of Organisms

a. GLE 40: Explain the functions of plant structures in relation to their ability to make food through photosynthesis (e.g., roots, leaves, stems, flowers, seeds) (LS-E-A3).

b. GLE 41: Describe how parts of animals' bodies are related to their functions and survival (e.g., wings/flying, webbed feet/swimming) (LS-E-A3).

c. GLE 42: Describe how the organs of the circulatory and respiratory systems function (LS-E-A5).

d. GLE 43: Explain the primary role of carbohydrates, fats, and proteins in the body (LS-E-A6).

e. GLE 44: Analyze food labels to compare nutritional content of foods (e.g., amounts of carbohydrates, fats, proteins) (LS-E-A6).

##### 2. Life Cycles of Organisms

a. GLE 45: Identify reproductive structures in plants and describe the functions of each (LS-E-B1).

b. GLE 46: Describe how some plants can be grown from a plant part instead of a seed (LS-E-B1).

c. GLE 47: Sequence stages in the life cycles of various organisms, including seed plants (LS-E-B1).

d. GLE 48: Classify examples of plants and animals based on a variety of criteria (LS-E-B2).

e. GLE 49: Compare similarities and differences between parents and offspring in plants and animals (LS-E-B3).

##### 3. Organisms and Their Environments

a. GLE 50: Explain how some organisms in a given habitat compete for the same resources (LS-E-C1).

b. GLE 51: Describe how organisms can modify their environment to meet their needs (e.g., beavers making dams) (LS-E-C1).

c. GLE 52: Describe how some plants and animals have adapted to their habitats (LS-E-C2).

d. GLE 53: Identify the habitat in which selected organisms would most likely live and explain how specific structures help organisms to survive (LS-E-C2).

e. GLE 54: Describe the effect of sudden increases or decreases of one group of organisms upon other organisms in the environment (LS-E-C3).

#### D. Earth and Space Science: Strand Four

##### 1. Properties of Earth Materials

a. GLE 55: Recognize that sedimentary rocks are composed of particles that result from weathering and erosion (e.g., sandstones, conglomerates) (ESS-E-A1).

b. GLE 56: Investigate the properties of soil (e.g., color, texture, capacity to retain water, ability to support plant growth) (ESS-E-A1).

c. GLE 57: Explain how unequal heating of earth's land and water affects climate and weather by using a model (ESS-E-A2).

d. GLE 58: Draw, label, and explain the components of a water cycle (ESS-E-A3).

e. GLE 59: Measure, chart, and predict the weather using various instruments (e.g., thermometer, barometer, anemometer) (ESS-E-A4).

- f. GLE 60: Identify various types of weather-related natural hazards and effects (e.g., lightning, storms) (ESS-E-A4).
- g. GLE 61: Identify safety measures applicable to natural hazards (ESS-E-A4).
- h. GLE 62: Classify rocks and minerals according to texture, color, luster, hardness, and effervescence (ESS-E-A5).
- i. GLE 63: Demonstrate and explain how earth's surface is changed as a result of slow and rapid processes (e.g., sand dunes, canyons, volcanoes, earthquakes) (ESS-E-A5) (ESS-E-A1).

2. Objects in the Sky

- a. GLE 64: Describe and sequence the phases of the moon and eclipses (ESS-E-B2).
- b. GLE 65: Compare a solar and a lunar eclipse (ESS-E-B2).
- c. GLE 66: Diagram the movement of the moon around earth and the movement of earth around the sun (ESS-E-B2).
- d. GLE 67: Explain the changing appearance of the moon and its location in the sky over the course of a month (ESS-E-B3).
- e. GLE 68: Identify the relationship between earth's tilt and revolution and the seasons (ESS-E-B4).
- f. GLE 69: Explain how technology has improved our knowledge of the universe (e.g., Hubble telescope, space stations, lunar exploration) (ESS-E-B6).

E. Science and the Environment: Strand Five

- 1. GLE 70: Design an ecosystem that includes *living (biotic)* and *nonliving (abiotic)* components and illustrates interdependence (SE-E-A1).
- 2. GLE 71: Describe and explain food chains/webs and the directional flow of energy in various ecosystems (e.g., construct a model, drawing, diagram, graphic organizer) (SE-E-A2).
- 3. GLE 72: Predict and describe consequences of the removal of one component in a balanced ecosystem (e.g., consumer, herbivores, nonliving component) (SE-E-A2).

NOTE: The foundation skills addressed by each benchmark are listed numerically in parenthesis after the benchmark.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.6; R.S. 17:24.4; R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:

**§1913. Fifth Grade**

A. Science as Inquiry: Strand One

- 1. The Abilities to Do Scientific Inquiry
  - a. GLE 1: Generate testable questions about objects, organisms, and events that can be answered through scientific investigation (SI-M-A1).
  - b. GLE 2: Identify problems, factors, and questions that must be considered in a scientific investigation (SI-M-A1).
  - c. GLE 3: Use a variety of sources to answer questions (SI-M-A1).
  - d. GLE 4: Design, predict outcomes, and conduct experiments to answer guiding questions (SI-M-A2).
  - e. GLE 5: Identify independent variables, dependent variables, and variables that should be controlled in designing an experiment (SI-M-A2).

- f. GLE 6: Select and use appropriate equipment, technology, tools, and metric system units of measurement to make observations (SI-M-A3).

- g. GLE 7: Record observations using methods that complement investigations (e.g., journals, tables, charts) (SI-M-A3).

- h. GLE 8: Use consistency and precision in data collection, analysis, and reporting (SI-M-A3).

- i. GLE 9: Use computers and/or calculators to analyze and interpret quantitative data (SI-M-A3).

- j. GLE 10: Identify the difference between description and explanation (SI-M-A4).

- k. GLE 11: Construct, use, and interpret appropriate graphical representations to collect, record, and report data (e.g., tables, charts, circle graphs, bar and line graphs, diagrams, scatter plots, symbols) (SI-M-A4).

- l. GLE 12: Use data and information gathered to develop an explanation of experimental results (SI-M-A4).

- m. GLE 13: Identify patterns in data to explain natural events (SI-M-A4).

- n. GLE 14: Develop models to illustrate or explain conclusions reached through investigation (SI-M-A5).

- o. GLE 15: Identify and explain the limitations of models used to represent the natural world (SI-M-A5).

- p. GLE 16: Use evidence to make inferences and predict trends (SI-M-A5).

- q. GLE 17: Recognize that there may be more than one way to interpret a given set of data, which can result in alternative scientific explanations and predictions (SI-M-A6).

- r. GLE 18: Identify faulty reasoning and statements that misinterpret or are not supported by the evidence (SI-M-A6).

- s. GLE 19: Communicate ideas in a variety of ways (e.g., symbols, illustrations, graphs, charts, spreadsheets, concept maps, oral and written reports, equations) (SI-M-A7).

- t. GLE 20: Write clear, step-by-step instructions that others can follow to carry out procedures or conduct investigations (SI-M-A7).

- u. GLE 21: Distinguish between *observations* and *inferences* (SI-M-A7).

- v. GLE 22: Use evidence and observations to explain and communicate the results of investigations (SI-M-A7).

- w. GLE 23: Use relevant safety procedures and equipment to conduct scientific investigations (SI-M-A8).

- x. GLE 24: Provide appropriate care and utilize safe practices and ethical treatment when animals are involved in scientific field and laboratory research (SI-M-A8).

2. Understanding Scientific Inquiry

- a. GLE 25: Compare and critique scientific investigations (SI-M-B1).

- b. GLE 26: Use and describe alternate methods for investigating different types of testable questions (SI-M-B1).

- c. GLE 27: Recognize that science uses processes that involve a logical and empirical, but flexible, approach to problem solving (SI-M-B1).

- d. GLE 28: Recognize that investigations generally begin with a review of the work of others (SI-M-B2).

- e. GLE 29: Explain how technology can expand the senses and contribute to the increase and/or modification of scientific knowledge (SI-M-B3).
  - f. GLE 30: Describe why all questions cannot be answered with present technologies (SI-M-B3).
  - g. GLE 31: Recognize that there is an acceptable range of variation in collected data (SI-M-B3).
  - h. GLE 32: Explain the use of statistical methods to confirm the significance of data (e.g., mean, median, mode, range) (SI-M-B3).
  - i. GLE 33: Evaluate models, identify problems in design, and make recommendations for improvement (SI-M-B4).
  - j. GLE 34: Recognize the importance of communication among scientists about investigations in progress and the work of others (SI-M-B5).
  - k. GLE 35: Explain how skepticism about accepted scientific explanations (i.e., hypotheses and theories) leads to new understanding (SI-M-B5).
  - l. GLE 36: Explain why an experiment must be verified through multiple investigations and yield consistent results before the findings are accepted (SI-M-B5).
  - m. GLE 37: Critique and analyze their own inquiries and the inquiries of others (SI-M-B5).
  - n. GLE 38: Explain that, through the use of scientific processes and knowledge, people can solve problems, make decisions, and form new ideas (SI-M-B6).
  - o. GLE 39: Identify areas in which technology has changed human lives (e.g., transportation, communication, geographic information systems, DNA fingerprinting) (SI-M-B7).
  - p. GLE 40: Evaluate the impact of research on scientific thought, society, and the environment (SI-M-B7).
- B. Physical Science: Strand Two
- 1. Properties and Changes of Properties in Matter
    - a. GLE 1: Measure a variety of objects in metric system units (PS-M-A1).
    - b. GLE 2: Compare the physical properties of large and small quantities of the same type of matter (PS-M-A1).
    - c. GLE 3: Describe the structure of atoms and the electrical charge of protons, neutrons, and electrons (PS-M-A2).
    - d. GLE 4: Identify the physical and chemical properties of various substances and group substances according to their observable and measurable properties (e.g., conduction, magnetism, light transmission) (PS-M-A3).
    - e. GLE 5: Describe the properties and behavior of water in its solid, liquid, and gaseous phases (states) (PS-M-A5).
    - f. GLE 6: Describe new substances formed from common chemical reactions (e.g., burning paper produces ash) (PS-M-A6).
  - 2. Motions and Forces
    - a. GLE 7: Compare, calculate, and graph the average speeds of objects in motion using both metric system and U.S. system units (PS-M-B1).
    - b. GLE 8: Explain that gravity accelerates all falling objects at the same rate in the absence of air resistance (PS-M-B3).
    - c. GLE 9: Demonstrate a change in speed or direction of an object's motion with the use of unbalanced forces (PS-M-B5).
  - 3. Transformations of Energy
    - a. GLE 10: Compare potential and kinetic energy and give examples of each (PS-M-C1).
    - b. GLE 11: Classify energy resources as *renewable*, *non-renewable*, or *inexhaustible* (PS-M-C1).
    - c. GLE 12: Identify the sun as earth's primary energy source and give examples (e.g., photosynthesis, water cycle) to support that conclusion (PS-M-C3).
    - d. GLE 13: Investigate how changes in the position of a light source and an object alter the size and shape of the shadow (PS-M-C4).
    - e. GLE 14: Identify other types of energy produced through the use of electricity (e.g., heat, light, mechanical) (PS-M-C6).
- C. Life Science: Strand Three
- 1. Structure and Function in Living Systems
    - a. GLE 15: Identify the cell as the basic unit of living things (LS-M-A1).
    - b. GLE 16: Observe, identify, and describe the basic components of cells and their functions (e.g., cell wall, cell membrane, cytoplasm, nucleus) (LS-M-A1).
    - c. GLE 17: Compare plant and animal cells and label cell components (LS-M-A2).
    - d. GLE 18: Describe the metamorphosis of an amphibian (e.g., frog) (LS-M-A3).
    - e. GLE 19: Describe the processes of photosynthesis and respiration in green plants (LS-M-A4).
    - f. GLE 20: Describe the levels of structural organization in living things (e.g., cells, tissues, organs, organ systems) (LS-M-A5).
    - g. GLE 21: Identify diseases caused by germs and how they can be transmitted from person to person (LS-M-A7).
  - 2. Populations and Ecosystems
    - a. GLE 22: Develop and use a simple dichotomous key to classify common plants and animals (LS-M-C1).
    - b. GLE 23: Construct food chains that could be found in ponds, marshes, oceans, forests, or meadows (LS-M-C2).
    - c. GLE 24: Describe the roles of producers, consumers, and decomposers in a food chain (LS-M-C2).
    - d. GLE 25: Compare food chains and food webs (LS-M-C2).
    - e. GLE 26: Identify and describe ecosystems of local importance (LS-M-C3).
    - f. GLE 27: Compare common traits of organisms within major ecosystems (LS-M-C3).
    - g. GLE 28: Explain and give examples of predator/prey relationships (LS-M-C4).
  - 3. Adaptations of Organisms
    - a. GLE 29: Describe adaptations of plants and animals that enable them to thrive in local and other natural environments (LS-M-D1).
- D. Earth and Space Science: Strand Four
- 1. Structure of the Earth
    - a. GLE 30: Identify organic and inorganic matter in soil samples with the aid of a hand lens or microscope (ESS-M-A4).

b. GLE 31: Identify common rocks and minerals and explain their uses and economic significance (ESS-M-A5).

c. GLE 32: Demonstrate the results of constructive and destructive forces using models or illustrations (ESS-M-A7).

d. GLE 33: Identify the processes that prevent or cause erosion (ESS-M-A7).

e. GLE 34: Identify the components of the hydrosphere (ESS-M-A11).

f. GLE 35: Identify the atmosphere as a mixture of gases, water vapor, and particulate matter (ESS-M-A11).

g. GLE 36: Identify, describe, and compare climate zones (e.g., polar, temperate, tropical) (ESS-M-A11).

h. GLE 37: Identify typical weather map symbols and the type of weather they represent (ESS-M-A12).

2. Earth History

a. GLE 38: Estimate the range of time over which natural events occur (e.g., lightning in seconds, mountain formation over millions of years) (ESS-M-B3).

3. Earth in the Solar System

a. GLE 39: Identify the physical characteristics of the sun (ESS-M-C1).

b. GLE 40: Describe the significance of Polaris as the North Star (ESS-M-C1).

c. GLE 41: Explain why the moon, sun, and stars appear to move from east to west across the sky (ESS-M-C1).

d. GLE 42: Differentiate among moons, asteroids, comets, meteoroids, meteors, and meteorites (ESS-M-C2).

e. GLE 43: Describe the characteristics of the inner and outer planets (ESS-M-C2).

f. GLE 44: Explain rotation and revolution by using models or illustrations (ESS-M-C4).

g. GLE 45: Identify earth's position in the solar system (ESS-M-C5).

h. GLE 46: Identify and explain the interaction of the processes of the water cycle (ESS-M-C6) (ESS-M-A10).

i. GLE 47: Identify and explain advances in technology that have enabled the exploration of space (ESS-M-C8).

E. Science and the Environment: Strand Five

1. GLE 48: Determine the ability of an ecosystem to support a population (carrying capacity) by identifying the resources needed by that population (SE-M-A2).

2. GLE 49: Identify and give examples of pollutants found in water, air, and soil (SE-M-A3).

3. GLE 50: Describe the consequences of several types of human activities on local ecosystems (e.g., polluting streams, regulating hunting, introducing nonnative species) (SE-M-A4).

4. GLE 51: Describe naturally occurring cycles and identify where they are found (e.g., carbon, nitrogen, water, oxygen) (SE-M-A7).

NOTE: The foundation skills addressed by each benchmark are listed numerically in parenthesis after the benchmark.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.6; R.S. 17:24.4; R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:

**§1915. Middle School: Grades 5-8**

A. Science as Inquiry: Strand One

1. The Abilities Necessary to Do Scientific Inquiry

a. GLE 1: Generate testable questions about objects, organisms, and events that can be answered through scientific investigation (SI-M-A1).

b. GLE 2: Identify problems, factors, and questions that must be considered in a scientific investigation (SI-M-A1).

c. GLE 3: Use a variety of sources to answer questions (SI-M-A1).

d. GLE 4: Design, predict outcomes, and conduct experiments to answer guiding questions (SI-M-A2).

e. GLE 5: Identify independent variables, dependent variables, and variables that should be controlled in designing an experiment (SI-M-A2).

f. GLE 6: Select and use appropriate equipment, technology, tools, and metric system units of measurement to make observations (SI-M-A3).

g. GLE 7: Record observations using methods that complement investigations (e.g., journals, tables, charts) (SI-M-A3).

h. GLE 8: Use consistency and precision in data collection, analysis, and reporting (SI-M-A3).

i. GLE 9: Use computers and/or calculators to analyze and interpret quantitative data (SI-M-A3).

j. GLE 10: Identify the difference between description and explanation (SI-M-A4).

k. GLE 11: Construct, use, and interpret appropriate graphical representations to collect, record, and report data (e.g., tables, charts, circle graphs, bar and line graphs, diagrams, scatter plots, symbols) (SI-M-A4).

l. GLE 12: Use data and information gathered to develop an explanation of experimental results (SI-M-A4).

m. GLE 13: Identify patterns in data to explain natural events (SI-M-A4).

n. GLE 14: Develop models to illustrate or explain conclusions reached through investigation (SI-M-A5).

o. GLE 15: Identify and explain the limitations of models used to represent the natural world (SI-M-A5).

p. GLE 16: Use evidence to make inferences and predict trends (SI-M-A5).

q. GLE 17: Recognize that there may be more than one way to interpret a given set of data, which can result in alternative scientific explanations and predictions (SI-M-A6).

r. GLE 18: Identify faulty reasoning and statements that misinterpret or are not supported by the evidence (SI-M-A6).

s. GLE 19: Communicate ideas in a variety of ways (e.g., symbols, illustrations, graphs, charts, spreadsheets, concept maps, oral and written reports, equations) (SI-M-A7).

t. GLE 20: Write clear, step-by-step instructions that others can follow to carry out procedures or conduct investigations (SI-M-A7).

u. GLE 21: Distinguish between *observations* and *inferences* (SI-M-A7).

v. GLE 22: Use evidence and observations to explain and communicate the results of investigations (SI-M-A7).

w. GLE 23: Use relevant safety procedures and equipment to conduct scientific investigations (SI-M-A8).

x. GLE 24: Provide appropriate care and utilize safe practices and ethical treatment when animals are involved in scientific field and laboratory research (SI-M-A8).

2. Understanding Scientific Inquiry

a. GLE 25: Compare and critique scientific investigations (SI-M-B1).

b. GLE 26: Use and describe alternate methods for investigating different types of testable questions (SI-M-B1).

c. GLE 27: Recognize that science uses processes that involve a logical and empirical, but flexible, approach to problem solving (SI-M-B1).

d. GLE 28: Recognize that investigations generally begin with a review of the work of others (SI-M-B2).

e. GLE 29: Explain how technology can expand the senses and contribute to the increase and/or modification of scientific knowledge (SI-M-B3).

f. GLE 30: Describe why all questions cannot be answered with present technologies (SI-M-B3).

g. GLE 31: Recognize that there is an acceptable range of variation in collected data (SI-M-B3).

h. GLE 32: Explain the use of statistical methods to confirm the significance of data (e.g., mean, median, mode, range) (SI-M-B3).

i. GLE 33: Evaluate models, identify problems in design, and make recommendations for improvement (SI-M-B4).

j. GLE 34: Recognize the importance of communication among scientists about investigations in progress and the work of others (SI-M-B5).

k. GLE 35: Explain how skepticism about accepted scientific explanations (i.e., hypotheses and theories) leads to new understanding (SI-M-B5).

l. GLE 36: Explain why an experiment must be verified through multiple investigations and yield consistent results before the findings are accepted (SI-M-B5).

m. GLE 37: Critique and analyze their own inquiries and the inquiries of others (SI-M-B5).

n. GLE 38: Explain that, through the use of scientific processes and knowledge, people can solve problems, make decisions, and form new ideas (SI-M-B6).

o. GLE 39: Identify areas in which technology has changed human lives (e.g., transportation, communication, geographic information systems, DNA fingerprinting) (SI-M-B7).

p. GLE 40: Evaluate the impact of research on scientific thought, society, and the environment (SI-M-B7).

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AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6; R.S. 17:24.4; R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:

**§1917. Grade 5**

A. Physical Science: Strand Two

1. Properties and Changes of Properties in Matter

a. GLE 1: Measure a variety of objects in metric system units (PS-M-A1).

b. GLE 2: Compare the physical properties of large and small quantities of the same type of matter (PS-M-A1).

c. GLE 3: Describe the structure of atoms and the electrical charge of protons, neutrons, and electrons (PS-M-A2).

d. GLE 4: Identify the physical and chemical properties of various substances and group substances according to their observable and measurable properties (e.g., conduction, magnetism, light transmission) (PS-M-A3).

e. GLE 5: Describe the properties and behavior of water in its solid, liquid, and gaseous phases (states) (PS-M-A5).

f. GLE 6: Describe new substances formed from common chemical reactions (e.g., burning paper produces ash) (PS-M-A6).

2. Motions and Forces

a. GLE 7: Compare, calculate, and graph the average speeds of objects in motion using both metric system and U.S. system units (PS-M-B1).

b. GLE 8: Explain that gravity accelerates all falling objects at the same rate in the absence of air resistance (PS-M-B3).

c. GLE 9: Demonstrate a change in speed or direction of an object's motion with the use of unbalanced forces (PS-M-B5).

3. Transformations of Energy

a. GLE 10: Compare potential and kinetic energy and give examples of each (PS-M-C1).

b. GLE 11: Classify energy resources as *renewable*, *non-renewable*, or *inexhaustible* (PS-M-C1).

c. GLE 12: Identify the sun as earth's primary energy source and give examples (e.g., photosynthesis, water cycle) to support that conclusion (PS-M-C3).

d. GLE 13: Investigate how changes in the position of a light source and an object alter the size and shape of the shadow (PS-M-C4).

e. GLE 14: Identify other types of energy produced through the use of electricity (e.g., heat, light, mechanical) (PS-M-C6).

B. Life Science: Strand Three

1. Structure and Function in Living Systems

a. GLE 15: Identify the cell as the basic unit of living things (LS-M-A1).

b. GLE 16: Observe, identify, and describe the basic components of cells and their functions (e.g., cell wall, cell membrane, cytoplasm, nucleus) (LS-M-A1).

c. GLE 17: Compare plant and animal cells and label cell components (LS-M-A2).

d. GLE 18: Describe the metamorphosis of an amphibian (e.g., frog) (LS-M-A3).

e. GLE 19: Describe the processes of photosynthesis and respiration in green plants (LS-M-A4).

f. GLE 20: Describe the levels of structural organization in living things (e.g., cells, tissues, organs, organ systems) (LS-M-A5).

g. GLE 21: Identify diseases caused by germs and how they can be transmitted from person to person (LS-M-A7).

2. Populations and Ecosystems

a. GLE 22: Develop and use a simple dichotomous key to classify common plants and animals (LS-M-C1).

- b. GLE 23: Construct food chains that could be found in ponds, marshes, oceans, forests, or meadows (LS-M-C2).
  - c. GLE 24: Describe the roles of producers, consumers, and decomposers in a food chain (LS-M-C2).
  - d. GLE 25: Compare food chains and food webs (LS-M-C2).
  - e. GLE 26: Identify and describe ecosystems of local importance (LS-M-C3).
  - f. GLE 27: Compare common traits of organisms within major ecosystems (LS-M-C3).
  - g. GLE 28: Explain and give examples of predator/prey relationships (LS-M-C4).
3. Adaptations of Organisms
- a. GLE 29: Describe adaptations of plants and animals that enable them to thrive in local and other natural environments (LS-M-D1).
- C. Earth and Space Science: Strand Four
1. Structure of Earth
- a. GLE 30: Identify organic and inorganic matter in soil samples with the aid of a hand lens or microscope (ESS-M-A4).
  - b. GLE 31: Identify common rocks and minerals and explain their uses and economic significance (ESS-M-A5).
  - c. GLE 32: Demonstrate the results of constructive and destructive forces using models or illustrations (ESS-M-A7).
  - d. GLE 33: Identify the processes that prevent or cause erosion (ESS-M-A7).
  - e. GLE 34: Identify the components of the hydrosphere (ESS-M-A11).
  - f. GLE 35: Identify the atmosphere as a mixture of gases, water vapor, and particulate matter (ESS-M-A11).
  - g. GLE 36: Identify, describe, and compare climate zones (e.g., polar, temperate, tropical) (ESS-M-A11).
  - h. GLE 37: Identify typical weather map symbols and the type of weather they represent (ESS-M-A12).
2. Earth History
- a. GLE 38: Estimate the range of time over which natural events occur (e.g., lightning in seconds, mountain formation over millions of years) (ESS-M-B3).
3. Earth in the Solar System
- a. GLE 39: Identify the physical characteristics of the sun (ESS-M-C1).
  - b. GLE 40: Describe the significance of Polaris as the North Star (ESS-M-C1).
  - c. GLE 41: Explain why the moon, sun, and stars appear to move from east to west across the sky (ESS-M-C1).
  - d. GLE 42: Differentiate among moons, asteroids, comets, meteoroids, meteors, and meteorites (ESS-M-C2).
  - e. GLE 43: Describe the characteristics of the inner and outer planets (ESS-M-C2).
  - f. GLE 44: Explain rotation and revolution by using models or illustrations (ESS-M-C4).
  - g. GLE 45: Identify earth's position in the solar system (ESS-M-C5).
  - h. GLE 46: Identify and explain the interaction of the processes of the water cycle (ESS-M-C6) (ESS-M-A10).

i. GLE 47: Identify and explain advances in technology that have enabled the exploration of space (ESS-M-C8).

D. Science and the Environment: Strand Five

- 1. GLE 48: Determine the ability of an ecosystem to support a population (carrying capacity) by identifying the resources needed by that population (SE-M-A2).
- 2. GLE 49: Identify and give examples of pollutants found in water, air, and soil (SE-M-A3).
- 3. GLE 50: Describe the consequences of several types of human activities on local ecosystems (e.g., polluting streams, regulating hunting, introducing nonnative species) (SE-M-A4).
- 4. GLE 51: Describe naturally occurring cycles and identify where they are found (e.g., carbon, nitrogen, water, oxygen) (SE-M-A7).

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AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6; R.S. 17:24.4; R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:

**§1919. Grade 6**

A. Physical Science: Strand Two

1. Properties and Changes of Properties in Matter
- a. GLE 1: Measure and record the volume and mass of substances in metric system units (PS-M-A1).
  - b. GLE 2: Calculate the density of large and small quantities of a variety of substances (e.g., aluminum foil, water, copper, clay, rock) (PS-M-A1).
  - c. GLE 3: Construct models that replicate atomic structure for selected common elements from the periodic table (PS-M-A2).
  - d. GLE 4: Differentiate between the physical and chemical properties of selected substances (PS-M-A3).
  - e. GLE 5: Compare physical and chemical changes (PS-M-A3).
  - f. GLE 6: Draw or model the movement of atoms in solid, liquid, and gaseous states (PS-M-A4).
  - g. GLE 7: Simulate how atoms and molecules have kinetic energy exhibited by constant motion (PS-M-A4).
  - h. GLE 8: Determine the temperatures at which water changes physical phases (e.g., freezing point, melting point, boiling point) (PS-M-A5).
  - i. GLE 9: Describe the properties of reactants and products of chemical reactions observed in the lab (PS-M-A6).
  - j. GLE 10: Identify the average atomic masses of given elements using the periodic table (PS-M-A7).
  - k. GLE 11: Compare the masses of reactants and products of a chemical reaction (PS-M-A7).
  - l. GLE 12: Determine the effect of particle size of the same reactants on the rate of chemical reactions during a lab activity (e.g., powdered vs. solid forms) (PS-M-A8).
  - m. GLE 13: Use a variety of resources to identify elements and compounds in common substances (PS-M-A9).
2. Motions and Forces
- a. GLE 14: Construct and analyze graphs that represent one-dimensional motion (i.e., motion in a straight line) and predict the future positions and speed of a moving object (PS-M-B1).
  - b. GLE 15: Explain why velocity is expressed in both speed and direction (PS-M-B1).

- c. GLE 16: Compare line graphs of acceleration, constant speed, and deceleration (PS-M-B1).
  - d. GLE 17: Describe and demonstrate that friction is a force that acts whenever two surfaces or objects move past one another (PS-M-B2).
  - e. GLE 18: Explain how the resistance of materials affects the rate of electrical flow (PS-M-B2).
  - f. GLE 19: Identify forces acting on all objects (PS-M-B3).
  - g. GLE 20: Draw and label a diagram to represent forces acting on an object (PS-M-B4).
  - h. GLE 21: Determine the magnitude and direction of unbalanced (i.e., net) forces acting on an object (PS-M-B4).
  - i. GLE 22: Demonstrate that an object will remain at rest or move at a constant speed and in a straight line if it is not subjected to an unbalanced force (PS-M-B5) (PS-M-B3).
  - j. GLE 23: Predict the direction of a force applied to an object and how it will change the speed and direction of the object (PS-M-B5).
3. Transformations of Energy
- a. GLE 24: Describe and give examples of how all forms of energy may be classified as potential or kinetic energy (PS-M-C1).
  - b. GLE 25: Compare forms of energy (e.g., light, heat, sound, electrical, nuclear, mechanical) (PS-M-C1).
  - c. GLE 26: Describe and summarize observations of the transmission, reflection, and absorption of sound, light, and heat energy (PS-M-C1).
  - d. GLE 27: Explain the relationship between work input and work output by using simple machines (PS-M-C2).
  - e. GLE 28: Explain the law of conservation of energy (PS-M-C2).
  - f. GLE 29: Compare and/or investigate the relationships among work, power, and efficiency (PS-M-C2).
  - g. GLE 30: Trace energy transformations in a simple system (e.g., flashlight) (PS-M-C2).
  - h. GLE 31: Compare types of electromagnetic waves (PS-M-C3).
  - i. GLE 32: Identify and illustrate key characteristics of waves (e.g., wavelength, frequency, amplitude) (PS-M-C4).
  - j. GLE 33: Predict the direction in which light will refract when it passes from one transparent material to another (e.g., from air to water, from prism to air) (PS-M-C4).
  - k. GLE 34: Apply the law of reflection and law of refraction to demonstrate everyday phenomena (e.g., how light is reflected from tinted windows, how light is refracted by cameras, telescopes, eyeglasses) (PS-M-C4).
  - l. GLE 35: Determine through experimentation whether light is reflected, transmitted, and/or absorbed by a given object or material (PS-M-C4).
  - m. GLE 36: Explain the relationship between an object's color and the wavelength of light reflected or transmitted to the viewer's eyes (PS-M-C4).
  - n. GLE 37: Compare how heat is transferred by conduction, convection, and radiation (PS-M-C5).

- o. GLE 38: Identify conditions under which thermal energy tends to flow from a system of higher energy to a system of lower energy (PS-M-C5).
  - p. GLE 39: Describe how electricity can be produced from other types of energy (e.g., magnetism, solar, mechanical) (PS-M-C6).
  - q. GLE 40: Identify heat energy gains and losses during exothermic and endothermic chemical reactions (PS-M-C7).
  - r. GLE 41: Identify risks associated with the production and use of coal, petroleum, hydroelectricity, nuclear energy, and other energy forms (PS-M-C8).
- B. Science and the Environment: Strand Five
- 1. GLE 42: Identify energy types from their source to their use and determine if the energy types are renewable, nonrenewable, or inexhaustible (SE-M-A6).
  - 2. GLE 43: Explain how the use of different energy resources affects the environment and the economy (SE-M-A6).
  - 3. GLE 44: Explain how an inexhaustible resource can be harnessed for energy production (SE-M-A6).
  - 4. GLE 45: Describe methods for sustaining renewable resources (SE-M-A6).
  - 5. GLE 46: Identify ways people can reuse, recycle, and reduce the use of resources to improve and protect the quality of life (SE-M-A6).
  - 6. GLE 47: Illustrate how various technologies influence resource use in an ecosystem (e.g., forestry management, soil conservation, fishery improvement) (SE-M-A8).

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AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6; R.S. 17:24.4; R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:

### §1921. Grade 7

- A. Physical Science: Strand Two
- 1. Properties and Changes of Properties in Matter
    - a. GLE 1: Identify the elements most often found in living organisms (e.g., C, N, H, O, P, S, Ca, Fe) (PS-M-A9).
- B. Life Science: Strand Three
- 1. Structure and Function in Living Systems
    - a. GLE 2: Compare the basic structures and functions of different types of cells (LS-M-A1).
    - b. GLE 3: Illustrate and demonstrate osmosis and diffusion in cells (LS-M-A1).
    - c. GLE 4: Compare functions of plant and animal cell structures (i.e., organelles) (LS-M-A2).
    - d. GLE 5: Compare complete and incomplete metamorphosis in insects (e.g., butterflies, mealworms, grasshoppers) (LS-M-A3).
    - e. GLE 6: Compare the life cycles of a variety of organisms, including non-flowering and flowering plants, reptiles, birds, amphibians, and mammals (LS-M-A3).
    - f. GLE 7: Construct a word equation that illustrates the processes of photosynthesis and respiration (LS-M-A4).
    - g. GLE 8: Distinguish between *aerobic* respiration and *anaerobic* respiration (LS-M-A4).
    - h. GLE 9: Relate structural features of organs to their functions in major systems (LS-M-A5).



- i. GLE 10: Describe the way major organ systems in the human body interact to sustain life (LS-M-A5).
  - j. GLE 11: Describe the growth and development of humans from infancy to old age (LS-M-A6).
  - k. GLE 12: Explain how external factors and genetics can influence the quality and length of human life (e.g., nutrition, smoking, drug use, exercise) (LS-M-A6).
  - l. GLE 13: Identify and describe common communicable and noncommunicable diseases and the methods by which they are transmitted, treated, and prevented (LS-M-A7).
2. Reproduction and Heredity
- a. GLE 14: Differentiate between sexual and asexual reproduction (LS-M-B1).
  - b. GLE 15: Contrast the processes of mitosis and meiosis in relation to growth, repair, reproduction, and heredity (LS-M-B1).
  - c. GLE 16: Explain why chromosomes in body cells exist in pairs (LS-M-B2).
  - d. GLE 17: Explain the relationship of genes to chromosomes and genotypes to phenotypes (LS-M-B2).
  - e. GLE 18: Recognize genetic errors caused by changes in chromosomes (LS-M-B2).
  - f. GLE 19: Apply the basic laws of Mendelian genetics to solve simple monohybrid crosses, using a Punnett square (LS-M-B3).
  - g. GLE 20: Explain the differences among the inheritance of dominant, recessive, and incomplete dominant traits (LS-M-B3).
  - h. GLE 21: Use a Punnett square to demonstrate how sex-linked traits are inherited (LS-M-B3).
  - i. GLE 22: Give examples of the importance of selective breeding (e.g., domestic animals, livestock, horticulture) (LS-M-B3).
3. Populations and Ecosystems
- a. GLE 23: Classify organisms based on structural characteristics, using a dichotomous key (LS-M-C1).
  - b. GLE 24: Analyze food webs to determine energy transfer among organisms (LS-M-C2).
  - c. GLE 25: Locate and describe the major biomes of the world (LS-M-C3).
  - d. GLE 26: Describe and compare the levels of organization of living things within an ecosystem (LS-M-C3).
  - e. GLE 27: Identify the various relationships among plants and animals (e.g., mutualistic, parasitic, producer/consumer) (LS-M-C4).
  - f. GLE 28: Differentiate between ecosystem components of habitat and niche (LS-M-C4).
  - g. GLE 29: Predict the impact changes in a species' population have on an ecosystem (LS-M-C4).
4. Adaptations of Organisms
- a. GLE 30: Differentiate between structural and behavioral adaptations in a variety of organisms (LS-M-D1).
  - b. GLE 31: Describe and evaluate the impact of introducing nonnative species into an ecosystem (LS-M-D1).
  - c. GLE 32: Describe changes that can occur in various ecosystems and relate the changes to the ability of an organism to survive (LS-M-D2).
  - d. GLE 33: Illustrate how variations in individual organisms within a population determine the success of the population (LS-M-D2).

- e. GLE 34: Explain how environmental factors impact survival of a population (LS-M-D2).

C. Science and the Environment: Strand Five

- 1. GLE 35: Identify resources humans derive from ecosystems (SE-M-A1).
- 2. GLE 36: Distinguish the essential roles played by biotic and abiotic components in various ecosystems (SE-M-A1).
- 3. GLE 37: Identify and describe the effects of limiting factors on a given population (SE-M-A2).
- 4. GLE 38: Evaluate the carrying capacity of an ecosystem (SE-M-A2).
- 5. GLE 39: Analyze the consequences of human activities on ecosystems (SE-M-A4).
- 6. GLE 40: Construct or draw food webs for various ecosystems (SE-M-A5).
- 7. GLE 41: Describe the nitrogen cycle and explain why it is important for the survival of organisms (SE-M-A7).
- 8. GLE 42: Describe how photosynthesis and respiration relate to the carbon cycle (SE-M-A7).
- 9. GLE 43: Identify and analyze the environmental impact of humans' use of technology (e.g., energy production, agriculture, transportation, human habitation) (SE-M-A8).

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AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6; R.S. 17:24.4; R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:

**§1923. Grade 8**

A. Physical Science: Strand Two

- 1. Properties and Changes of Properties in Matter
  - a. GLE 1: Determine that all atoms of the same element are similar to but different from atoms of other elements (PS-M-A2).
  - b. GLE 2: Recognize that elements with the same number of protons may or may not have the same charge (PS-M-A2).
  - c. GLE 3: Define ions and describe them in terms of the number of protons, electrons, and their charges (PS-M-A2).
- 2. Motions and Forces
  - a. GLE 4: Demonstrate that earth has a magnetic field by using magnets and compasses (PS-M-B2).
  - b. GLE 5: Define gravity and describe the relationship among the force of gravity, the mass of objects, and the distance between objects (PS-M-B2).
  - c. GLE 6: Predict how the gravitational attraction between two masses will increase or decrease when changes are made in the masses or in the distance between the objects (PS-M-B2).
  - d. GLE 7: Explain the relationships among force, mass, and acceleration (PS-M-B5).

B. Earth and Space Science: Strand Four

- 1. Structure of Earth
  - a. GLE 8: Identify and describe the four density layers of earth (ESS-M-A1).
  - b. GLE 9: Explain the historical development of the theories of plate tectonics, including continental drift and sea-floor spreading (ESS-M-A2).
  - c. GLE 10: Illustrate the movement of convection currents (ESS-M-A2).

- d. GLE 11: Illustrate the movements of lithospheric plates as stated in the plate tectonics theory (ESS-M-A2).
  - e. GLE 12: Identify the edges of plate boundaries as likely areas of earthquakes and volcanic action (ESS-M-A3).
  - f. GLE 13: Describe the processes responsible for earthquakes and volcanoes and identify the effects of these processes (e.g., faulting, folding) (ESS-M-A3).
  - g. GLE 14: Distinguish between chemical and mechanical (physical) weathering and identify the role of weathering agents (e.g., wind, water, ice, gravity) (ESS-M-A4).
  - h. GLE 15: Illustrate the role of organic processes in soil formation (ESS-M-A4).
  - i. GLE 16: Compare the physical characteristics of rock and mineral specimens to observe that a rock is a mixture of minerals (ESS-M-A5).
  - j. GLE 17: Describe the properties of minerals (e.g., color, luster, hardness, streak) (ESS-M-A5).
  - k. GLE 18: Describe how sedimentary, igneous, and metamorphic rocks form and change in the rock cycle (ESS-M-A6).
  - l. GLE 19: Determine the results of constructive and destructive forces upon landform development with the aid of geologic maps of Louisiana (ESS-M-A7).
  - m. GLE 20: Describe how humans' actions and natural processes have modified coastal regions in Louisiana and other locations (ESS-M-A8).
  - n. GLE 21: Read and interpret topographic maps (ESS-M-A9).
  - o. GLE 22: Compare ocean floor topography to continental topography by using topographic maps (ESS-M-A9).
  - p. GLE 23: Explain the processes of evaporation, condensation, precipitation, infiltration, transpiration, and sublimation as they relate to the water cycle (ESS-M-A10).
  - q. GLE 24: Investigate and explain how given factors affect the rate of water movement in the water cycle (e.g., climate, type of rock, ground cover) (ESS-M-A10).
  - r. GLE 25: Explain and give examples of how climatic conditions on earth are affected by the proximity of water (ESS-M-A11).
  - s. GLE 26: Describe and illustrate the layers of earth's atmosphere (ESS-M-A11).
  - t. GLE 27: Identify different air masses, jet streams, global wind patterns, and other atmospheric phenomena and describe how they relate to weather events, such as El Niño and La Niña (ESS-M-A12).
  - u. GLE 28: Use historical data to plot the movement of hurricanes and explain events or conditions that affected their paths (ESS-M-A12).
  - v. GLE 29: Make predictions about future weather conditions based on collected weather data (ESS-M-A12).
2. Earth History
- a. GLE 30: Interpret a geologic timeline (ESS-M-B1).
  - b. GLE 31: Compare fossils from different geologic eras and areas of earth to show that life changes over time (ESS-M-B1).
  - c. GLE 32: Interpret a timeline starting with the birth of the solar system to the present day (ESS-M-B2).

- d. GLE 33: Use historical data to draw conclusions about the age of earth (e.g., half-life, rock strata) (ESS-M-B2).
  - e. GLE 34: Apply geological principles to determine the relative ages of rock layers (e.g., original horizontality, superposition, cross-cutting relationships) (ESS-M-B3).
  - f. GLE 35: Describe how processes seen today are similar to those in the past (e.g., weathering, erosion, lithospheric plate movement) (ESS-M-B3).
3. Earth in the Solar System
- a. GLE 36: Describe the life cycle of a star and predict the next likely stage of the sun (ESS-M-C1).
  - b. GLE 37: Use a Hertzsprung-Russell diagram and other data to compare the approximate mass, size, luminosity, temperature, structure, and composition of the sun to other stars (ESS-M-C1).
  - c. GLE 38: Use data to compare the planets in terms of orbit, size, composition, density, rotation, revolution, and atmosphere (ESS-M-C2).
  - d. GLE 39: Relate Newton's laws of gravity to the motions of celestial bodies and objects on earth (ESS-M-C3).
  - e. GLE 40: Identify and illustrate the relative positions of earth, the moon, and the sun during eclipses and phases of the moon (ESS-M-C4).
  - f. GLE 41: Describe the effects of the moon on tides (ESS-M-C4).
  - g. GLE 42: Interpret a scale model of the solar system (ESS-M-C5).
  - h. GLE 43: Identify the processes involved in the creation of land and sea breezes (ESS-M-C6).
  - i. GLE 44: Describe how unequal heating of earth's surface affects movement of air masses and water in the atmosphere and hydrosphere (ESS-M-C6).
  - j. GLE 45: Explain how seasonal changes are caused by the tilt of earth as it rotates on its axis and revolves around the sun (ESS-M-C7).
  - k. GLE 46: Illustrate and explain how the angle at which sunlight strikes earth produces changes in the seasons and length of daylight (ESS-M-C7).
  - l. GLE 47: Compare the relative distances from earth to the sun on the first day of summer and the first day of winter (ESS-M-C7).
  - m. GLE 48: Communicate ways that information from space exploration and technological research have advanced understanding about earth, the solar system, and the universe (ESS-M-C8).
  - n. GLE 49: Identify practical applications of technological advances resulting from space exploration and scientific and technological research (ESS-M-C8).
- C. Science and the Environment: Strand Five
- 1. GLE 50: Illustrate possible point and non-point source contributions to pollution and natural or human-induced pathways of a pollutant in an ecosystem (SE-M-A3).
  - 2. GLE 51: Analyze the consequences of human activities on global earth systems (SE-M-A4).
  - 3. GLE 52: Describe the relationship between plant type and soil compatibility (SE-M-A9).

4. GLE 53: Distinguish among several examples of erosion (e.g., stream bank, topsoil, coastal) and describe common preventive measures (SE-M-A10).

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AUTHORITY NOTE: Promulgated in accordance with R.S. 17.6; R.S. 17:24.4; R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:

#### §1925. High School: Grades 9-12

##### A. Science as Inquiry: Strand One

###### 1. The Abilities Necessary to Do Scientific Inquiry

a. GLE 1: Write a testable question or hypothesis when given a topic (SI-H-A1).

b. GLE 2: Describe how investigations can be observation, description, literature survey, classification, or experimentation (SI-H-A2).

c. GLE 3: Plan and record step-by-step procedures for a valid investigation, select equipment and materials, and identify variables and controls (SI-H-A2).

d. GLE 4: Conduct an investigation that includes multiple trials and record, organize, and display data appropriately (SI-H-A2).

e. GLE 5: Utilize mathematics, organizational tools, and graphing skills to solve problems (SI-H-A3).

f. GLE 6: Use technology when appropriate to enhance laboratory investigations and presentations of findings (SI-H-A3).

g. GLE 7: Choose appropriate models to explain scientific knowledge or experimental results (e.g., objects, mathematical relationships, plans, schemes, examples, role-playing, computer simulations) (SI-H-A4).

h. GLE 8: Give an example of how new scientific data can cause an existing scientific explanation to be supported, revised, or rejected (SI-H-A5).

i. GLE 9: Write and defend a conclusion based on logical analysis of experimental data (SI-H-A6) (SI-H-A2).

j. GLE 10: Given a description of an experiment, identify appropriate safety measures (SI-H-A7).

###### 2. Understanding Scientific Inquiry

a. GLE 11: Evaluate selected theories based on supporting scientific evidence (SI-H-B1).

b. GLE 12: Cite evidence that scientific investigations are conducted for many different reasons (SI-H-B2).

c. GLE 13: Identify scientific evidence that has caused modifications in previously accepted theories (SI-H-B2).

d. GLE 14: Cite examples of scientific advances and emerging technologies and how they affect society (e.g., MRI, DNA in forensics) (SI-H-B3).

e. GLE 15: Analyze the conclusion from an investigation by using data to determine its validity (SI-H-B4).

f. GLE 16: Use the following rules of evidence to examine experimental results.

i. Can an expert's technique or theory be tested, has it been tested, or is it simply a subjective, conclusive approach that cannot be reasonably assessed for reliability?

ii. Has the technique or theory been subjected to peer review and publication?

iii. What is the known or potential rate of error of the technique or theory when applied?

iv. Were standards and controls applied and maintained?

v. Has the technique or theory been generally accepted in the scientific community? (SI-H-B5) (SI-H-B1) (SI-H-B4).

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AUTHORITY NOTE: Promulgated in accordance with R.S. 17.6; R.S. 17:24.4; R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:

#### §1927. Physical Science (Recommended for Grade 9)

##### A. Physical Science: Strand Two

###### 1. Measurement and Symbolic Representation

a. GLE 1: Measure the physical properties of different forms of matter in metric system units (e.g., length, mass, volume, temperature) (PS-H-A1).

b. GLE 2: Gather and organize data in charts, tables, and graphs (PS-H-A1).

c. GLE 3: Distinguish among symbols for atoms, ions, molecules, and equations for chemical reactions (PS-H-A2).

d. GLE 4: Name and write chemical formulas using symbols and subscripts (PS-H-A2).

###### 2. Atomic Structure

a. GLE 5: Identify the three subatomic particles of an atom by location, charge, and relative mass (PS-H-B1).

b. GLE 6: Determine the number of protons, neutrons, and electrons of elements by using the atomic number and atomic mass from the periodic table (PS-H-B1).

c. GLE 7: Describe the results of loss/gain of electrons on charges of atoms (PS-H-B1) (PS-H-C5).

d. GLE 8: Evaluate the uses and effects of radioactivity in people's daily lives (PS-H-B2).

e. GLE 9: Compare nuclear fission to nuclear fusion (PS-H-B2).

f. GLE 10: Identify the number of valence electrons of the first 20 elements based on their positions in the periodic table (PS-H-B3).

###### 3. The Structure and Properties of Matter

a. GLE 11: Investigate and classify common materials as *elements*, *compounds*, or *mixtures* (heterogeneous or homogeneous) based on their physical and chemical properties (PS-H-C1).

b. GLE 12: Classify elements as *metals* or *nonmetals* based on their positions in the periodic table (PS-H-C2).

c. GLE 13: Predict how factors such as particle size and temperature influence the rate of dissolving (PS-H-C3).

d. GLE 14: Investigate and compare methods for separating mixtures by using the physical properties of the components (PS-H-C4) (PS-H-C1).

e. GLE 15: Using selected elements from atomic numbers 1 to 20, draw Bohr models (PS-H-C5) (PS-H-B3).

f. GLE 16: Name and write the formulas for simple ionic and covalent compounds (PS-H-C5).

g. GLE 17: Name and predict the bond type formed between selected elements based on their locations in the periodic table (PS-H-C5).

h. GLE 18: Diagram or construct models of simple hydrocarbons (four or fewer carbons) with single, double, or triple bonds (PS-H-C6).

- i. GLE 19: Analyze and interpret a graph that relates temperature and heat energy absorbed during phase changes of water (PS-H-C7).
- j. GLE 20: Predict the particle motion as a substance changes phases (PS-H-C7) (PS-H-C3).
- 4. Chemical Reactions
  - a. GLE 21: Classify changes in matter as *physical* or *chemical* (PS-H-D1).
  - b. GLE 22: Identify evidence of chemical changes (PS-H-D1).
  - c. GLE 23: Classify unknowns as *acidic*, *basic*, or *neutral* using indicators (PS-H-D2).
  - d. GLE 24: Identify balanced equations as neutralization, combination, and decomposition reactions (PS-H-D3).
  - e. GLE 25: Determine the effect of various factors on reaction rate (e.g., temperature, surface area, concentration, agitation) (PS-H-D4).
  - f. GLE 26: Illustrate the laws of conservation of matter and energy through balancing simple chemical reactions (PS-H-D5) (PS-H-D3) (PS-H-D7).
  - g. GLE 27: Distinguish between endothermic and exothermic reactions (PS-H-D6).
  - h. GLE 28: Identify chemical reactions that commonly occur in the home and nature (PS-H-D7).
- 5. Forces and Motion
  - a. GLE 29: Differentiate between *mass* and *weight* (PS-H-E1).
  - b. GLE 30: Compare the characteristics and strengths of forces in nature (e.g., gravitational, electrical, magnetic, nuclear) (PS-H-E1).
  - c. GLE 31: Differentiate between speed and velocity (PS-H-E2).
  - d. GLE 32: Plot and compare line graphs of acceleration and velocity (PS-H-E2).
  - e. GLE 33: Calculate velocity and acceleration using equations (PS-H-E2).
  - f. GLE 34: Demonstrate Newton's three laws of motion (e.g., inertia, net force using  $F = ma$ , equal and opposite forces) (PS-H-E3).
  - g. GLE 35: Describe and demonstrate the motion of common objects in terms of the position of the observer (PS-H-E4).
- 6. Energy
  - a. GLE 36: Measure and calculate the relationships among energy, work, and power (PS-H-F1).
  - b. GLE 37: Model and explain how momentum is conserved during collisions (PS-H-F2).
  - c. GLE 38: Analyze diagrams to identify changes in kinetic and potential energy (PS-H-F2).
  - d. GLE 39: Distinguish among thermal, chemical, electromagnetic, mechanical, and nuclear energy (PS-H-F2).
  - e. GLE 40: Demonstrate energy transformation and conservation in everyday actions (PS-H-F2).
- 7. Interactions of Energy and Matter
  - a. GLE 41: Identify the parts and investigate the properties of transverse and compression waves (PS-H-G1).
  - b. GLE 42: Describe the relationship between wavelength and frequency (PS-H-G1).
  - c. GLE 43: Investigate and construct diagrams to illustrate the laws of reflection and refraction (PS-H-G1).

- d. GLE 44: Illustrate the production of static electricity (PS-H-G2).
- e. GLE 45: Evaluate diagrams of series and parallel circuits to determine the flow of electricity (PS-H-G2).
- f. GLE 46: Diagram a magnetic field (PS-H-G2).
- g. GLE 47: Explain how electricity and magnetism are related (PS-H-G2).
- h. GLE 48: Compare properties of waves in the electromagnetic spectrum (PS-H-G3).
- i. GLE 49: Describe the Doppler effect on sound (PS-H-G3).
- j. GLE 50: Identify positive and negative effects of electromagnetic/mechanical waves on humans and human activities (e.g., sound, ultraviolet rays, X-rays, MRIs, fiber optics) (PS-H-G4) (PS-H-G3).

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AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6; R.S. 17:24.4; R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:

### **§1929. Biology (Recommended for Grade 10)**

#### A. Life Science: Strand One

##### 1. The Cell

- a. GLE 1: Compare prokaryotic and eukaryotic cells (LS-H-A1).
- b. GLE 2: Identify and describe structural and functional differences among organelles (LS-H-A1).
- c. GLE 3: Investigate and describe the role of enzymes in the function of a cell (LS-H-A1).
- d. GLE 4: Compare active and passive cellular transport (LS-H-A2).
- e. GLE 5: Analyze the movement of water across a cell membrane in hypotonic, isotonic, and hypertonic solutions (LS-H-A2).
- f. GLE 6: Analyze a diagram of a developing zygote to determine when cell differentiation occurs (LS-H-A3).

##### 2. The Molecular Basis of Heredity

- a. GLE 7: Identify the basic structure and function of nucleic acids (e.g., DNA, RNA) (LS-H-B1).
- b. GLE 8: Describe the relationships among DNA, genes, chromosomes, and proteins (LS-H-B1).
- c. GLE 9: Compare mitosis and meiosis (LS-H-B2).
- d. GLE 10: Analyze pedigrees to identify patterns of inheritance for common genetic disorders (LS-H-B3).
- e. GLE 11: Calculate the probability of genotypes and phenotypes of offspring given the parental genotypes (LS-H-B3).
- f. GLE 12: Describe the processes used in modern biotechnology related to genetic engineering (LS-H-B4) (LS-H-B1).

g. GLE 13: Identify possible positive and negative effects of advances in biotechnology (LS-H-B4) (LS-H-B1).

##### 3. Biological Evolution

- a. GLE 14: Analyze evidence on biological evolution, utilizing descriptions of existing investigations, computer models, and fossil records (LS-H-C1).
- b. GLE 15: Compare the embryological development of animals in different phyla (LS-H-C1) (LS-H-A3).
- c. GLE 16: Explain how DNA evidence and fossil records support Darwin's theory of evolution (LS-H-C2).

d. GLE 17: Explain how factors affect gene frequency in a population over time (LS-H-C3).

e. GLE 18: Classify organisms from different kingdoms at several taxonomic levels, using a dichotomous key (LS-H-C4).

f. GLE 19: Compare characteristics of the major kingdoms (LS-H-C5).

g. GLE 20: Analyze differences in life cycles of selected organisms in each of the kingdoms (LS-H-C6).

h. GLE 21: Compare the structures, functions, and cycles of viruses to those of cells (LS-H-C7).

i. GLE 22: Describe the role of viruses in causing diseases and conditions (e.g., AIDS, common colds, smallpox, influenza, warts) (LS-H-C7) (LS-H-G2).

#### 4. Interdependence of Organisms

a. GLE 23: Illustrate the flow of carbon, nitrogen, and water through an ecosystem (LS-H-D1) (SE-H-A6).

b. GLE 24: Analyze food webs by predicting the impact of the loss or gain of an organism (LS-H-D2).

c. GLE 25: Evaluate the efficiency of the flow of energy and matter through a food chain/pyramid (LS-H-D2).

d. GLE 26: Analyze the dynamics of a population with and without limiting factors (LS-H-D3).

e. GLE 27: Analyze positive and negative effects of human actions on ecosystems (LS-H-D4) (SE-H-A7).

#### 5. Matter, Energy, and Organization of Living Systems

a. GLE 28: Explain why ecosystems require a continuous input of energy from the sun (LS-H-E1).

b. GLE 29: Use balanced equations to analyze the relationship between photosynthesis and cellular respiration (LS-H-E1).

c. GLE 30: Explain the role of adenosine triphosphate (ATP) in a cell (LS-H-E2).

d. GLE 31: Compare the levels of organization in the biosphere (LS-H-E3).

#### 6. Systems and the Behavior of Organisms

a. GLE 32: Analyze the interrelationships of organs in major systems (LS-H-F1) (LS-H-E3).

b. GLE 33: Compare structure to function of organs in a variety of organisms (LS-H-F1).

c. GLE 34: Explain how body systems maintain homeostasis (LS-H-F2).

d. GLE 35: Explain how selected organisms respond to a variety of stimuli (LS-H-F3).

e. GLE 36: Explain how behavior affects the survival of species (LS-H-F4).

#### 7. Personal and Community Health

a. GLE 37: Explain how fitness and health maintenance can result in a longer human life span (LS-H-G1).

b. GLE 38: Discuss mechanisms of disease transmission and processes of infection (LS-H-G2) (LS-H-G4).

c. GLE 39: Compare the functions of the basic components of the human immune system (LS-H-G3).

d. GLE 40: Determine the relationship between vaccination and immunity (LS-H-G3).

e. GLE 41: Describe causes, symptoms, treatments, and preventions of major communicable and noncommunicable diseases (LS-H-G4).

f. GLE 42: Summarize the uses of selected technological developments related to the prevention, diagnosis, and treatment of diseases or disorders (LS-H-G5).

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AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6; R.S. 17:24.4; R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:

### §1931. Earth Science (Recommended for Grades 11/12)

#### A. Earth and Space Science: Strand Four

##### 1. Energy in Earth's System

a. GLE 1: Describe what happens to the solar energy received by earth every day (ESS-H-A1).

b. GLE 2: Trace the flow of heat energy through the processes in the water cycle (ESS-H-A1).

c. GLE 3: Describe the effect of natural insulation on energy transfer in a closed system (ESS-H-A1).

d. GLE 4: Describe the relationship between seasonal changes in the angle of incoming solar radiation and its consequences to earth's temperature (e.g., direct vs. slanted rays) (ESS-H-A2).

e. GLE 5: Explain how the process of fusion inside the sun provides the external heat source for earth (ESS-H-A3).

f. GLE 6: Discuss how heat energy is generated at the inner core-outer core boundary (ESS-H-A4).

g. GLE 7: Analyze how radiant heat from the sun is absorbed and transmitted by several different earth materials (ESS-H-A5).

h. GLE 8: Explain why weather only occurs in the tropospheric layer of earth's atmosphere (ESS-H-A5).

i. GLE 9: Compare the structure, composition, and function of the layers of earth's atmosphere (ESS-H-A6).

j. GLE 10: Analyze the mechanisms that drive weather and climate patterns and relate them to the three methods of heat transfer (ESS-H-A6).

k. GLE 11: Describe the processes that drive lithospheric plate movements (i.e., radioactive decay, friction, convection) (ESS-H-A7) (ESS-H-A3) (ESS-H-A4).

l. GLE 12: Relate lithospheric plate movements to the occurrences of earthquakes, volcanoes, mid-ocean ridge systems, and off-shore trenches found on earth (ESS-H-A7).

##### 2. Geochemical Cycles

a. GLE 13: Explain how stable elements and atoms are recycled during natural geologic processes (ESS-H-B1).

b. GLE 14: Compare the conditions of mineral formation with weathering resistance at earth's surface (ESS-H-B1).

c. GLE 15: Identify the sun-driven processes that move substances at or near earth's surface (ESS-H-B2).

##### 3. The Origin and Evolution of the Earth System

a. GLE 16: Use the nebular hypothesis to explain the formation of a solar system (ESS-H-C1).

b. GLE 17: Determine the relative ages of rock layers in a geologic profile or cross section (ESS-H-C2).

c. GLE 18: Use data from radioactive dating techniques to estimate the age of earth materials (ESS-H-C2).

d. GLE 19: Interpret geological maps of Louisiana to describe the state's geologic history (ESS-H-C3).

e. GLE 20: Determine the chronological order of the five most recent major lobes of the Mississippi River delta in Louisiana (ESS-H-C3).

f. GLE 21: Use fossil records to explain changes in the concentration of atmospheric oxygen over time (ESS-H-C4).

g. GLE 22: Analyze data related to a variety of natural processes to determine the time frame of the changes involved (e.g., formation of sedimentary rock layers, deposition of ash layers, fossilization of plant or animal species) (ESS-H-C5).

4. The Origin and Evolution of the Universe

a. GLE 23: Identify the evidence that supports the big bang theory (ESS-H-D1).

b. GLE 24: Describe the organization of the known universe (ESS-H-D2).

c. GLE 25: Using the surface temperature and absolute magnitude data of a selected star, locate its placement on the Hertzsprung-Russell diagram and infer its color, size, and life stage (ESS-H-D3).

d. GLE 26: Identify the elements present in selected stars, given spectrograms of known elements and those of the selected stars (ESS-H-D4).

e. GLE 27: Trace the movement and behavior of hydrogen atoms during the process of fusion as it occurs in stars like the sun (ESS-H-D5).

f. GLE 28: Identify the relationship between orbital velocity and orbital diameter (ESS-H-D6) (PS-H-E2).

g. GLE 29: Demonstrate the elliptical shape of earth's orbit and describe how the point of orbital focus changes during the year (ESS-H-D6).

h. GLE 30: Summarize how current technology has directly affected our knowledge of the universe (ESS-H-D7).

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HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:

**§1933. Environmental Science (Recommended for Grades 11/12)**

A. Science and the Environment: Strand Five

1. Ecological Systems and Interactions

a. GLE 1: Describe the abiotic and biotic factors that distinguish earth's major ecological systems (SE-H-A1).

b. GLE 2: Describe the characteristics of major biomes on earth (SE-H-A1).

c. GLE 3: Use the 10 percent rule and data analysis to measure the flow of energy as represented by biomass in a system (SE-H-A2).

d. GLE 4: Determine the effects of limiting factors on a population and describe the concept of carrying capacity (SE-H-A3).

e. GLE 5: Examine and discuss the major stages of succession, describing the generalized sequential order of the types of plant species (SE-H-A4).

f. GLE 6: Analyze the consequences of changes in selected divisions of the biosphere (e.g., ozone depletion, global warming, acid rain) (SE-H-A5) (SE-H-A7).

g. GLE 7: Illustrate the flow of carbon, water, oxygen, nitrogen, and phosphorus through an ecosystem (SE-H-A6) (LS-H-D1).

h. GLE 8: Explain how species in an ecosystem interact and link in a complex web (SE-H-A7) (SE-H-A10).

i. GLE 9: Cite and explain examples of organisms' adaptations to environmental pressures over time (SE-H-A8).

j. GLE 10: Analyze the effect of an invasive species on the biodiversity within ecosystems (SE-H-A9).

k. GLE 11: Explain why biodiversity is essential to the survival of organisms (SE-H-A9).

1. GLE 12: Give examples and describe the effect of pollutants on selected populations (SE-H-A11).

2. Resources and Resource Management

a. GLE 13: Evaluate whether a resource is renewable by analyzing its relative regeneration time (SE-H-B1).

b. GLE 14: Analyze data to determine the effect of preservation practices compared to conservation practices for a sample species (SE-H-B2).

c. GLE 15: Identify the factors that cause the inequitable distribution of earth's resources (e.g., politics, economics, climate) (SE-H-B3).

d. GLE 16: Evaluate the effectiveness of natural resource management in Louisiana (SE-H-B4) (SE-H-B5).

e. GLE 17: Analyze data to determine when reuse, recycling, and recovery are applicable (SE-H-B5).

f. GLE 18: Identify the factors that affect sustainable development (SE-H-B6).

3. Environmental Awareness and Protection

a. GLE 19: Determine the interrelationships of clean water, land, and air to the success of organisms in a given population (SE-H-C1).

b. GLE 20: Relate environmental quality to quality of life (SE-H-C2).

c. GLE 21: Analyze the effect of common social, economic, technological, and political considerations on environmental policy (SE-H-C3).

d. GLE 22: Analyze the risk-benefit ratio for selected environmental situations (SE-H-C4).

e. GLE 23: Describe the relationship between public support and the enforcement of environmental policies (SE-H-C5).

4. Personal Choices and Responsible Actions

a. GLE 24: Identify the advantages and disadvantages of using disposable items versus reusable items (SE-H-D1).

b. GLE 25: Discuss how education and collaboration can affect the prevention and control of a selected pollutant (SE-H-D2) (SE-H-D3).

c. GLE 26: Determine local actions that can affect the global environment (SE-H-D4).

d. GLE 27: Describe how accountability toward the environment affects sustainability (SE-H-D5).

e. GLE 28: Discuss the reduction of combustible engines needed to significantly decrease CO<sub>2</sub> in the troposphere (SE-H-D6).

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AUTHORITY NOTE: Promulgated in accordance with R.S. 17.6; R.S. 17:24.4; R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:

## §1935. Chemistry (Recommended for Grades 11/12)

### A. Physical Science: Strand Two

1. Measurement and Symbolic Representation  
a. GLE 1: Convert metric system units involving length, mass, volume, and time using dimensional analysis (i.e., factor-label method) (PS-H-A1).

b. GLE 2: Differentiate between accuracy and precision and evaluate percent error (PS-H-A1).

c. GLE 3: Determine the significant figures based on precision of measurement for stated quantities (PS-H-A1).

d. GLE 4: Use scientific notation to express large and small numbers (PS-H-A1).

e. GLE 5: Write and name formulas for ionic and covalent compounds (PS-H-A2).

f. GLE 6: Write and name the chemical formula for the products that form from the reaction of selected reactants (PS-H-A2).

g. GLE 7: Write a balanced symbolic equation from a word equation (PS-H-A2).

### 2. Atomic Structure

a. GLE 8: Analyze the development of the modern atomic theory from a historical perspective (PS-H-B1).

b. GLE 9: Draw accurate valence electron configurations and Lewis dot structures for selected molecules, ionic and covalent compounds, and chemical equations (PS-H-B1).

c. GLE 10: Differentiate among *alpha*, *beta*, and *gamma* emissions (PS-H-B2).

d. GLE 11: Calculate the amount of radioactive substance remaining after a given number of half-lives has passed (PS-H-B2).

e. GLE 12: Describe the uses of radioactive isotopes and radiation in such areas as plant and animal research, health care, and food preservation (PS-H-B2).

f. GLE 13: Identify the number of bonds an atom can form given the number of valence electrons (PS-H-B3).

### 3. The Structure and Properties of Matter

a. GLE 14: Identify unknowns as elements, compounds, or mixtures based on physical properties (e.g., density, melting point, boiling point, solubility) (PS-H-C1).

b. GLE 15: Predict the physical and chemical properties of an element based only on its location in the periodic table (PS-H-C2).

c. GLE 16: Predict the stable ion(s) an element is likely to form when it reacts with other specified elements (PS-H-C2).

d. GLE 17: Use the periodic table to compare electronegativities and ionization energies of elements to explain periodic properties, such as atomic size (PS-H-C2).

e. GLE 18: Given the concentration of a solution, calculate the predicted change in its boiling and freezing points (PS-H-C3).

f. GLE 19: Predict the conductivity of a solution (PS-H-C3).

g. GLE 20: Express concentration in terms of molarity, molality, and normality (PS-H-C3).

h. GLE 21: Design and conduct a laboratory investigation in which physical properties are used to separate the substances in a mixture (PS-H-C4).

i. GLE 22: Predict the kind of bond that will form between two elements based on electronic structure and

electronegativity of the elements (e.g., ionic, polar, nonpolar) (PS-H-C5).

j. GLE 23: Model chemical bond formation by using Lewis dot diagrams for ionic, polar, and nonpolar compounds (PS-H-C5).

k. GLE 24: Describe the influence of intermolecular forces on the physical and chemical properties of covalent compounds (PS-H-C5).

l. GLE 25: Name selected structural formulas of organic compounds (PS-H-C6).

m. GLE 26: Differentiate common biological molecules, such as carbohydrates, lipids, proteins, and nucleic acids by using structural formulas (PS-H-C6).

n. GLE 27: Investigate and model hybridization in carbon compounds (PS-H-C6).

o. GLE 28: Name, classify, and diagram *alkanes*, *alkenes*, and *alkynes* (PS-H-C6).

p. GLE 29: Predict the properties of a gas based on gas laws (e.g., temperature, pressure, volume) (PS-H-C7).

q. GLE 30: Solve problems involving heat flow and temperature changes by using known values of specific heat and latent heat of phase change (PS-H-C7).

### 4. Chemical Reactions

a. GLE 31: Describe chemical changes and reactions using diagrams and descriptions of the reactants, products, and energy changes (PS-H-D1).

b. GLE 32: Determine the concentration of an unknown acid or base by using data from a titration with a standard solution and an indicator (PS-H-D2).

c. GLE 33: Calculate pH of acids, bases, and salt solutions based on the concentration of hydronium and hydroxide ions (PS-H-D2).

d. GLE 34: Describe chemical changes by developing word equations, balanced formula equations, and net ionic equations (PS-H-D3).

e. GLE 35: Predict products (with phase notations) of simple reactions, including acid/base, oxidation/reduction, and formation of precipitates (PS-H-D3).

f. GLE 36: Identify the substances gaining and losing electrons in simple oxidation-reduction reactions (PS-H-D3).

g. GLE 37: Predict the direction of a shift in equilibrium in a system as a result of stress by using LeChatalier's principle (PS-H-D4).

h. GLE 38: Relate the law of conservation of matter to the rearrangement of atoms in a balanced chemical equation (PS-H-D5).

i. GLE 39: Conduct an investigation in which the masses of the reactants and products from a chemical reaction are calculated (PS-H-D5).

j. GLE 40: Compute percent composition, empirical formulas, and molecular formulas of selected compounds in chemical reactions (PS-H-D5).

k. GLE 41: Apply knowledge of stoichiometry to solve mass/mass, mass/volume, volume/volume, and mole/mole problems (PS-H-D5).

l. GLE 42: Differentiate between activation energy in endothermic reactions and exothermic reactions (PS-H-D6).

m. GLE 43: Graph and compute the energy changes that occur when a substance, such as water, goes from a solid to a liquid state, and then to a gaseous state (PS-H-D6).

n. GLE 44: Measure and graph energy changes during chemical reactions observed in the laboratory (PS-H-D6).

o. GLE 45: Give examples of common chemical reactions, including those found in biological systems (PS-H-D7).

#### 5. Forces and Motion

a. GLE 46: Identify and compare intermolecular forces and their effects on physical and chemical properties (PS-H-E1).

#### 6. Interactions of Energy and Matter

a. GLE 47: Assess environmental issues related to the storage, containment, and disposal of wastes associated with energy production and use (PS-H-G4).

NOTE: The foundation skills addressed by each benchmark are listed numerically in parenthesis after the benchmark.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.6; R.S. 17:24.4; R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:

### §1937. Physics (Recommended for Grades 11/12)

#### A. Physical Science: Strand Two

##### 1. Measurement and Symbolic Representation

a. GLE 1: Measure and determine the physical quantities of an object or unknown sample using correct prefixes and metric system units (e.g., mass, charge, pressure, volume, temperature, density) (PS-H-A1).

b. GLE 2: Determine and record measurements correctly using significant digits and scientific notation (PS-H-A1).

c. GLE 3: Determine accuracy and precision of measured data (PS-H-A1).

d. GLE 4: Perform dimensional analysis to verify problem set-up (PS-H-A1).

e. GLE 5: Use trigonometric functions to make indirect measurements (PS-H-A1).

##### 2. Forces and Motion

a. GLE 6: Explain the role of strong nuclear forces and why they are the strongest of all forces (PS-H-E1).

b. GLE 7: Relate gravitational force to mass and distance (PS-H-E1).

c. GLE 8: Compare and calculate electrostatic forces acting within and between atoms to the gravitational forces acting between atoms (PS-H-E1).

d. GLE 9: Describe and measure motion in terms of position, displacement time, and the derived quantities of velocity and acceleration (PS-H-E2).

e. GLE 10: Determine constant velocity and uniform acceleration mathematically and graphically (PS-H-E2).

f. GLE 11: Plot and interpret displacement-time and velocity-time graphs and explain how these two types of graphs are interrelated (PS-H-E2).

g. GLE 12: Model scalar and vector quantities (PS-H-E2).

h. GLE 13: Solve for missing variables in kinematic equations relating to actual situations (PS-H-E2).

i. GLE 14: Add and resolve vectors graphically and mathematically to determine resultant/equilibrant of concurrent force vectors (PS-H-E3).

j. GLE 15: Calculate centripetal force and acceleration in circular motion (PS-H-E3).

k. GLE 16: Analyze circular motion to solve problems relating to angular velocity, acceleration, momentum, and torque (PS-H-E3).

l. GLE 17: Analyze simple harmonic motion (PS-H-E3).

m. GLE 18: Demonstrate the independence of perpendicular components in projectile motion and predict the optimum angles and velocities of projectiles (PS-H-E3).

##### 3. Energy

a. GLE 19: Explain quantitatively the conversion between kinetic and potential energy for objects in motion (e.g., roller coaster, pendulum) (PS-H-F1).

b. GLE 20: Calculate the mechanical advantage and efficiency of simple machines and explain the loss of efficiency using the dynamics of the machines (PS-H-F1).

c. GLE 21: Explain and calculate the conversion of one form of energy to another (e.g., chemical to thermal, thermal to mechanical, magnetic to electrical) (PS-H-F1).

d. GLE 22: Analyze energy transformations using the law of conservation of energy (PS-H-F2).

e. GLE 23: Apply the law of conservation of momentum to collisions in one and two dimensions, including angular momentum (PS-H-F2).

f. GLE 24: Apply the concept of momentum to actual situations with different masses and velocities (PS-H-F2).

##### 4. Interactions of Energy and Matter

a. GLE 25: Determine the relationships among amplitude, wavelength, frequency, period, and velocity in different media (PS-H-G1).

b. GLE 26: Evaluate how different media affect the properties of reflection, refraction, diffraction, polarization, and interference (PS-H-G1).

c. GLE 27: Investigate and construct diagrams to illustrate the laws of reflection and refraction (PS-H-G1).

d. GLE 28: Draw constructive and destructive interference patterns and explain how the principle of superposition applies to wave propagation (PS-H-G1).

e. GLE 29: Describe observed electrostatic phenomena, calculate Coulomb's law, and test charge pole, electric field, and magnetic field (PS-H-G2).

f. GLE 30: Construct basic electric circuits and solve problems involving voltage, current, resistance, power, and energy (PS-H-G2).

g. GLE 31: Describe the relationship of electricity, magnetism, and inductance as aspects of a single electromagnetic force (PS-H-G2).

h. GLE 32: Compare properties of electromagnetic and mechanical waves (PS-H-G3).

i. GLE 33: Solve problems related to sound and light in different media (PS-H-G3).

j. GLE 34: Compare the properties of the electromagnetic spectrum as a wave and as a particle (PS-H-G3).

k. GLE 35: Analyze the Doppler effect of a moving wave source (PS-H-G3).

NOTE: The foundation skills addressed by each benchmark are listed numerically in parenthesis after the benchmark.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.6; R.S. 17:24.4; R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:



## Chapter 21. Glossary and References

### §2101. Definitions

*Ability*—power to perform, whether physical, moral, intellectual, or legal; skill or competence.

*Analyzing*—to separate mentally all parts (of a whole) as to reveal their relation to it and to one another.

*Assessment*—the systematic, multistep process involving the collection and interpretation of educational data.

*Benchmark*—specify what students should know and be able to do.

*Conserving*—the use of natural resources in a way that assures their continuing availability to future generations; the intelligent use of natural resources for long-term benefits.

*Consumer*—any organism that feeds from another.

*Content Standards*—broad statement of process and/or content that are used as a reference to develop curriculum and assess student progress.

*Curriculum*—a document (usually developed at the local level) which aides teachers in planning instruction. The way content is delivered. It includes the structure, organization, balance, and presentation of the content in the classroom. Note: This definition includes instructional materials, and the teacher's strategies, behaviors, and assessment.

*Demonstrate*—to prove by reasoning, as by deduction; to establish as true.

*Describing*—to represent by words; to give an account of.

*Energy*—the capacity to perform work, or the potential for power and activity.

*Energy Resources*—origins of natural energy (coal, oil, gas, etc.).

*Experimentation*—practice by experiment; a trial made to confirm or disprove something doubtful; an operation made to discover some unknown principle or effect.

*Framework*—a document (usually developed at the state level) which provides a vision of how the national standards can best be implemented, given the characteristics of that particular state.

*Inquiry*—a seeking for information by asking questions; interrogation; a question or questioning.

*Instructional*—the physical components of the curriculum, including textbooks, materials software, kits, and teachers' guides.

*Knowing*—informed; intelligent; having or displaying discernment.

*Preserving*—protection which emphasizes nonconsumptive values and uses, including no direct use by humans, contrasted with conservation which emphasizes both consumptive and nonconsumptive values and uses.

*Producer*—any organism that is capable of making its own food.

*Recognize*—to avow knowledge of; to admit with formal acknowledgment.

*Scientific Investigation*—to follow up or make research by patient inquiry and observation and examination of the facts.

*Skill*—a particular art or science; now a developed or acquired ability; the ability to use one's knowledge effectively; technically proficient.

*Understanding*—power to understand; capability of comprehending and judging; the rational powers taken collectively.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6; R.S. 17:24.4; R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:

#### Family Impact Statement

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

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

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

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

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

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

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

Interested persons may submit written comments until 4:30 p.m., September 8, 2005, to Nina A. Ford, Board of Elementary and Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA 70804-9064.

Weegie Peabody  
Executive Director

### FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

#### RULE TITLE: **Bulletin 1962—Louisiana Content Standards, Benchmarks, and Grade Level Expectations for Science**

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

This revision of the Louisiana science content standards includes Grade-Level Expectations (GLEs) for all grades pre-kindergarten through 12th Grade-Level Expectations are statements of knowledge and skills that students should master at the end of each grade. The cost for printing GLE materials for science and for providing training to school and district staff totaled \$205,750. These costs were paid by federal Title VI funds in the '04-'05 fiscal year.

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

There will be no 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)

There will be no costs or economic benefits to persons or nongovernmental groups.

#### IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There will be no effect on competition and employment.

Marlyn J. Langley  
Deputy Superintendent  
Management and Finance  
0507#040

H. Gordon Monk  
Acting Legislative Fiscal Officer  
Legislative Fiscal Office

## NOTICE OF INTENT

### Board of Elementary and Secondary Education

Bulletin 1964—Louisiana Content Standards, Benchmarks, and Grade Level Expectations for Social Studies  
(LAC 28:CXXI.Chapters 1-13)

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, notice is hereby given that the Board of Elementary and Secondary Education approved for advertisement *Bulletin 1964—Louisiana Content Standards, Benchmarks, and Grade Level Expectations for Social Studies*. Bulletin 1964 will be printed in codified format as Part CXXI of Title 28 of the Louisiana Administrative Code. This revision of the Louisiana social studies content standards includes Grade Level Expectations for all grades pre-kindergarten through 12th. Grade Level Expectations are statements of knowledge and skills that students should master at the end of each grade. The federal No Child Left Behind legislation requires every state to have grade specific standards. Since the Louisiana content standards are by grade band, it was necessary to develop the Grade Level Expectations.

#### Title 28 EDUCATION

#### Part CXXI. Bulletin 1964—Louisiana Content Standards, Benchmarks, and Grade Level Expectations for Social Studies

#### Chapter 1. General

#### §101. Introduction

A. Preparation for the office of citizen is the crucial purpose of American education, according to Thomas Jefferson. The vitality of American constitutional democracy depends on competent citizens. Full literary for the 21st century demands a challenging education with adequate attention to all academic disciplines. Effective social studies education reinforces the democratic principles and ideals of citizenship. A solid base of social studies knowledge and skills develops civic competence by focusing on rights, responsibilities, and respect.

B. The Louisiana framework for social studies rests on the foundation of four core disciplines, or strands, from the social sciences: geography, civics, economics, and history. Each of these disciplines offers a distinct perspective for examining the world. Other social sciences, such as anthropology and sociology, are incorporated within these strands.

C. In this document, each of the strand titles names a traditional field of scholarly study, with a phrase explaining the underlying themes. For each strand, a focus paragraph explains the discipline's importance to the overall education of the students. A standard statement then gives a general description of what students should know and be able to do as a result of the study of that strand. Following each standard, specific benchmarks are listed for Grades K-4, 5-8, and 9-12. For organizational purposes, these benchmarks are categorized according to appropriate content standards.

D. This document is intended to be used as a blueprint for local curricular decisions. The rigorous framework promotes local flexibility in curricular design, course sequence, assessment methods, and instructional strategies. The social studies curriculum should expand students'

thinking across the boundaries of separate academic subjects. A reasonable balance between breadth of content and depth of inquiry must be achieved.

E. Through mastery of the key concepts and process skills outlined in this document, students will become accomplished problem solvers and informed decision makers. They will be able to assume their places in the economic work force as effective producers and consumers. Civic competence for Louisiana's citizens will be achieved with the implementation of these rigorous and challenging content standards.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6; R.S. 17:24.4; R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:

#### §103. Louisiana Content Standards Foundation Skills

A. The Louisiana Content Standards Task Force has developed the following foundational skills which should apply to all students in all disciplines:

1. Communication—a process by which information is exchanged and a concept of "meaning" is being created and shared between individuals through a common system of symbols, signs, or behavior. Students should be able to communicate clearly, fluently, strategically, technologically, critically, and creatively in society and in a variety of workplaces. This process can best be accomplished through use of the following skills: reading, writing, speaking, listening, viewing, and visually representing;

2. Problem Solving—the identifying of an obstacle or challenge and the application of knowledge and thinking processes which include reasoning, decision making, and inquiry in order to reach a solution using multiple pathways, even when no routine path is apparent;

3. Resource Access and Utilization—the process of identifying, locating, selecting, and using resource tools to help in analyzing, synthesizing, and communicating information. The identification and employment of appropriate tools, techniques, and technologies are essential to all learning processes. These resource tools include pen, pencil, and paper; audio/video material, word processors, computers, interactive devices, telecommunication, and other emerging technologies;

4. Linking and Generating Knowledge—the effective use of cognitive processes to generate and link knowledge across the disciplines and in a variety of contexts. In order to engage in the principles of continual improvement, students must be able to transfer and elaborate on these processes. Transfer refers to the ability to apply a strategy or content knowledge effectively in a setting or context other than that in which it was originally learned. Elaboration refers to monitoring, adjusting, and expanding strategies into other contexts; and

5. Citizenship—the application of the understanding of the ideals, rights, and responsibilities of active participation in a democratic republic that includes working respectfully and productively together for the benefit of the individual and the community; being accountable for one's choices and actions and understanding their impact on oneself and others; knowing one's civil, constitutional, and statutory rights; and mentoring others to be productive citizens and lifelong learners.

NOTE: These foundation skills are listed numerically in parentheses at the end of each benchmark.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6; R.S. 17:24.4; R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:

### **§105. Information Literacy Model for Lifelong Learning**

A. Students must become competent and independent users of information to be productive citizens of the 21st Century. They must be prepared to live in an information-rich and changing global society. Due to the rapid growth of technology, the amount of information available is accelerating so quickly that teachers are no longer able to impart a complete knowledge base in a subject area. In addition, students entering the workforce must know how to access information, solve problems, make decisions, and work as part of a team. Therefore, information literacy, the ability to recognize an information need and then locate, evaluate, and effectively use the needed information, is a basic skill essential to the 21st century workplace and home. Information literate students are self-directed learners who, individually or collaboratively, use information responsibly to create quality products and to be productive citizens. Information literacy skills must not be taught in isolation; they must be integrated across all content areas, utilizing fully the resource of the classroom, the school library media center, and the community. The Information Literacy Model for Lifelong Learners is a framework that teachers at all levels can apply to help students become independent lifelong learners.

1. Defining/Focusing: The first task is to recognize that an information need exists. Students make preliminary decisions about the type of information needed based on prior knowledge.

2. Selecting Tools and Resources: After students decide what information is needed, they then develop search strategies for locating and accessing appropriate, relevant sources in the school library media center, community libraries and agencies, resource people, and others as appropriate.

3. Extracting and Recording: Students examine the resources for readability, currency, usefulness, and bias. This task involves skimming or listening for key words, "chunking" reading, finding main ideas, and taking notes.

4. Processing Information: After recording information, students must examine and evaluate the data in order to utilize the information retrieved. Students must interact with the information by categorizing, analyzing, evaluating, and comparing for bias, inadequacies, omissions, errors, and value judgments. Based on their findings, they either move on to the next step or do additional research.

5. Organizing Information: Students effectively sort, manipulate, and organize the information that was retrieved. They make decisions on how to use and communicate their findings.

6. Presenting Findings: Students apply and communicate what they have learned (e.g., research report, project, illustration, dramatization, portfolio, book, book report, map, oral/audio/visual presentation, game, bibliography, hyperstack).

7. Evaluating Efforts: Throughout the information problem solving process, students evaluate their efforts. This assists students in determining the effectiveness

of the research process. The final product may be evaluated by the teacher and also other qualified or interested resource persons.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6; R.S. 17:24.4; R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:

### **§107. Louisiana Social Studies Content Strands**

- A. Geography: Physical and Cultural Systems
  - 1. The world in spatial terms
  - 2. Places and regions
  - 3. Physical and human systems
  - 4. Environment and society
- B. Civics: Citizenship and Government
  - 1. Structure and purposes of government
  - 2. Foundations of the American political system
  - 3. International relationships
  - 4. Roles of the citizen
- C. Economics: Interdependence and Decision Making
  - 1. Fundamental economic concepts
  - 2. Individuals, households, businesses, and governments
  - 3. The economy as a whole
- D. History: Time, Continuity, and Change
  - 1. Grades K-4
    - a. Historical thinking skills
    - b. Families and communities
    - c. Louisiana and United States history
    - d. World history
  - 2. Grades 5-8
    - a. Historical thinking skills
    - b. United States history
    - c. World history
    - d. Louisiana history
  - 3. Grades 9-12
    - a. Historical thinking skills
    - b. United States history
    - c. World history

NOTE: Grade clusters are listed under the History strand to identify the specific categories emphasized at each level.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6; R.S. 17:24.4; R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:

### **§109. Louisiana Social Studies Strands**

A. Geography: Physical and Cultural Systems: Strand One

1. Students develop a spatial understanding of Earth's surface and the processes that shape it, the connections between people and places, and the relationship between man and his environment.

B. Civics: Citizenship and Government: Strand Two

1. Students develop and understanding of the structure and purposes of government, the foundations of the American democratic system, and the role of the United States in the world, while learning about the rights and responsibilities of citizenship.

C. Economics: Interdependence and Decision Making: Strand Three

1. Students develop an understanding of fundamental economic concepts as they apply to the interdependence and decision making of individuals, households, businesses, and governments in the United States and the world.

D. History: Time, Continuity, and Change: Strand Four

1. Students develop a sense of historical time and historical perspective as they study the history of their community, state, nation, and world.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6; R.S. 17:24.4; R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:

**Chapter 3. Geography: Strand One**

**§301. Physical and Cultural Systems**

A. Focus. Geography, the study of the spatial aspects of human existence, enables students to find answers to questions about the world around them. A geographically informed person sees, understands, and appreciates the connections among people, places, and environments. Understanding these connections requires an acute awareness of space, which can be identified in terms of location, distance, direction, pattern, shape, and arrangement. With a strong grasp of geography, students will be prepared to understand issues and solve problems in the contemporary world. The standards and benchmarks contained in this strand should be applied throughout the social studies curriculum.

B. Standard. Students develop a spatial understanding of Earth's surface and the processes that shape it, the connections between people and places, and the relationship between man and his environment.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6; R.S. 17:24.4; R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:

**§303. Benchmarks K-4**

A. In Grades K-4, what students know and are able to do includes:

1. The World in Spatial Terms

a. G-1A-E1: Identifying and describing the characteristics and uses of geographic representations, such as various types of maps, globes, graphs, diagrams, photographs, and satellite-produced images (1, 3, 4);

b. G-1A-E2: Locating and interpreting geographic features and places on maps and globes (1, 2, 3, 4);

c. G-1A-E3: Constructing maps, graphs, charts, and diagrams to describe geographical information and to solve problems (1, 3, 4);

2. Places and Regions

a. G-1B-E1: Describing and comparing the physical characteristics of places, including land forms, bodies of water, soils, vegetation, and climate (1, 3, 4);

b. G-1B-E2: Identifying and describing the human characteristics of places, including population distributions and culture (1, 3, 4);

c. G-1B-E3: Describing how the physical and human characteristics of places change over time (1, 3, 4);

d. G-1B-E4: Defining and differentiating regions by using physical characteristics, such as climate and land forms, and by using human characteristics, such as economic activity and language (1, 3, 4);

3. Physical and Human Systems

a. G-1C-E1: Describing how physical processes help to shape features and patterns on Earth's surface (1, 3, 4);

b. G-1C-E2: Describing and comparing the types of settlement and patterns of land use in local communities, the United States, and world regions (1, 2, 3, 4);

c. G-1C-E3: Describing and explaining the characteristics, distribution, and migration of human populations (1, 3, 4);

d. G-1C-E4: Identifying and comparing the cultural characteristics of different regions and people (1, 2, 3, 4);

e. G-1C-E5: Locating and explaining the spatial distribution of economic activities (1, 3, 4);

f. G-1C-E6: Identifying and describing types of territorial units, such as parishes or counties, states, and countries (1, 3, 4, 5);

4. Environment and Safety

a. G-1D-E1: Identifying and explaining ways in which people depend upon and modify the physical environment (1, 2, 3, 4);

b. G-1D-E2: Describing how humans adapt to variations in the physical environment (1, 2, 3, 4);

c. G-1D-E3: Describing the locations, causes and effects of natural disasters on the environment and society (1, 2, 3, 4);

d. G-1D-E4: Describing the use, distribution, and importance of natural resources (1, 2, 3, 4, 5).

NOTE: The foundation skills addressed by each benchmark are listed numerically in parenthesis after the benchmark.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6; R.S. 17:24.4; R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:

**§305. Benchmarks 5-8**

A. As students in Grades 5-8 extend their knowledge, what they know and are able to do includes:

1. The World in Spatial Terms

a. G-1A-M1: Identifying and describing the characteristics, functions, and applications of various types of maps and other geographic representations, tools, and technologies (1, 2, 3, 4);

b. G-1A-M2: Interpreting and developing maps, globes, graphs, charts, models, and databases to analyze spatial distributions and patterns (1, 2, 3, 4);

c. G-1A-M3: Organizing and displaying information about the location of geographic features and places by using mental mapping skills (1, 2, 3, 4);

2. Places and Regions

a. G-1B-M1: Explaining and analyzing both the physical and human phenomena associated with specific places, including precipitation and settlement patterns (1, 2, 3, 4);

b. G-1B-M2: Identifying and describing significant physical features that have influenced historical events (1, 2, 3, 4);

c. G-1B-M3: Identifying criteria used to define regions and explaining how and why regions change (1, 2, 3, 4);

d. G-1B-M4: Describing and explaining how personal interests, culture, and technology affect people's perceptions and uses of places and regions (1, 2, 3, 4);

3. Physical and Human Systems

- a. G-1C-M1: Prediction and explaining how physical features help to shape patterns and arrangements in the physical environment (1, 2, 3, 4);
- b. G-1C-M2: Identifying key demographic concepts and using these concepts to analyze the population characteristics of a country or region (1, 2, 3, 4);
- c. G-1C-M3: Describing the characteristics and patterns of human settlement in different regions of the world and analyzing the impact of urbanization (1, 2, 3, 4);
- d. G-1C-M4: Analyzing types, patterns, and effects of human migration over time (1, 2, 3, 4);
- e. G-1C-M5: Tracing local and worldwide patterns of cultural diffusion and analyzing their causes and effects (1, 3, 4);
- f. G-1C-M6: Comparing historical and contemporary patterns of economic interdependence (1, 2, 3, 4);
- g. G-1C-M7: Explaining how cooperation and conflict among people contribute to the political divisions on Earth's surface (1, 2, 4);

#### 4. Environment and Society

- a. G-1D-M1: Analyzing and evaluating the effects of human actions upon the physical environment (1, 2, 3, 4, 5);
- b. G-1D-M2: Explaining and giving examples of how characteristics of different physical environments affect human activities (1, 2, 3, 4, 5);
- c. G-1D-M3: Analyzing the worldwide distribution and utilization of natural resources (1, 2, 3, 4, 5);
- d. G-1D-M4: Identifying problems that relate to contemporary geographic issues and researching possible solutions (1, 2, 3, 4, 5).

NOTE: The foundation skills addressed by each benchmark are listed numerically in parenthesis after the benchmark.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6; R.S. 17:24.4; R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:

### §307. Benchmarks 9-12

A. As students in Grades 9-12 extend and refine their knowledge, what they know and are able to do includes:

#### 1. The World in Spatial Terms

- a. G-1A-H1: Using geographical representations, tools, and technologies to explain, analyze, and solve geographic problems (1, 2, 3, 4);
- b. G-1A-H2: Organizing geographic information and answering complex questions by formulating mental maps of places and regions (1, 2, 3, 4);

#### 2. Places and Regions

- a. G-1B-H1: Determining how location and social, cultural, and economics processes affect the features and significance of places (1, 2, 3, 4);
- b. G-1B-H2: Analyzing the ways in which physical and human characteristics of places and regions have affected historic events (1, 2, 3, 4);
- c. G-1B-H3: Analyzing the various ways in which physical and human regions are structured and interconnected (1, 2, 3, 4);
- d. G-1B-H4: Explaining and evaluating the importance of places and regions to cultural identity (1, 2, 3, 4, 5);

#### 3. Physical and Human Systems

- a. G-1C-H1: Analyzing the ways in which Earth's dynamic and interactive physical processes affect different regions of the world (1, 2, 3, 4);
- b. G-1C-H2: Determining the economics, political, and social factors that contribute to human migration and settlement patterns and evaluating their impact on physical and human systems (1, 2, 3, 4);
- c. G-1C-H3: Analyzing trends in world population numbers and patterns and predicting their consequences (1, 2, 3, 4);
- d. G-1C-H4: Analyzing the characteristics, distribution, and interrelationships of the world's cultures (1, 2, 3, 4, 5);
- e. G-1C-H5: Describing and evaluating spatial distributions of economics systems and how economic systems affect regions (1, 3);
- f. G-1C-H6: Analyzing how cooperation, conflict, and self-interests impact social, political, and economic entities on Earth (1, 2, 3, 4, 5);

#### 4. Environment and Society

- a. G-1D-H1: Describing and evaluating the ways in which technology has expanded the human capability to modify the physical environment (1, 2, 3, 4, 5);
- b. G-1D-H2: Examining the challenges placed on human systems by the physical environment and formulating strategies to deal with these challenges (1, 2, 3, 4, 5);
- c. G-1D-H3: Analyzing the relationship between natural resources and the exploration, colonization, settlement, and uses of land in different regions of the world (1, 2, 3, 4, 5);
- d. G-1D-H4: Evaluating policies and programs related to the use of natural resources (1, 2, 3, 4, 5);
- e. G-1D-H5: Developing plans to solve local and regional geographic problems related to contemporary issues (1, 2, 3, 4, 5).

NOTE: The foundation skills addressed by each benchmark are listed numerically in parenthesis after the benchmark.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6; R.S. 17:24.4; R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:

### Chapter 5. Civics: Strand Two

#### §501. Citizenship and Government

A. Focus. In order for citizens to exercise their rights and fulfill their responsibilities as members of a self-governing society, they must acquire the knowledge and skills necessary for informed, responsible participation in political life. A commitment to the fundamental principles of American constitutional democracy is essential to its preservation and progression. Because a democratic society must rely on the knowledge, skills, and virtues of its citizens, the study of civics is central to the purpose of American education. The standards and benchmarks contained in this strand should be applied throughout the social studies curriculum.

B. Standard. Students develop an understanding of the structure and purposes of government, the foundations of the American democratic system, and the role of the United States in the world, while learning about the rights and responsibilities of citizenship.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6; R.S. 17:24.4; R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:

**§503. Benchmarks K-4**

A. In Grades K-4, what students know and are able to do includes:

1. Structure and Purposes of Government
  - a. C-1A-E1: Describing government in terms of the people and groups who make, apply, and enforce rules and laws in the home, school, community, and nation (1, 3, 4, 5);
  - b. C-1A-E2: Explaining the necessity and basic purposes of government (1, 5);
  - c. C-1A-E3: Comparing limited governments to unlimited governments (1, 3);
  - d. C-1A-E4: Identifying and describing some of the major responsibilities of local, state, and national governments (1, 3, 5);
  - e. C-1A-E5: Identifying key members of government at the local, state, and national levels and describing their powers and the limits on their powers (1, 3, 5);
  - f. C-1A-E6: Explaining how officials in government acquire the authority to exercise political power (1, 5);
  - g. C-1A-E7: Explaining the purposes and importance of rules and laws (1, 2, 3, 5);
2. Foundations of the American Political System
  - a. C-1B-E1: Identifying basic principles of American constitutional democracy and explaining how the constitutions of the United States and Louisiana reflect these principles (1, 3, 4, 5);
  - b. C-1B-E2: Discussing the importance of citizens' sharing and supporting the principles of American constitutional democracy (1, 3, 4, 5);
3. International Relationships
  - a. C-1C-E1: Explaining that the world is divided into different nations and describing the major ways that these nations interact (1, 3, 4, 5);
4. Roles of the Citizen
  - a. C-1D-E1: Explaining the meaning of citizenship and the means by which individuals become citizens of the United States (1, 3, 5);
  - b. C-1D-E2: Describing the rights and responsibilities of citizenship in a democratic society (1, 5);
  - c. C-1D-E3: Identifying and discussing civic traits that are important to the preservation and improvement of American constitutional democracy (1, 4, 5);
  - d. C-1D-E4: Describing the many ways that citizens can participate in and contribute to their communities and to American society (1, 2, 4, 5);
  - e. C-1D-E5: Discussing issues related to citizenship and public service (1, 3, 5).

NOTE: The foundation skills addressed by each benchmark are listed numerically in parenthesis after the benchmark.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6; R.S. 17:24.4; R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:

**§505. Benchmarks 5-8**

A. As students in Grades 5-8 extend their knowledge, what they know and are able to do includes:

1. Structure and Purposes of Government

- a. C-1A-M1: Explaining major ideas about why governments are necessary and evaluating competing positions on the purposes government should serve (1, 2, 4, 5);

- b. C-1A-M2: Describing the essential characteristics of various systems of government (1, 3, 4, 5);

- c. C-1A-M3: Explaining how the powers of the government are distributed, shared, and limited by the United States and Louisiana constitutions (1, 3, 5);

- d. C-1A-M4: Explaining the purposes of state constitutions and describing the relationship of state constitutions to the federal constitution (1, 3, 5);

- e. C-1A-M5: Describing the organization and major responsibilities of local, state, and national governments (1, 3, 5);

- f. C-1A-M6: Identifying government leaders and representatives at the local, state, and national levels and explaining their powers and the limits on their powers (1, 3, 5);

- g. C-1A-M7: Explaining the importance of law in the American constitutional system and applying criteria to evaluate rules and laws (1, 2, 3, 4, 5);

- h. C-1A-M8: Explaining how public policy is formed, debated, and carried out at local, state, and national levels (1, 3, 4, 5);

- i. C-1A-M9: Explaining the necessity of taxes and describing the purposes for which tax revenues are used (1, 3, 4, 5);

- j. C-1A-M10: Identifying and evaluating different types of taxes;

2. Foundations of the American Political System

- a. C-1B-M1: Explaining the essential ideas and historical origins of American constitutional government (1, 4, 5);

- b. C-1B-M2: Identifying and describing the historical experiences and the geographic, social, and economic factors that have helped to shape American political culture (1, 3, 4, 5);

- c. C-1B-M3: Explaining the meaning and importance of basic principles of American constitutional democracy as reflected in core documents (1, 3, 4, 5);

- d. C-1B-M4: Analyzing the ways in which political and social conflict can be peacefully resolved (1, 2, 4, 5);

- e. C-1B-M5: Analyzing democratic processes used to institute change (1, 2, 5);

- f. C-1B-M6: Analyzing the importance of political parties, campaigns, and elections in the American political system (1, 2, 3, 4, 5);

3. International Relationships

- a. C-1C-M1: Describing how the world is organized politically and explaining the means by which nation-states interact (1, 3, 4);

- b. C-1C-M2: Explaining the formation, implementation, and impact of United States foreign policy (1, 3, 5);

- c. C-1C-M3: Identifying types of foreign policy issues, using current and historical examples (1, 2, 3, 4, 5);

4. Roles of the Citizen

- a. C-1D-M1: Explaining the meaning of citizenship and the requirements for citizenship and naturalization in the United States (1, 5);

- b. C-1D-M2: Identifying the rights and responsibilities of citizens and explaining their importance to the individual and to society (1, 4, 5);
- c. C-1D-M3: Discussing issues involving the rights and responsibilities of individuals in American society (1, 2, 4, 5);
- d. C-1D-M4: Describing the many ways by which citizens can organize, monitor, and help to shape politics and government at local, state, and national levels (1, 2, 3, 4, 5);
- e. C-1D-M5: Communicating the importance of knowledge to competent and responsible political participation and leadership (1, 4, 5);

NOTE: The foundation skills addressed by each benchmark are listed numerically in parenthesis after the benchmark.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6; R.S. 17:24.4; R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:

### §507. Benchmarks 9-12

A. As students in Grades 9-12 extend and refine their knowledge, what they know and are able to do includes:

- 1. Structure and Purposes of Government
  - a. C-1A-H1: Analyzing the necessity and purposes of politics and government and identifying examples of programs that fit within those purposes (1, 2, 4, 5);
  - b. C-1A-H2: Comparing and evaluating the essential characteristics of various systems of government and identifying historical and contemporary examples of each (1, 2, 3, 4, 5);
  - c. C-1A-H3: Explaining and evaluating issues related to the distribution of powers and responsibilities within the federal system (1, 2, 4, 5);
  - d. C-1A-H4: Explaining the organization and functions of local, state, and national governments and evaluating their relationships (1, 2, 3, 4, 5);
  - e. C-1A-H5: Evaluating the role and importance of law in the American political system and applying criteria to evaluate laws (1, 2, 3, 4, 5);
  - f. C-1A-H6: Examining the major responsibilities of the national government for domestic and foreign policy (1, 3, 4, 5);
  - g. C-1A-H7: Explaining how government is financed through taxation (1, 3, 4, 5);

#### 2. Foundations of the American Political System

- a. C-1B-H1: Analyzing the central ideas and historical origins of American constitutional government and evaluating how this form of government has helped to shaped American society (1, 2, 3, 4, 5);
- b. C-1B-H2: Explaining basic democratic beliefs and principles of constitutional democracy in American society and applying them to the analysis of issues of conflicting beliefs and principles (1, 2, 3, 4, 5);
- c. C-1B-H3: Analyzing the nature of American political and social conflict (1, 2, 3, 4, 5);
- d. C-1B-H4: Evaluating issues related to the differences between American ideals and the realities of American social and political life (1, 2, 4, 5);
- e. C-1B-H5: Evaluating the roles of political parties, campaigns, and elections in American politics (1, 2, 3, 4, 5);
- f. C-1B-H6: Analyzing the historical and contemporary roles of associations and groups in local, state, and national politics (1, 2, 3, 4, 5);

### 3. International Relationships

- a. C-1C-H1: Analyzing how the world is organized politically and evaluating how the interaction of political entities, such as nation-states and international organizations, affects the United States (1, 2, 3, 4, 5);
- b. C-1C-H2: Analyzing the major foreign policy positions of the United States and evaluating their consequences (1, 2, 3, 4, 5);
- c. C-1C-H3: Evaluating the impact of American ideas and actions on the world and analyzing the effects of significant international developments on the United States (1, 2, 3, 4, 5);

### 4. Roles of the Citizen

- a. C-1D-H1: Evaluating and defending positions on issues regarding the personal, political, and economics rights of citizens (1, 2, 3, 4, 5);
- b. C-1D-H2: Evaluating and defending positions regarding the personal and civic responsibilities and citizens in American constitutional democracy (1, 2, 3, 4, 5);
- c. C-1D-H3: Explaining and evaluating the various forms of political participation that citizens can use to monitor and shape the formation and implementation of public policy (1, 2, 4, 5);
- d. C-1D-H4: Analyzing and evaluating the importance of political leadership, public service, and a knowledgeable citizenry to American constitutional democracy (1, 2, 4, 5);

NOTE: The foundation skills addressed by each benchmark are listed numerically in parenthesis after the benchmark.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6; R.S. 17:24.4; R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:

## Chapter 7. Economics: Strand Three

### §701. Interdependence and Decision Making

A. Focus. Effective economic education in our schools is the key to preparing young people for economic decisions in their personal lives and as citizens in a democratic society. An economically literate work force is critical to the well-being of our state and nation. Students need to understand and apply basic economic concepts in order to make reasoned judgments in a complex and changing world. With economic knowledge and decision-making skills, students will be ready to live and work productively in the 21st century. The standards and benchmarks contained in this strand should be applied throughout the social studies curriculum.

B. Standard. Students develop an understanding of fundamental economic concepts as they apply to the interdependence and decision making of individuals, households, businesses, and governments in the United States and the world.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6; R.S. 17:24.4; R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:

### §703. Benchmarks K-4

A. In Grades K-4, what students know and are able to do includes:

- 1. Fundamental Economic Concepts
  - a. E-1A-E1: Recognizing that limited resources require people to make decisions (1, 2, 4);

- b. E-1A-E2: Identifying what is gained and lost when individuals or groups make decisions (1, 3, 4, 5);
- c. E-1A-E3: Demonstrating how economic wants affect decisions about using goods and services (1, 2, 4);
- d. E-1A-E4: Discussing and determining the process for making economic decisions (1, 2, 3, 4, 5);
- e. E-1A-E5: Explaining the relationships among producers and consumers (1, 4);
- f. E-1A-E6: Describing how natural resources, human resources, and capital (human-made) resources have been used and are combined in the production of goods and services (1, 3, 4);
- g. E-1A-E7: Describing how specialization affects productivity and contributes to the need for interdependence among producers and consumers (1, 4);
- h. E-1A-E8: Determining how the development of skills and knowledge relates to career opportunity and economic well-being (1, 4, 5);
- i. E-1A-E9: Identifying different methods for the distribution of goods and services, including the concept of markets (1, 4, 5);
- j. E-1A-E10: Identifying some of the economic institutions, such as households and banks, that make up the economy (1, 4);
- k. E-1A-E11: Explaining and demonstrating why people participate in voluntary exchanges and how money helps in the process (1, 2, 4, 5);

2. Individuals, Households, Businesses, and Governments

- a. E-1B-E1: Describing how prices are determined by the interactions of buyers and sellers (1, 3, 4);
- b. E-1B-E2: Explaining how the changes in prices affect incentives to produce, consume, and save (1, 3, 4);
- c. E-1B-E3: Identifying and explaining economic concepts, such as profit as an incentive for people to take economic risk (1, 2, 4);
- d. E-1B-E4: Explaining why some goods and services are provided by the government through taxing, charging user fees, and borrowing (1, 3, 4, 5);
- e. E-1B-E5: Identifying the major goods and services produces in the local community and state (1, 3, 5);

NOTE: The foundation skills addressed by each benchmark are listed numerically in parenthesis after the benchmark.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6; R.S. 17:24.4; R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:

**§705. Benchmarks 5-8**

A. As students in Grades 5-8 extend their knowledge, what they know and are able to do includes:

1. Fundamental Economic Concepts

- a. E-1A-M1: Describing how the scarcity of resources necessitates decision making at both person and societal levels (1, 2, 4, 5);
- b. E-1A-M2: Analyzing consequences of economic decisions in terms of additional benefits and additional costs (1, 2, 4);
- c. E-1A-M3: Analyzing the consequences and opportunity cost of economic decisions (1, 2, 3, 4);
- d. E-1A-M4: Analyzing the role of specialization in the economic process (1, 2, 4);

- e. E-1A-M5: Giving examples of how skills and knowledge increase productivity and career opportunities (1, 3, 4, 5);
- f. E-1A-M6: Describing the essential differences in the production and allocation of goods and services in traditional, command, and market systems;
- g. E-1A-M7: Describing the various institutions, such as business firms and government agencies, that make up economic systems (1, 4);
- h. E-1A-M8: Differentiating among various forms of exchange and money (1, 3, 4);
- i. E-1A-M9: Using economic concepts to help explain historic and contemporary events and developments (1, 2, 3, 4);

2. Individuals, Households, Businesses, and Governments

- a. E-1B-M1: Explaining the role of supply and demand in a competitive market system (1, 3, 4);
- b. E-1B-M2: Explaining the factors that affect the production and distribution of goods and services (1, 4);
- c. E-1B-M3: Explaining the difference between private and public goods and services (1, 4, 5);
- d. E-1B-M4: Identifying the costs and benefits of government policies on competitive markets (1, 3, 4, 5);
- e. E-1B-M5: Identifying different types of taxes and user fees and predicting their consequences (1, 3, 4, 5);
- f. E-1B-M6: Determining the reasons for trade between nations, identifying costs and benefits, and recognizing the worldwide interdependence that results (1, 4);
- g. E-1B-M7: Describing historical and economic factors that have contributed to the development and growth of the national, state, and local economies (1, 3, 4, 5);

3. The Economy as a Whole

- a. E-1C-M1: Explaining the meaning of economic indicators that help to describe economies (1, 3);
- b. E-1C-M2: Describing the influences of inflation, unemployment, and underemployment on different groups of people (1, 4, 5);

NOTE: The foundation skills addressed by each benchmark are listed numerically in parenthesis after the benchmark.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6; R.S. 17:24.4; R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:

**§707. Benchmarks 9-12**

A. As students in Grades 9-12 extend and refine their knowledge, what they know and are able to do includes:

1. Fundamental Economic Concepts

- a. E-1A-H1: Analyzing the impact of the scarcity of productive resources and examining the choices and opportunity cost that result (1, 2, 3, 4, 5);
- b. E-1A-H2: Analyzing the roles that production, distribution, and consumption play in economic decisions (1, 2, 3, 4);
- c. E-1A-H3: Applying the skills and knowledge necessary in making decisions about career options (2, 3, 4, 5);
- d. E-1A-H4: Comparing and evaluating economic systems (1, 2, 3, 4);



e. E-1A-H5: Explaining the basic features of market structures and exchanges (1, 3, 4);

f. E-1A-H6: Analyzing the roles of economic institutions, such as corporations and labor unions, that compose economic systems (1, 2, 4);

g. E-1A-H7: Analyzing the roles of money and banking in an economic system (1, 2, 3, 4);

h. E-1A-H8: Applying economic concepts to understand and evaluate historical and contemporary issues (1, 2, 3, 4);

2. Individuals, Households, Businesses, and Governments

a. E-1B-H1: Identifying factors that cause changes in supply and demand (1, 2, 3, 4);

b. E-1B-H2: Analyzing how changes in supply and demand, price, incentives, and profit influence production and distribution in a competitive market system (1, 2, 4);

c. E-1B-H3: Analyzing the impact of governmental taxation, spending, and regulation on different groups in a market economy (1, 2, 3, 4, 5);

d. E-1B-H4: Analyzing the causes and consequences of worldwide economic interdependence (1, 2, 3, 4);

e. E-1B-H5: Evaluating the effects of domestic policies on international trade (1, 2, 3, 4);

f. E-1B-H6: Analyzing Louisiana's role in the national and world economies (1, 2, 3, 4, 5);

3. The Economy as a Whole

a. E-1C-H1: Explaining the meanings of such economic indicators as GDP, per capita GDP, real GDP, CPI, and unemployment rate (1, 3, 4);

b. E-1C-H2: Explaining how interest rates, investments, and inflation/deflation impact the economy (1, 3, 4);

c. E-1C-H3: Analyzing the causes and consequences of unemployment, underemployment, and income distribution in a market economy (1, 2, 3, 4);

d. E-1C-H4: Explaining the basic concepts of United States fiscal policy, monetary policy, and regulations and describing their effects on the economy (1, 3, 4);

NOTE: The foundation skills addressed by each benchmark are listed numerically in parenthesis after the benchmark.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6; R.S. 17:24.4; R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:

## **Chapter 9. History: Strand Four**

### **§901. Time, Continuity, and Change**

A. Focus. History, the written record of the past, examines the forces of change and continuity that have influenced the human experience over time. In our participatory democracy, that knowledge must be shared by all. Americans need to understand the relationship between past and present, the major trends in the historic and contemporary worlds, and key historical turning points. The study of the great sweep of history explains the past so that citizens can understand the present and look toward the future. The standards and benchmarks contained in this strand should be applied throughout the social studies curriculum.

B. Standard. Students develop a sense of historical perspective as they study the history of their community, state, nation, and world.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6; R.S. 17:24.4; R.S. 17:154..

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:

### **§903. Benchmarks K-4**

A. In Grades K-4, what students know and are able to do includes:

1. Historical Thinking Skills

a. H-1A-E1: Demonstrating an understanding of the concepts of time and chronology (1, 3, 4);

b. H-1A-E2: Recognizing that people in different times and places view the world differently (1, 3, 4);

c. H-1A-E3: Identifying and using primary and secondary historical sources to learn about the past (1, 3, 4);

2. Families and Communities

a. H-1B-E1: Describing and comparing family life in the present and the past (1, 2, 3, 4);

b. H-1B-E2: Relating the history of the local community and comparing it to other communities of long ago (1, 2, 3, 4);

3. Louisiana and United States History

a. H-1C-E1: Describing the people, events, and ideas that were significant to the growth and development of our state and nation (1, 3, 4);

b. H-1C-E2: Identifying the development of democratic principles and discussing how these principles have been exemplified by historic figures, events, and symbols (1, 3, 4, 5);

c. H-1C-E3: Describing the causes and nature of various movements of large groups of people into and within Louisiana and the United States throughout history (1, 3, 4);

d. H-1C-E4: Recognizing how folklore and other cultural elements have contributed to our local, state, and national heritage (1, 3, 4);

4. World History

a. H-1D-E1: Identifying the characteristics and historical development of selected societies throughout the world (1, 3, 4);

b. H-1D-E2: Describing the social and economic impact of major scientific and technological advancements (1, 3, 4);

c. H-1D-E3: Discussing the impact of significant contributions made by historic figures from different regions of the world (1, 3, 4);

NOTE: The foundation skills addressed by each benchmark are listed numerically in parenthesis after the benchmark.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6; R.S. 17:24.4; R.S. 17:154..

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:

### **§905. Benchmarks 5-8**

A. As students in Grades 5-8 extend their knowledge, what they know and are able to do includes:

1. Historical Thinking Skills

a. H-1A-M1: Describing chronological relationships and patterns (1, 3, 4);

b. H-1A-M2: Demonstrating historical perspective through the political, social and economic context in which an event or idea occurred (1, 2, 3, 4);

c. H-1A-M3: Analyzing the impact that specific individuals, ideas, events, and decisions had on the course of history (1, 2, 3, 4);

d. H-1A-M4: Analyzing historical data using primary and secondary sources (1, 2, 3, 4);

e. H-1A-M5: Identifying issues and problems from the past and evaluating alternative courses of action (1, 2, 3, 4);

f. H-1A-M6: Conducting research in efforts to answer historical questions (1, 2, 3, 4);

## 2. United States History

### a. Era 1: Three Worlds Meet (Beginnings to 1620)

i. H-1B-M1: Identifying and describing characteristics of societies in the Americas, Western Europe, and Western Africa that increasingly interacted after 1450 (1, 3, 4);

ii. H-1B-M2: Explaining the cultural, ecological, and economic results of early European exploration and colonization (1, 3, 4);

### b. Era 2: Colonization and Settlement (1565-1763)

i. H-1B-M3: Describing the interactions among Native Americans, early Europeans, and Africans in the Americas (1, 3, 4);

ii. H-1B-M4: Tracing the emergence of religious freedom and changing political institutions in the English colonies (1, 3, 4);

iii. H-1B-M5: Analyzing the impact of European cultural, political, and economic ideas and institutions on life in the Americas (1, 2, 3, 4);

### c. Era 3: Revolution and the New Nation (1754-1820s)

i. H-1B-M6: Explaining the causes and course of the American Revolution and the reasons for the American victory (1, 3, 4);

ii. H-1B-M7: Explaining the impact of the American Revolution on the politics, society, and economy of the new nation (1, 3, 4);

iii. H-1B-M8: Relating the institutions and practices of government established during and after the American Revolution to the foundation of the American political system (1, 3, 4);

### d. Era 4: Expansion and Reform (1801-1861)

i. H-1B-M9: Describing the territorial expansion of the United States and analyzing the effects on relations with Native Americans and external powers (1, 3, 4, 5);

ii. H-1B-M10: Analyzing the changes and regional tensions created by Jacksonian democracy, the industrial revolution, increasing immigration, the rapid expansion of slavery, and the westward movement (1, 2, 3, 4);

iii. H-1B-M11: Explaining and giving examples of the reform movements that occurred during the antebellum period and evaluating their impact on American society (1, 2, 3, 4, 5);

### e. Era 5: Civil War and Reconstruction (1850-1877)

i. H-1B-M12: Describing the causes and course of the Civil War and examining the impact of the war on the American people (1, 3, 4);

ii. H-1B-M13: Comparing and evaluating various reconstruction plans of the post-Civil War era (1, 2, 3, 4);

### f. Era 6: The Development of the Industrial United States (1870-1900)

i. H-1B-M14: Describing the impact of industrialization in the United States (1, 3, 4);

### g. Era 7: The Emergence of Modern America (1890-1930)

i. H-1B-M15: Describing the significant economic, political, social, and cultural changes that have occurred in the United States during the 20th century (1, 3, 4);

ii. H-1B-M16: Identifying the causes and consequences of major world conflicts involving the United States (1, 3, 4);

### h. Era 8: The Great Depression and World War II (1929-1945)

i. H-1B-M17: Describing the impact of the Great Depression and World War II on American society (1, 3, 4);

### i. Era 9: Contemporary United States (1945 to the Present)

i. H-1B-M18: Discussing significant developments and issues in contemporary United States history (1, 2, 3, 4, 5);

## 3. World History

### a. Era 1: The Beginnings of Society

i. H-1C-M1: Describing the earliest human communities (1, 3, 4);

ii. H-1C-M2: Explaining the emergence of agricultural societies around the world (1, 3, 4);

### b. Era 2: The Rise of Early Civilization (4000-1000 B.C.)

i. H-1C-M3: Identifying the major characteristics of early civilizations in Mesopotamia, Egypt, and the Indus valley (1, 3, 4);

ii. H-1C-M4: Tracing the development and expansion of agricultural societies and the emergence of new states (1, 3, 4);

iii. H-1C-M5: Analyzing the political, social, and cultural consequences of population movements and militarization in Europe and Asia (1, 2, 3, 4);

### c. Era 3: Classical Traditions, Major Religions, and Giant Empires (1000 B.C.-A.D. 300)

i. H-1C-M6: Discussing and giving examples of technological and cultural innovation and change (1, 3, 4);

ii. H-1C-M7: Describing the classical civilizations and examining their interactions and influences (1, 3, 4);

iii. H-1C-M8: Describing and comparing the emergence of major religions and large-scale empires in the Mediterranean basin, China, and India (1, 3, 4);

### d. Era 4: Expanding Zones of Exchange and Encounter (A.D. 300-1000)

i. H-1C-M9: Tracing the expansion of major religions and cultural traditions and examining the impact on civilizations in Europe, Asia, and Africa (1, 3, 4);

ii. H-1C-M10: Analyzing the political, social, and cultural developments and changes that resulted from the rise and fall of empires and kingdoms in Europe, Asia, Africa, and the Americas (1, 2, 3, 4);

### e. Era 5: Intensified Hemispheric Interactions (A.D. 1000-1500)

i. H-1C-M11: Analyzing the cultural and economic impact of the interregional system of communication and trade that developed among the peoples of Europe, Asia, and Africa (1, 2, 3, 4);

- ii. H-1C-M12: Explaining the developments and events that led to the political, social, cultural, and economic transformation of Europe (1, 3, 4);
- iii. H-1C-M13: Describing the development and expansion of complex societies and empires in the Americas (1, 3, 4);
- f. Era 6: Emergence of the First Global Age (1450-1770)
  - i. H-1C-M14: Explaining the political, cultural, and economic developments and trends of major world regions that resulted in the transformation of societies in the 15<sup>th</sup> through the mid-18<sup>th</sup> centuries (1, 3, 4);
- g. Era 7: An Age of Revolutions (1750-1914)
  - i. H-1C-M15: Determining and discussing the impact of the political, agricultural, and industrial revolutions on societies around the world (1, 3, 4);
  - ii. H-1C-M16: Describing the transformation of world societies that occurred during an era of global trade and Western domination (1, 3, 4);
- h. Era 8: A Half-Century of Crisis and Achievement (1900-1945)
  - i. H-1C-M17: Identifying the causes and worldwide consequences of major 20th century conflicts (1, 3, 4);
- i. Era 9: The 20th Century Since 1945 (1945 to the Present)
  - i. H-1C-M18: Identifying and discussing significant political, economic, social, cultural, and technological trends that have had an impact on the modern world (1, 3, 4, 5);

#### 4. Louisiana History

- a. H-1D-M1: Describing the contributions of people, events, movements, and ideas that have been significant in the history of Louisiana (1, 3, 4);
- b. H-1D-M2: Tracing the development of the various governments that have been established in Louisiana throughout its history (1, 3, 4, 5);
- c. H-1D-M3: Identifying and discussing the major conflicts in Louisiana's past (1, 2, 3, 4);
- d. H-1D-M4: Locating and describing Louisiana's geographic features and examining their impact on people past and present (1, 3, 4);
- e. H-1D-M5: Tracing the development and growth of Louisiana's economy throughout history (1, 3, 4);
- f. H-1D-M6: Examining folklore and describing how cultural elements have shaped our state and local heritage (1, 3, 4);

NOTE: The foundation skills addressed by each benchmark are listed numerically in parenthesis after the benchmark.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6; R.S. 17:24.4; R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:

#### §907. Benchmarks 9-12

A. As students in Grades 9-12 extend and refine their knowledge, what they know and are able to do includes:

- 1. Historical Thinking Skills
  - a. H-1A-H1: Applying key concepts, such as chronology and conflict, to explain and analyze patterns of historical change and continuity (1, 2, 3, 4);
  - b. H-1A-H2: Explaining and analyzing events, ideas, and issues within a historical context (1, 2, 3, 4);

- c. H-1A-H3: Interpreting and evaluating the historical evidence presented in primary and secondary sources (1, 2, 3, 4);
- d. H-1A-H4: Utilizing knowledge of facts and concepts drawn from history and methods of historical inquiry to analyze historical and contemporary issues (1, 2, 3, 4, 5);
- e. H-1A-H5: Conducting research in efforts to analyze historical questions and issues (1, 2, 3, 4);
- f. H-1A-H6: Analyzing cause-effect relationships (1, 2, 3, 4);
- 2. United States History
  - a. Era 1: Three Worlds Meet (Beginnings to 1620)
    - i. H-1B-H1: Analyzing the significant changes that resulted from interactions among the peoples of Europe, Africa, and the Americas (1, 2, 3, 4);
  - b. Era 2: Colonization and Settlement (1565-1763)
    - i. H-1B-H2: Summarizing the process by which the United States was colonized and later became an independent nation (1, 4);
  - c. Era 3: Revolution and the New Nation (1754-1820s)
    - i. H-1B-H3: Analyzing the development of the American constitutional system (1, 2, 3, 4);
  - d. Era 4: Expansion and Reform (1801-1861)
    - i. H-1B-H4: Tracing territorial expansion and reform movements in the United States (1, 3, 4)
    - e. Era 5: Civil War and Reconstruction (1850-1877)
      - i. H-1B-H5: Analyzing the origins, major events, and effects of the Civil War and Reconstruction (1, 2, 3, 4);
      - f. Era 6: The Development of the Industrial United States (1870-1900)
        - i. H-1B-H6: Analyzing the development of industrialization and examining its impact on American society (1, 2, 3, 4);
        - ii. H-1B-H7: Describing the immigration and internal migration patterns that have occurred in the history of the United States and examining the cultural and social changes that have resulted (1, 2, 3, 4);
      - g. Era 7: The Emergence of Modern America (1890-1930)
        - i. H-1B-H8: Evaluating the significance of the Progressive Movement (1, 2, 3, 4);
        - ii. H-1B-H9: Analyzing the rise of the labor and agrarian movements (1, 2, 3, 4);
        - iii. H-1B-H10: Explaining the changing role of the United States in world affairs through World War I (1, 3, 4);
        - iv. H-1B-H11: Analyzing the significant changes that evolved in the United States between World War I and the Great Depression (1, 2, 3, 4);
      - h. Era 8: The Great Depression and World War II (1929-1945)
        - i. H-1B-H12: Analyzing the causes, developments, and effects of the Great Depression and the New Deal (1, 2, 3, 4);
        - ii. H-1B-H13: Analyzing the origins, course, and results of World War II (1, 2, 3, 4);
    - i. Era 9: Contemporary United States (1945 to the Present)
      - i. H-1B-H14: Examining and summarizing key developments and issues in foreign and domestic policies during the Cold War era (1, 2, 3, 4);

ii. H-1B-H15: Analyzing the economic, political, social, and cultural transformation of the United States since World War II (1, 2, 3, 4, 5);

iii. H-1B-H16: Explaining the major changes that have resulted as the United States has moved from an industrial to an information society (1, 3, 4);

iv. H-1B-H17: Analyzing developments and issues in contemporary American society (1, 2, 3, 4, 5);

v. H-1B-H18: Discussing and demonstrating an understanding of recent developments in foreign and domestic policies (1, 2, 3, 4, 5);

### 3. World History

#### a. Era 1: The Beginnings of Society

i. H-1C-H1: Analyzing the development of early human communities and civilizations (1, 2, 3, 4);

b. Era 2: The Rise of Early Civilizations (4000-1000 B.C.)

i. H-1C-H2: Making generalizations about the cultural legacies of both the ancient river and the classical civilizations (1, 3, 4);

c. Era 3: Classical Traditions, Major Religions, and Giant Empire (1000 B.C.-A.D. 300)

i. H-1C-H3: Analyzing the origins, central ideas, and worldwide impact of major religious and philosophical traditions (1, 2, 3, 4);

d. Era 4: Expanding Zones of Exchange and Encounter (A.D. 300-1000)

i. H-1C-H4: Summarizing the developments and contributions of civilizations that flourished in Europe, Asia, Africa, and the Americas (1, 3, 4);

e. Era 5: Intensified Hemispheric Interactions (A.D. 1000-1500)

i. H-1C-H5: Analyzing the consequences of the economic and cultural interchange that increasingly developed among the peoples of Europe, Asia, and Africa (1, 2, 3, 4);

f. Era 6: Emergence of the First Global Age (1450-1770)

i. H-1C-H6: Analyzing the impact of transoceanic linking of all major regions of the world (1, 2, 3, 4);

ii. H-1C-H7: Analyzing the political, cultural, and economic developments and trends that resulted in the transformation of major world regions (1, 2, 3, 4);

iii. H-1C-H8: Explaining how the emergence of territorial empires in Europe, Asia, and Africa unified large areas politically, economically, and culturally (1, 3, 4);

iv. H-1C-H9: Tracing the expansion of European power and economic influence in the world and examining the impact of this expansion on societies in Asia and the Americas (1, 3, 4);

#### g. Era 7: An Age of Revolutions (1750-1914)

i. H-1C-H10: Analyzing the impact that political revolutions and new ideologies had on societies around the world (1, 2, 3, 4);

ii. H-1C-H11: Evaluating the economic, political, and social consequences of the agricultural and industrial revolutions on world societies (1, 2, 3, 4);

iii. H-1C-H12: Analyzing the patterns of worldwide change that emerged during the era of Western military and economic domination (1, 2, 3, 4);

h. Era 8: A Half-Century of Crisis and Achievement (1900-1945)

i. H-1C-H13: Analyzing the causes and international consequences of World War I, the rise and actions of totalitarian systems, World War II, and other early 20th century conflicts (1, 2, 3, 4);

i. Era 9: The 20th Century since 1945 (1945 to the Present)

i. H-1C-H14: Analyzing the international power shifts and the breakup of colonial empires that occurred in the years following World War II (1, 2, 3, 4);

ii. H-1C-H15: Explaining the worldwide significance of major political, economic, social, cultural, and technological developments and trends (1, 2, 3, 4, 5);

#### B. Notes about the history benchmarks for Grades 5-12:

1. The history benchmarks for Grades 5-12 are arranged chronologically in historical eras for clarity;

2. If a benchmark covers content in more than one historical era, the benchmark will be listed only in the earliest of the chronological eras being covered;

3. Benchmarks for Grades 5-8 detail United States history to 1877 and world history to 1450. Benchmarks for Grades 9-12 provide detailed emphasis on United States history from 1877 and world history from 1450 to the present;

4. The intent is to allow for mastery of needed content without detailed repetition and major omissions. Students should master the benchmarks through emphasis at the indicated levels, with introduction and review of the entire historical survey included;

5. Whenever appropriate, the content of the benchmarks should be made relevant by relating them to state and local history and current events;

6. The traditional terms, B.C. and A.D., are used to help clarify the historical eras in the world history benchmarks. If preferred, the terms BCE (Before the Common Era) and CE (in the Common Era) may be substituted.

NOTE: The foundation skills addressed by each benchmark are listed numerically in parenthesis after the benchmark.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6; R.S. 17:24.4; R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:

## Chapter 11. Grade Level Expectations

### §1101. Prekindergarten

#### A. Geography: Strand One

##### 1. The World in Spatial Terms

a. GLE 1: Identify representations of roads, bodies of water, and buildings in play activities (PK-CSS-G1) (G-1A-E1);

b. GLE 2: Demonstrate an awareness of the world around them (e.g., provide simple information about a trip the student has taken or where the student lives) (PK-CSS-G3) (G-1A-E2);

#### B. Civics: Strand Two

##### 1. Roles of the Citizen

a. GLE 3: Identify community workers and their jobs (PK-CSS-C1) (C-1D-E3) (C-1D-E4);

b. GLE 4: Discuss ways people can help each other (e.g., sharing, paying attention, and taking turns) (PK-SE-C1) (C-1D-E4);

c. GLE 5: Participate in patriotic activities (PK-CSS-C2) (C-1D-E4);

C. Economics: Strand Three

1. Fundamental Economic Concepts

a. GLE 6: Demonstrate an awareness of the uses of money in play activities (PK-CSS-E1) (E-1A-E3);

D. History: Strand Four

1. Historical Thinking Skills

a. GLE 7: Demonstrate an awareness of time by using and responding to such words as *yesterday*, *today*, and *tomorrow* (PK-CSS-H1) (H-1A-E1).

NOTE: The foundation skills addressed by each benchmark are listed numerically in parenthesis after the benchmark.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6; R.S. 17:24.4; R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:

**§1103. Kindergarten**

A. Geography: Strand One

1. The World in Spatial Terms

a. GLE 1: Identify a map and a globe as a representation of Earth (G-1A-E1);

b. GLE 2: Recognize the shape of Louisiana and the United States on maps and globes (G-1A-E2);

c. GLE 3: Demonstrate an understanding of directionality, position, and size by correctly using and responding to words such as *left*, *right*, *first*, *last*, *big*, *little* (G-1A-E2);

d. GLE 4: Create simple maps to identify the location of places in the home or classroom (G-1A-E3);

2. Places and Regions

a. GLE 5: Identify the difference between land and water and locate both on a map or globe (G-1B-E1);

b. GLE 6: Describe people and places in the school and community (G-1B-E3);

3. Physical and Human Systems

a. GLE 7: Describe the daily weather (e.g., rainy, cold) (G-1C-E1);

4. Environment and Society

a. GLE 8: Describe how seasonal changes affect people (e.g., in different seasons, people wear different kinds of clothing) (G-1D-E2);

B. Civics: Strand Two

1. Structure and Purposes of Government

a. GLE 9: Identify home and class rules, and the persons responsible for enforcement (C-1A-E1);

b. GLE 10: Identify governmental employees and their roles (e.g., postal workers, police) (C-1A-E2);

c. GLE 11: Identify reasons for home and classroom rules (C-1A-E7);

2. Foundations of the American Political System

a. GLE 12: Identify responsibilities the student has at home and at school (C-1B-E2);

3. Roles of the Citizen

a. GLE 13: Describe the student's role as a member of the family, class, and school (C-1D-E4);

C. Economics: Strand Three

1. Fundamental Economic Concepts

a. GLE 14: Identify ways people use money to purchase goods (E-1A-E3);

b. GLE 15: Identify work people do and the name of related jobs at home and school (E-1A-E7);

c. GLE 16: Describe a situation illustrating a voluntary exchange (e.g., trading seats, exchanging books) (E-1A-E11);

D. History: Strand Four

1. Historical Thinking Skills

a. GLE 17: Use words to describe the chronology of the school day (e.g., first, next, last) (H-1A-E1);

b. GLE 18: Identify ways in which people are alike and different (H-1A-E2);

c. GLE 19: Describe personal likes and dislikes (e.g., picture journals) (H-1A-E3);

2. Louisiana and United States History

a. GLE 20: Identify customs associated with national holidays (H-1C-E1).

NOTE: The foundation skills addressed by each benchmark are listed numerically in parenthesis after the benchmark.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6; R.S. 17:24.4; R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:

**§1105. First Grade**

A. Geography: Strand One

1. The World in Spatial Terms

a. GLE 1: Identify and use simple map symbols and key/legend (G-1A-E1);

b. GLE 2: Interpret a simple chart (G-1A-E1);

c. GLE 3: Describe a map as a representation of a place (G-1A-E1);

d. GLE 4: Locate places on the school campus and describe their relative location (G-1A-E2);

e. GLE 5: Create simple maps to identify the relative location of places in the school and community (G-1A-E3);

2. Places and Regions

a. GLE 6: Identify Earth's various physical features (e.g., oceans, islands, mountains, rivers) (G-1B-E1);

b. GLE 7: Identify human features in the local region such as farms, cities, buildings, and roads (G-1B-E3);

c. GLE 8: Identify English as the major language of the United States and recognize that there are secondary languages in some areas of the country (G-1B-E4);

3. Physical and Human Systems

a. GLE 9: Describe how seasons affect the local community (G-1C-E1);

b. GLE 10: Identify and compare differences in land use (e.g., rural and city settlements) (G-1C-E2);

c. GLE 11: Identify and compare basic elements of culture (e.g., food, music, celebrations) (G-1C-E4);

d. GLE 12: Identify the types of economic activities in which family members participate (G-1C-E5);

e. GLE 13: Identify by name the town, parish, state, and country in which the student lives (G-1C-E6);

4. Environment and Society

a. GLE 14: Identify the basic human needs of food, clothing, and shelter (G-1D-E1);

b. GLE 15: Identify various types of human shelters and describe building materials used for construction (G-1D-E2);

B. Civics: Strand Two

1. Structure and Purposes of Government

a. GLE 16: Identify school rules and the persons responsible for making and enforcing them (C-1A-E1);

b. GLE 17: Explain the necessity of establishing leadership and order at school (C-1A-E2);

c. GLE 18: Identify and recognize the current president of the United States (C-1A-E5);

d. GLE 19: Explain the process of voting using classroom issues (C-1A-E6);

e. GLE 20: Propose rules and consequences for a given situation and explain why the rules would be important (C-1A-E7);

2. Foundations of the American Political System

a. GLE 21: Discuss the importance of sharing responsibilities at home, class, and school (C-1B-E2);

3. Roles of the Citizen

a. GLE 22: Define the meaning of the term *classroom citizen* (C-1D-E1);

b. GLE 23: Identify patriotic songs and American symbols (C-1D-E4);

c. GLE 24: Identify ways to participate in public service within school or community (e.g., volunteer, donations, parent organizations) (C-1D-E5);

C. Economics: Strand Three

1. Fundamental Economic Concepts

a. GLE 25: Identify the difference between basic human needs and wants (E-1A-E3);

b. GLE 26: Identify a personal example of how the cost of an item affects whether or not it can be purchased (E-1A-E4);

c. GLE 27: Describe how the individual is a consumer (E-1A-E5);

d. GLE 28: Identify simple descriptions of the work people do and the names of related jobs in the community (E-1A-E7);

e. GLE 29: Explain why people in a school and community have different jobs (E-1A-E7);

f. GLE 30: Describe skills the student can do well (e.g., personal, physical, academic) (E-1A-E8);

g. GLE 31: Describe the benefits of a voluntary exchange (E-1A-E11);

D. History: Strand Four

1. Historical Thinking Skills

a. GLE 32: Use words to describe time (past, present, future) (H-1A-E1);

b. GLE 33: Identify similarities and differences in families over time (e.g., structure, roles of women, men, and children) (H-1A-E2);

c. GLE 34: Create a primary source of personal information (e.g., autobiography, journal/diary) (H-1A-E3);

2. Families and Communities

a. GLE 35: Identify transportation methods of the local community in the past (H-1B-E2).

NOTE: The foundation skills addressed by each benchmark are listed numerically in parenthesis after the benchmark.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6; R.S. 17:24.4; R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:

**§1107. Second Grade**

A. Geography: Strand One

1. The World in Spatial Terms

a. GLE 1: Interpret a diagram (G-1A-E1);

b. GLE 2: Describe basic characteristics of maps and globes (G-1A-E1);

c. GLE 3: Use cardinal directions to locate places on maps and places in the classroom, school, and community (G-1A-E2);

d. GLE 4: Identify geographical features in the local region (G-1A-E2);

e. GLE 5: Construct a bar graph to represent given geographical information (G-1A-E3);

f. GLE 6: Sketch a simple map related to the classroom, school, or community (mental map) (G-1A-E3);

2. Places and Regions

a. GLE 7: Describe how location, weather, and physical environment affect where and how people live (G-1B-E1);

b. GLE 8: Identify examples of various landforms (e.g., continents, islands) (G-1B-E1);

c. GLE 9: Identify the human characteristics of the local community (G-1B-E2);

d. GLE 10: Describe changes in the physical and human characteristics in the local community and why people modify the physical environment over time (G-1B-E3);

3. Physical and Human Systems

a. GLE 11: Describe how climate affects the vegetation in the community (G-1C-E1);

b. GLE 12: Identify the types of settlement and patterns of land use in the local community (G-1C-E2);

c. GLE 13: Identify simple demographics of a local region (e.g., mostly factory workers) (G-1C-E3);

d. GLE 14: Identify ways of making a living within the community (G-1C-E5);

4. Environment and Society

a. GLE 15: Explain ways in which people in the local community depend on the physical environment to satisfy basic needs (G-1D-E1);

B. Civics: Strand Two

1. Structure and Purposes of Government

a. GLE 16: Identify local community and parish laws, and the persons responsible for making and enforcing them (C-1A-E1);

b. GLE 17: Identify the necessity of local government and how it helps meet the basic needs of society (C-1A-E2);

c. GLE 18: Describe major responsibilities of local government (C-1A-E4);

d. GLE 19: Identify key government positions at the local level, their powers, and limits on their powers (C-1A-E5);

e. GLE 20: Explain how government officials at the local level are elected (C-1A-E6);

f. GLE 21: Explain the need/purpose/importance of having rules in the school, community, and society (C-1A-E7);

2. Foundations of the American Political System

a. GLE 22: Explain how citizens help leaders in a community solve problems (C-1B-E2);

3. Roles of the Citizen

a. GLE 23: Define the meaning of the term *community citizen* (C-1D-E1);

b. GLE 24: Identify examples of responsible citizenship in the school and community settings (C-1D-E2);

- c. GLE 25: Discuss the elements of fair play and good sportsmanship, respect for the rights and opinions of others, and respect for rules (C-1D-E3);
  - d. GLE 26: Describe actions individuals or groups may take to improve their community (C-1D-E4);
  - e. GLE 27: Explain the significance of national holidays and the achievements of the people associated with them (C-1D-E4);
  - f. GLE 28: Identify a community issue and describe how good citizenship can help solve the problem (C-1D-E5);
- C. Economics: Strand Three
- 1. Fundamental Economic Concepts
    - a. GLE 29: Explain how basic human needs of food, clothing, and shelter can be met (E-1A-E1);
    - b. GLE 30: Identify examples of scarcity in the local community (E-1A-E1);
    - c. GLE 31: Identify what is gained and what is lost (given up) in choosing one of several alternatives (e.g., skating with friends versus bowling with parents) (E-1A-E2);
    - d. GLE 32: Identify examples of choices families make when buying goods and services (E-1A-E4);
    - e. GLE 33: Identify a consumer and a producer and their roles in the economy (E-1A-E5);
    - f. GLE 34: Explain how people in the local community depend on each other for goods and services (E-1A-E5);
    - g. GLE 35: Identify various ways in which resources are used (e.g., use of trees to produce wood for building, wood products, heat) (E-1A-E6);
    - h. GLE 36: Describe the roles of farmers, processors, and distributors in food production and consumption (E-1A-E6);
    - i. GLE 37: Describe the role of weather, land, and water resources in food production over time (E-1A-E6);
    - j. GLE 38: Identify the specialized work that people do to manufacture, transport, and market goods and services (E-1A-E7);
    - k. GLE 39: Describe the importance of skills and education in choosing a career (E-1A-E8);
    - l. GLE 40: Identify a local economic institution (e.g., bank) (E-1A-E10);
    - m. GLE 41: Explain why people exchange goods and services (E-1A-E11);
  - 4. Individuals, Households, Businesses, and Governments
    - a. GLE 42: Identify individuals or groups in the community who have started new businesses (E-1B-E3);
    - b. GLE 43: Identify goods and services provided by the local government (E-1B-E4);
    - c. GLE 44: Explain the difference between goods and services and give examples of each within the local community (E-1B-E5);
- D. History: Strand Four
- 1. Historical Thinking Skills
    - a. GLE 45: Develop a personal timeline (H-1A-E1);
    - b. GLE 46: Identify similarities and differences in communities over time (H-1A-E2);
    - c. GLE 47: Identify sources where historical information can be found and how that information can be used (H-1A-E3);

- d. GLE 48: Locate general areas on maps and globes referenced in historical stories and legends (H-1A-E3);
- 2. Families and Communities
  - a. GLE 49: Compare and contrast the student's daily life to that of parents, grandparents, and/or guardians (H-1B-E1);
- 3. Louisiana and United States History
  - a. GLE 50: Identify and describe the significance of various community landmarks and symbols (H-1C-E2);
  - b. GLE 51: Identify cultural elements (e.g., crafts, customs, music, folklore) of the local community (H-1C-E4);
- 4. World History
  - a. GLE 52: Explain the customs related to important holidays and ceremonies in various countries around the world in the past (H-1D-E1).

NOTE: The foundation skills addressed by each benchmark are listed numerically in parenthesis after the benchmark.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6; R.S. 17:24.4; R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:

### §1109. Third Grade

#### A. Geography: Strand One

- 1. The World in Spatial Terms
  - a. GLE 1: Describe characteristics and uses of various maps (e.g., physical, political, topographical, population) (G-1A-E1);
  - b. GLE 2: Differentiate between a bar, pictograph, and circle graph (G-1A-E1);
  - c. GLE 3: Interpret a graph, chart, and diagram (G-1A-E2);
  - d. GLE 4: Use a compass rose and cardinal directions to locate and interpret a map of the community and Louisiana (G-1A-E2);
  - e. GLE 5: Locate major geographic features of Louisiana on a map (G-1A-E2);
  - f. GLE 6: Construct a chart, line graph, or diagram to display geographical information (G-1A-E3);
  - g. GLE 7: Sketch a simple map of Louisiana from memory (mental map) (G-1A-E3);
  - h. GLE 8: Show the location of a specified place by entering it on a labeled grid (e.g., the library is located at [grid point] E-3) (G-1A-E3);
- 2. Places and Regions
  - a. GLE 9: Describe and compare the physical characteristics of various regions of Louisiana (G-1B-E1);
  - b. GLE 10: Identify and describe the human characteristics of places in Louisiana (G-1B-E2);
  - c. GLE 11: Describe how people and the physical environment have changed over time in Louisiana based on given information (G-1B-E3);
  - d. GLE 12: Use maps, charts, and pictures to describe how places in Louisiana are different (e.g., land use, vegetation, architecture) (G-1B-E4);
- 3. Physical and Human Systems
  - a. GLE 13: Identify examples of physical processes affecting Louisiana (e.g., coastal erosion, river changes) (G-1C-E1);

- b. GLE 14: Locate, describe, and compare urban, suburban, and rural communities in Louisiana (G-1C-E2);
- c. GLE 15: Identify and explain patterns of settlement in different time periods in Louisiana (G-1C-E3);
- d. GLE 16: Identify and compare customs, celebrations, and traditions of various cultural groups in Louisiana (G-1C-E4);
- e. GLE 17: Identify the relationship between geography and economic activities in Louisiana (G-1C-E5);
- f. GLE 18: Locate the town, parish, state, and country in which the student lives on a political map (G-1C-E6);

#### 4. Environment and Society

- a. GLE 19: Identify and explain ways in which people in Louisiana modify the physical environment to meet basic needs and achieve certain purposes (e.g., clearing land for urban development) (G-1D-E1);
- b. GLE 20: Explain how humans have adapted to the physical environment in Louisiana (G-1D-E2);
- c. GLE 21: Identify natural resources in Louisiana and describe their uses and importance (G-1D-E4);

#### B. Civics: Strand Two

##### 1. Structure and Purposes of Government

- a. GLE 22: Identify state laws, and the persons responsible for making and enforcing them (C-1A-E1);
- b. GLE 23: Identify the necessity of state government and how it helps meet the basic needs of society (C-1A-E2);
- c. GLE 24: Describe major responsibilities of state government (C-1A-E4);
- d. GLE 25: Identify key government positions at the state level, their powers, and limits on their powers (C-1A-E5);
- e. GLE 26: Explain how government officials at the state and national levels are elected (C-1A-E6);
- f. GLE 27: Define *laws* and explain the difference between *laws* and *rules* (C-1A-E7);

##### 2. Foundations of the American Political Systems

- a. GLE 28: Explain the responsibilities of individuals in making a community and state a better place to live (C-1B-E2);

##### 3. Roles of the Citizens

- a. GLE 29: Identify the qualities of people who were leaders and *good citizens* as shown by their honesty, courage, trustworthiness, and patriotism (C-1D-E3);
- b. GLE 30: Identify a state issue and describe how good citizenship can help solve the problem (e.g., participation in an anti-litter campaign) (C-1D-E5);

#### C. Economics: Strand Three

##### 1. Fundamental Economic Concepts

- a. GLE 31: Define scarcity and abundance and give examples of both for individuals and society (E-1A-E1);
- b. GLE 32: Compare benefits and costs when making choices (e.g., comparative shopping) (E-1A-E2);
- c. GLE 33: Explain reasons why people save money (E-1A-E3);
- d. GLE 34: Identify examples of making an economic choice and explain the idea of opportunity cost (i.e., what is given up when making a choice) (E-1A-E4);
- e. GLE 35: Describe ways in which people are producers and consumers and why they depend on one

another (e.g., in the school and/or in the community) (E-1A-E5);

f. GLE 36: Identify examples of natural, human, and capital resources used to produce goods and services (E-1A-E6);

g. GLE 37: Identify the concepts of specialization (i.e., being an expert in one job, product, or service) and interdependence (i.e., depending on others) in the production of goods and services (E-1A-E7);

h. GLE 38: Describe the requirements of various jobs and the characteristics of a job well-performed (E-1A-E8);

i. GLE 39: Identify goods that are produced within the local community and Louisiana and describe how they are shipped elsewhere for sale (E-1A-E9);

j. GLE 40: Identify various types of economic institutions that make up the economy (e.g., households, businesses, banks, government) (E-1A-E10);

k. GLE 41: Discuss trade in the local community and explain how trade benefits both parties (E-1A-E11);

#### 2. Individuals, Households, Businesses, and Governments

a. GLE 42: Describe the basic principles of supply and demand and how competition can affect prices of goods (E-1B-E1);

b. GLE 43: Explain the effect of increase/decrease in price upon the consumer and producer (E-1B-E2);

c. GLE 44: Identify services provided by the state government (E-1B-E4);

d. GLE 45: Identify major goods and services produced in Louisiana (E-1B-E5);

#### D. History: Strand Four

##### 1. Historical Thinking Skills

a. GLE 46: Complete a timeline based on given information (H-1A-E1);

b. GLE 47: Use information in a map, table, or graph to describe the past (H-1A-E3);

c. GLE 48: Identify primary and secondary sources (H-1A-E3);

d. GLE 49: Identify ways different cultures record their histories (e.g., oral, visual, written) (H-1A-E3);

##### 2. Families and Communities

a. GLE 50: Describe family life at a given time in history and compare it with present-day family life (H-1B-E1);

b. GLE 51: Describe changes in community life, comparing a given time in history to the present (H-1B-E2);

##### 3. Louisiana and United States History

a. GLE 52: Identify and describe early settlers in Louisiana (H-1C-E1);

b. GLE 53: Identify people and their influence in the early development of Louisiana (H-1C-E1);

c. GLE 54: Describe the importance of events and ideas significant to Louisiana's development (H-1C-E1);

d. GLE 55: Identify and describe the significance of various state and national landmarks and symbols (H-1C-E2);

e. GLE 56: Identify the causes and effects of the major historical migrations to Louisiana (H-1C-E3);

f. GLE 57: Identify cultural elements that have contributed to our state heritage (e.g., Mardi Gras, Cajun/Creole cooking) (H-1C-E4);



#### 4. World History

a. GLE 58: Describe aspects of family life, structures, and roles in cultures other than the United States (H-1D-E1);

b. GLE 59: Explain how technology has changed present-day family and community life in Louisiana (H-1D-E2).

NOTE: The foundation skills addressed by each benchmark are listed numerically in parenthesis after the benchmark.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6; R.S. 17:24.4; R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:

#### **§1111. Fourth Grade**

##### A. Geography: Strand One

###### 1. The World in Spatial Terms

a. GLE 1: Interpret different kinds of maps using a map key/legend, compass rose, cardinal and intermediate directions, and distance scale (G-1A-E1);

b. GLE 2: Use a variety of images or other spatial graphics (e.g., aerial photographs, satellite images) to locate major physical and human characteristics (G-1A-E1);

c. GLE 3: Locate and label places on a map or globe: the seven continents, the United States and its major land forms, major bodies of water and waterways, referring to the poles, the equator, latitude, longitude and meridians (G-1A-E2);

d. GLE 4: Identify all U.S. states by shapes and position on map (G-1A-E2);

e. GLE 5: Draw, complete, and add features to a map (including such map elements as a title, compass rose, legend, and scale), based on given information (G-1A-E3);

###### 2. Places and Regions

a. GLE 6: Describe and compare the distinguishing characteristics of various land forms, bodies of water, climates, and forms of vegetation in the United States (G-1B-E1);

b. GLE 7: Identify the best place for human settlement based on a map showing physical characteristics of an area (G-1B-E1);

c. GLE 8: Explain physical and human developments in a region of the United States since it was first settled based on given information (G-1B-E3);

d. GLE 9: Identify, define, and compare regions of the United States using physical and human characteristics (e.g., land forms and use, cultural diversity) (G-1B-E4);

###### 3. Physical and Human Systems

a. GLE 10: Identify physical processes that change Earth's surface and create physical features suddenly or over time (e.g., what physical processes created the Grand Canyon, the Great Lakes, the Hawaiian Islands) (G-1C-E1);

b. GLE 11: Identify geographical/physical reasons for regional variations that influence patterns of settlement and land use in the United States and the world, past and present (G-1C-E2);

c. GLE 12: Describe characteristics of the human population in a given area (e.g., cultural diversity, population size or growth) (G-1C-E3);

d. GLE 13: Explain and compare the cultural identities of various U.S. regions and how a region is influenced by past events and the heritage of its people (G-1C-E4);

e. GLE 14: Locate economic activities that use natural resources in the local region, state, and nation and describe the importance of the activities to these areas (G-1C-E5);

f. GLE 15: Differentiate between countries, states, parishes, and cities (G-1C-E6);

##### 4. Environment and Society

a. GLE 16: Identify ways in which people in the United States depend upon and modify the physical environment (G-1D-E1);

b. GLE 17: Identify natural disasters, their causes, areas prone to them, and how those disasters affect people and the environment (G-1D-E3);

c. GLE 18: Describe the importance of specific natural resources to human survival and human endeavors (G-1D-E4);

d. GLE 19: Describe the use, distribution, and importance of natural resources in different regions of the United States using geographic tools such as maps (G-1D-E4);

##### B. Civics: Strand Two

###### 1. Structure and Purposes of Government

a. GLE 20: Identify the necessity or basic purposes of government in such terms as establishing order, providing security, managing conflict, and providing services (C-1A-E2);

b. GLE 21: Distinguish between *limited government* and *unlimited government* (C-1A-E3);

c. GLE 22: Explain the role of government and the rights of citizens (C-1A-E3);

d. GLE 23: Identify the three branches of the federal government and describe their major responsibilities (C-1A-E4);

e. GLE 24: Identify key government positions at the national level, their respective powers, and limits on their powers (C-1A-E5);

f. GLE 25: Distinguish between elected and appointed officials and give examples of each at the local, state, and national levels (C-1A-E6);

g. GLE 26: Identify the purpose and importance of a rule or a law (C-1A-E7);

###### 2. Foundations of the American Political System

a. GLE 27: Describe the significance of the Declaration of Independence, the U.S. Constitution and its principles of democracy, and the Bill of Rights (e.g., basic freedoms) (C-1B-E1);

b. GLE 28: Explain the similarities between the Louisiana and U.S. Constitutions (C-1B-E1);

###### 3. International Relationships

a. GLE 29: Explain the concept of *nation* with reference to countries, governments, and peoples (C-1C-E1);

b. GLE 30: Identify ways nations interact and why interactions are important (e.g., treaties, diplomacy) (C-1C-E1);

c. GLE 31: Identify the United Nations and its role in international peace keeping (C-1C-E1);

###### 4. Roles of the Citizen

a. GLE 32: Identify the means by which individuals become U.S. citizens (C-1D-E1);

b. GLE 33: Identify the rights and responsibilities of citizenship in making the nation a better place to live (C-1D-E2);

c. GLE 34: Discuss civic traits of *good citizenship* that are important to the preservation and improvement of American constitutional democracy, using an excerpt from a speech, address, or essay which illustrates those traits (C-1D-E3) (C-1D-E4);

d. GLE 35: Identify a national issue and describe how good citizenship can help solve the problem (C-1D-E5);

#### C. Economics: Strand Three

##### 1. Fundamental Economic Concepts

a. GLE 36: Demonstrate that limited resources necessitate choices and decisions (E-1A-E1);

b. GLE 37: Explain the factors, including trade-offs, involved in a choice or decision (e.g., discuss the choices and decisions involved in developing a personal budget) (E-1A-E4);

c. GLE 38: Identify the four basic questions all producers must answer (i.e., What will be produced? How will it be produced? For whom will it be produced? How much will be produced?) (E-1A-E5);

d. GLE 39: Describe the combination of natural, human, and capital resources needed to produce a given good (e.g., a candy bar) or given service (e.g., recycling paper) (E-1A-E6);

e. GLE 40: Define some effects of division of labor and specialization in a given context, such as a simple assembly line (e.g., greater labor productivity/output per hour) (E-1A-E7);

f. GLE 41: Describe the benefits of increasing one's skill/knowledge and various ways to do so (E-1A-E8);

g. GLE 42: Describe the basic concept of a *market* (e.g., exchange of goods/services between buyers and sellers) and identify ways of transporting goods (E-1A-E9);

h. GLE 43: Identify the roles of banks, governments, businesses, and households in the economy (E-1A-E10);

i. GLE 44: Identify the relationship between money, writing checks, and credit cards (E-1A-E11);

j. GLE 45: Explain why people engage in voluntary exchange/barter/direct trading (E-1A-E11);

##### 2. Individuals, Households, Businesses, and Governments

a. GLE 46: Describe how supply and demand affect the price of a good or service in a given situation (E-1B-E1);

b. GLE 47: Explain how a rise or fall in prices affects personal, family, and government budgets (E-1B-E2);

c. GLE 48: Identify the terms *profit* and *risk* and give examples of risk that businesses take to make a profit (E-1B-E3);

d. GLE 49: Define *tax* and explain how government pays for goods and services through taxes and fees (E-1B-E4);

#### D. History: Strand Four

##### 1. Historical Thinking Skills

a. GLE 50: Interpret data presented in a timeline or construct a historical timeline (e.g., events in history, historical figure's life and accomplishments) (H-1A-E1);

b. GLE 51: Compare how a person today might view an issue or event differently from a person living in an earlier time (H-1A-E2);

c. GLE 52: Describe the point of view of an historical figure or group, drawing on given stimulus

material (e.g., views expressed in the "I Have a Dream" speech) (H-1A-E2);

d. GLE 53: Interpret historical information in a map, table, or graph (H-1A-E3);

e. GLE 54: Compare and contrast primary and secondary sources (H-1A-E3);

##### 2. Families and Communities

a. GLE 55: Describe beliefs, customs, and traditions of family life in the past and present (H-1B-E1);

##### 3. Louisiana and United States History

a. GLE 56: Identify and describe major early explorers and explorations in North America (H-1C-E1);

b. GLE 57: Identify leaders and their influence in the early development of America (H-1C-E1);

c. GLE 58: Describe the importance of events and ideas significant to our nation's development (H-1C-E1);

d. GLE 59: Identify a document/speech/address significant to the development of the nation from an excerpt (e.g., Preamble to the U.S. Constitution), and identify the author/speaker of a particular document/speech/address (H-1C-E1);

e. GLE 60: Describe American democratic principles as exemplified by major historic events, groups of people, and leaders (e.g., American Revolution, Civil War, Civil Rights Movement) (H-1C-E2);

f. GLE 61: Identify the causes and effects of the major historical (voluntary and involuntary) migrations to and within America (H-1C-E3) (G-1C-E3);

g. GLE 62: Identify and explain cultural elements that have contributed to our national heritage (H-1C-E4);

##### 4. World History

a. GLE 63: Identify how dance, music, and arts of various cultures around the world reflect the history, daily life, and beliefs of the people (H-1D-E1);

b. GLE 64: Identify significant historical achievements of various cultures of the world (e.g., building of the pyramids, founding of the Olympics) (H-1D-E1);

c. GLE 65: Identify and describe inventions that have affected people's lives or altered their view of the world (H-1D-E2);

d. GLE 66: Identify the chronological order of major scientific or technological advancements (H-1D-E2);

e. GLE 67: Identify important historic figures from around the world and explain the impact of their contributions (e.g., Galileo, Madame Curie, Guttenberg) (H-1D-E3).

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AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6; R.S. 17:24.4; R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:

### §1113. Fifth Grade

#### A. Geography: Strand One

##### 1. The World in Spatial Terms

a. GLE 1: Describe the characteristics, functions, and applications of various types of maps (G-1A-M1);

b. GLE 2: Compare the uses of different types of maps, including two different types of maps of the same area (G-1A-M1);

c. GLE 3: Interpret a map, using a map key/legend and symbols, distance scale, compass rose, cardinal or

intermediate directions, and latitude and longitude (G-1A-M2);

d. GLE 4: Locate major landforms and geographic features, places, and bodies of water/waterways on a map of the United States (G-1A-M2);

e. GLE 5: Translate a mental map into sketch form to illustrate relative location, size, and distances between places (G-1A-M3);

## 2. Places and Regions

a. GLE 6: Describe types of settlements and patterns of land use in Colonial America and suggest reasons for locations of cities and settlements (G-1B-M1);

b. GLE 7: Identify ways in which location and physical features influence the development or life in a region of the United States (e.g., effects of natural barriers) (G-1B-M2);

c. GLE 8: Identify physical or other criteria used to define regions and apply criteria to distinguish one region from another in the United States (G-1B-M3);

d. GLE 9: Explain ways in which goals, cultures, interests, inventions, and technological advances affected perceptions and uses of places or regions in Colonial America (G-1B-M4);

## 3. Physical and Human Systems

a. GLE 10: Describe the influence of location and physical setting on the founding of the original thirteen colonies (G-1C-M3);

b. GLE 11: Explain the reasons why Europeans chose to explore and colonize the world (G-1C-M4);

c. GLE 12: Describe the economic interdependence among the thirteen American colonies (G-1C-M6);

d. GLE 13: Explain how geographic differences and similarities among the thirteen American colonies contributed to political cooperation and conflict (G-1C-M7);

## 4. Environment and Society

a. GLE 14: Describe the impact of human action on the physical environment of early America (G-1D-M1);

b. GLE 15: Explain and give examples of how Native Americans and Europeans adapted to living in a particular North American physical environment (G-1D-M2);

c. GLE 16: Identify the natural resources used by people in the United States (G-1D-M3);

## B. Civics: Strand Two

### 1. Structure and Purposes of Government

a. GLE 17: Compare aspects of American colonial government (e.g., local, colonial governors, role of the British parliament and Crown) to present-day U.S. local, state, and national government (C-1A-M5);

## C. Economics: Strand Three

### 1. Fundamental Economic Concepts

a. GLE 18: Describe economic activities within and among American Indian cultures prior to contact with Europeans (E-1A-M9);

b. GLE 19: Use economic concepts (e.g., supply and demand, scarcity, interdependence) to identify the economic motivations for European exploration and settlement in the Americas (E-1A-M9);

## D. History: Strand Four

### 1. Historical Thinking Skills

a. GLE 20: Construct a timeline of key events in American history (beginnings to 1763) (H-1A-M1);

b. GLE 21: Demonstrate an understanding of relative and absolute chronology by interpreting data presented in a timeline (H-1A-M1);

c. GLE 22: Identify different points of view about key events in early American history (H-1A-M2);

d. GLE 23: Identify the causes, effects, or impact of a given event in early American history (H-1A-M3);

e. GLE 24: Use both a primary and secondary source to describe key events or issues in early American history (H-1A-M4);

f. GLE 25: Identify historical issues or problems in early America and explain how they were addressed (H-1A-M5);

g. GLE 26: Conduct historical research using a variety of resources to answer historical questions related to early American history (H-1A-M6);

## 2. United States History

a. GLE 27: Identify and describe indigenous cultures and groups that existed in the Americas at the beginning of European exploration (H-1B-M1);

b. GLE 28: Describe the trade that connected the Americas, Western Europe, and Western Africa prior to 1620, including the origins of the West Africa-European trade connection (H-1B-M1);

c. GLE 29: Compare and contrast Africans, Europeans, and Native Americans converging in the Western Hemisphere after 1492 (H-1B-M1);

d. GLE 30: Explain that cultures change through cultural diffusion, invention, and innovation (H-1B-M2);

e. GLE 31: Describe major early explorations and explorers and their reasons for exploration (H-1B-M2);

f. GLE 32: Describe the Spanish conquests in the Americas including the impact on the Aztecs, Incas, and other indigenous peoples (H-1B-M2);

g. GLE 33: Explain the course and consequences of the Columbian Exchange, including its cultural, ecological, and economic impact on Europe, the Americas, and West Africa (H-1B-M2);

h. GLE 34: Describe the arrival of Africans in the European colonies in the seventeenth century and the increase in the importation of slaves in the eighteenth century (H-1B-M3);

i. GLE 35: Explain the societal impact of the immersion of Africans in the Americas (H-1B-M3);

j. GLE 36: Identify instances of both cooperation and conflict between Indians and European settlers (H-1B-M3);

k. GLE 37: Describe and compare the various religious groups in colonial America and the role of religion in colonial communities (H-1B-M4);

l. GLE 38: Describe the political, social, and economic organization and structure of the thirteen British colonies that became the United States (H-1B-M5);

m. GLE 39: Describe reflections of European culture, politics, and institutions in American life (H-1B-M5);

n. GLE 40: Explain why some colonists felt loyal to England due to their cultural, political, and economic ties to their homeland (H-1B-M5);

## 3. World History

a. GLE 41: Describe the origins, characteristics, and expansion of ancient American empires (e.g., Inca, Maya)

and complex societies in the Americas (e.g., Aztec) (H-1C-M13).

NOTE: The foundation skills addressed by each benchmark are listed numerically in parenthesis after the benchmark.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6; R.S. 17:24.4; R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:

### §1115. Sixth Grade

#### A. Geography: Strand One

##### 1. The World in Spatial Terms

a. GLE 1: Use latitude and longitude to determine direction or locate or compare points on a map or representation of a globe (G-1A-M2);

##### 2. Places and Regions

a. GLE 2: Identify land and climatic conditions conducive to human settlement in regions of the world and describe the role of these conditions (G-1B-M1);

b. GLE 3: Identify physical features that influenced world historical events and describe their influence (e.g., the Nile and Tigris-Euphrates as "cradles of civilization") (G-1B-M2);

c. GLE 4: Explain ways in which goals, cultures, interests, inventions, and technological advances have affected people's perceptions and uses of places or regions in world history (G-1B-M4);

##### 3. Physical and Human Systems

a. GLE 5: Explain reasons for different patterns of migration among early peoples (G-1C-M4);

b. GLE 6: Explain factors or events that have facilitated cultural diffusion (e.g., the Silk Road, Crusades) (G-1C-M5);

c. GLE 7: Describe the economic interdependence among various ancient civilizations (G-1C-M6);

d. GLE 8: Explain how ancient civilizations established and maintained political boundaries (G-1C-M7);

##### 4. Environment and Society

a. GLE 9: Explain how different physical environments affected human activity in ancient civilizations (G-1D-M2);

b. GLE 10: Analyze world or regional distribution of natural resources in terms of the need to import or the capacity to export (G-1D-M3);

#### B. Civics: Strand Two

##### 1. Foundations of the American Political System

a. GLE 11: Identify the essential elements of Greek and Roman government that would later influence the U.S. government (C-1B-M1);

#### C. Economics: Strand Three

##### 1. Fundamental Economic Concepts

a. GLE 12: Explain the role of expanding specialization in the development of world civilizations (E-1A-M4);

b. GLE 13: Identify the functions and characteristics of money (e.g., money as a store of value) and compare barter exchange to money exchange (E-1A-M8);

c. GLE 14: Use economic concepts (e.g., supply and demand, interdependence) to describe the economic motivations for expanding trade and territorial domination in world history (E-1A-M9);

#### D. History: Strand Four

##### 1. Historical Thinking Skills

a. GLE 15: Construct a timeline of key developments in world history (political, social, technological, religious/cultural) (H-1A-M1);

b. GLE 16: Interpret data presented in a timeline to identify change and continuity in world civilizations (H-1A-M1);

c. GLE 17: Describe the defining characteristics of major world civilizations from political, social, and economic perspectives (H-1A-M2);

d. GLE 18: Describe the causes, effects, or impact of a given historical development or event in world civilizations (H-1A-M3);

e. GLE 19: Use multiple primary and secondary sources to describe world civilizations (H-1A-M4);

f. GLE 20: Identify historical issues or problems in world civilizations and discuss how they were addressed (H-1A-M5);

g. GLE 21: Conduct historical research using a variety of resources to answer historical questions related to world civilizations (H-1A-M6);

##### 2. World History

a. GLE 22: Describe features of the earliest communities (e.g., shelter, food, clothing) (H-1C-M1);

b. GLE 23: Describe hunter-gatherer societies, including the development of tools and the use of fire (H-1C-M1);

c. GLE 24: Explain how geographical features influenced development of early civilizations (e.g., domestication, cultivation, specialization) (H-1C-M2);

d. GLE 25: Explain why agricultural societies developed from hunters and gatherers (H-1C-M2);

e. GLE 26: Discuss the climatic changes and human modifications of the physical environment that gave rise to the domestication of plants and animals and new sources of clothing (H-1C-M2);

f. GLE 27: Locate and describe the major river systems and discuss the physical settings that supported permanent settlement and early civilizations in Mesopotamia, Egypt, China, and the Indus valley (H-1C-M3);

g. GLE 28: Describe the major characteristics of early river valley civilizations (H-1C-M3);

h. GLE 29: Describe how early river civilizations influenced the development of other cultures through trade and cultural diffusion (H-1C-M4);

i. GLE 30: Describe the development of agricultural societies and individual communities in Southwest Asia, the Mediterranean basin, and temperate Europe, including the role of plow technology (H-1C-M4);

j. GLE 31: Identify the effects of migration and militarization on the politics and social fabric of Europe and Asia (H-1C-M5);

k. GLE 32: Analyze the origins and influence of the Hittite, Minoan, and Mycenaean civilizations (H-1C-M5);

l. GLE 33: Explain the significance of the introduction of iron tools and weapons in Southwest Asia and the Mediterranean region (H-1C-M6);

m. GLE 34: Explain the significance of Phoenician trade in the Mediterranean basin (H-1C-M6);

n. GLE 35: Identify forms of writing developed in early civilizations and discuss how written records changed political, legal, religious, and cultural life (H-1C-M6);

- o. GLE 36: Describe the development of the Greek city-states, the cultural achievements of Athens, and the impact of Alexander the Great's conquests (H-1C-M7);
- p. GLE 37: Explain the sharing of ideas, goods, and services through trade between the Greek and Roman civilizations, and the influence of those civilizations on other cultures (H-1C-M7);
- q. GLE 38: Describe and compare/contrast the key characteristics of classical civilizations (e.g., Greek, Roman, Persian, Chinese) (H-1C-M7);
- r. GLE 39: Identify the major new religions and relate them to the empires that emerged in the Mediterranean Basin, China, and India (i.e., Christianity, Hinduism, Buddhism, Islam) (H-1C-M8);
- s. GLE 40: Compare and contrast the major religions in terms of leaders, key beliefs, and location (H-1C-M8);
- t. GLE 41: Trace the spread of major religions and cultural traditions (e.g., the migration of Jews, spread of Christianity, expansion of Islamic rule) (H-1C-M9);
- u. GLE 42: Identify the effect that the major religions have had on European, Asian, and African civilizations (H-1C-M9);
- v. GLE 43: Describe the changes and developments brought about by the emergence and collapse of major empires/kingdoms in Europe, Asia, Africa, and the Americas prior to A.D. 1000 (H-1C-M10);
- w. GLE 44: Describe major events, key figures, and social structure of the Early Middle Ages (e.g., the fall of Rome, Charlemagne, feudalism) (H-1C-M10);
- x. GLE 45: Identify effects of exploration and trade on the economic and cultural development of Europe, Africa, and Asia prior to 1500 (H-1C-M11);
- y. GLE 46: Explain how communication among regions was accomplished between AD 1000 to 1500 (H-1C-M11);
- z. GLE 47: Explain how and why Europe changed politically, socially, culturally, or economically during the period of intensified hemispheric interactions (H-1C-M12);
- aa. GLE 48: Describe the major contributing factors that led to the Renaissance (H-1C-M12);
- bb. GLE 49: Describe the major contributing factors that would lead to the Reformation (H-1C-M12);
- cc. GLE 50: Explain the major social, economic, political, and cultural features of European, African, and Asian societies that stimulated exploration and colonization (H-1C-M14);
- dd. GLE 51: Identify major technological developments in shipbuilding, navigation, and naval warfare, and trace the cultural origins of various innovations (H-1C-M14);
- ee. GLE 52: Describe the major achievements of the early Renaissance in Europe, including the impact of innovations in printing (H-1C-M14).

NOTE: The foundation skills addressed by each benchmark are listed numerically in parenthesis after the benchmark.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6; R.S. 17:24.4; R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:

### §1117. Seventh Grade

#### A. Geography: Strand One

##### 1. The World in Spatial Terms

- a. GLE 1: Analyze various types of maps, charts, graphs, and diagrams related to U.S. history (G-1A-M2);
- 2. Places and Regions
  - a. GLE 2: Explain how physical features and climate affected migration, settlement patterns, and land use in the United States through 1877 (G-1B-M1);
  - b. GLE 3: Identify and describe significant physical features that have influenced U.S. historical events (e.g., Ohio River Valley in the American Revolution) (G-1B-M2);
  - c. GLE 4: Explain ways in which goals, cultures, interests, inventions, and technological advances have affected perceptions and uses of places or regions in the United States (G-1B-M4);
- 3. Physical and Human Systems
  - a. GLE 5: Explain patterns of rural/urban migration and the positive and negative consequences of urban development in the United States (G-1C-M3);
  - b. GLE 6: Identify selected racial, ethnic, and religious groups that settled in the United States and explain the political, cultural, and economic reasons for immigration (G-1C-M4);
  - c. GLE 7: Compare the interdependence of Great Britain and the American colonies to the global economy today (G-1C-M6);
  - d. GLE 8: Explain how cooperation and conflict affected the changing political boundaries of the United States to 1877 (e.g., Missouri Compromise) (G-1C-M7);
- 4. Environment and Society
  - a. GLE 9: Explain how the different physical environments in the American North and South led to different economic activities (G-1D-M2);
- B. Civics: Strand Two
  - 1. Structure and Purposes of Government
    - a. GLE 10: Explain and evaluate the major purposes of government (C-1A-M1);
    - b. GLE 11: Explain the meaning of the term *federalism* (C-1A-M2);
    - c. GLE 12: Distinguish between various forms of government (e.g., monarchy, totalitarian) and describe their characteristics and organization (C-1A-M2);
    - d. GLE 13: Explain how separation of powers limits government and describe the U.S. government system of checks and balances (C-1A-M3);
    - e. GLE 14: Identify the powers of the U.S. federal government and the powers it shares with state governments according to the U.S. Constitution (C-1A-M3);
    - f. GLE 15: Identify the structure and powers of the three branches of the federal government, the limits of those powers, and key positions within each branch (C-1A-M5);
    - g. GLE 16: Identify qualifications and terms of office for elected officials at the national level (C-1A-M6);
    - h. GLE 17: Identify current government leaders at the national level (C-1A-M6);
    - i. GLE 18: Describe the powers/responsibilities and limits of power for government officials at the national level (C-1A-M6);
    - j. GLE 19: Explain how a bill becomes law at the federal level (C-1A-M7);
    - k. GLE 20: Examine a given law or court ruling and evaluate it based on given criteria (e.g., Dred Scott decision) (C-1A-M7);

1. GLE 21: Evaluate a type of tax in an historical context (e.g., Stamp Act, Tea Tax) (C-1A-M10);

2. Foundations of the American Political System

a. GLE 22: Identify problems the United States faced after the American Revolution that led to the writing of the U.S. Constitution (C-1B-M1);

b. GLE 23: Compare and contrast the Articles of Confederation with the U.S. Constitution (C-1B-M1);

c. GLE 24: Identify the roles of the Continental Congress and the Great Compromise in forming the American constitutional government and the federal union (C-1B-M1);

d. GLE 25: Identify the arguments of the Federalists and Anti-Federalists (C-1B-M1);

e. GLE 26: Explain how historical English documents, such as the Magna Carta and the English Bill of Rights, influenced American democracy (C-1B-M1);

f. GLE 27: Explain how ancient governments influenced American democracy and culture (C-1B-M1);

g. GLE 28: Describe historical experiences and factors that defined, influenced, and helped shape American political culture (C-1B-M2);

h. GLE 29: Define and explain the ideas expressed in the Mayflower Compact and the Declaration of Independence (C-1B-M3);

i. GLE 30: Explain the principles of government embodied in the U.S. Constitution (C-1B-M3);

j. GLE 31: Analyze methods used to institute change or resolve social conflict in U.S. history (e.g., War of 1812, states' rights theory) (C-1B-M4);

k. GLE 32: Explain how changes are made in a democratic society (C-1B-M5);

l. GLE 33: Describe the role of political parties in the American political system (C-1B-M6);

3. International Relationships

a. GLE 34: Describe political divisions of the world (nation-states) (C-1C-M1);

b. GLE 35: Explain various processes/strategies nations use to interact (C-1C-M1);

c. GLE 36: Explain how U.S. foreign policy is formed and carried out (C-1C-M2);

d. GLE 37: Identify types of foreign policy issues with reference to current and historical examples (e.g., Middle East conflicts) (C-1C-M3);

4. Roles of the Citizen

a. GLE 38: Identify the qualifications or requirements for U.S. citizenship, including naturalization (C-1D-M1);

b. GLE 39: Explain the importance of various rights and responsibilities of citizenship to the individual or to society at large (e.g., Bill of Rights) (C-1D-M2);

c. GLE 40: Explain issues involving rights and responsibilities of individuals in American society (e.g., rights of individuals with disabilities, responsibility to pay taxes) (C-1D-M3);

C. Economics: Strand Three

1. Fundamental Economic Concepts

a. GLE 41: Use economic concepts (e.g., supply and demand, interdependence) to explain Mercantilism and describe its role in British colonization and the conflict between the thirteen American colonies and Great Britain (E-1A-M9);

2. Individuals, Households, Businesses, and Governments

a. GLE 42: Identify U.S. exports and imports that contributed to the U.S. economic interdependence with Europe and other parts of the world during the eighteenth and nineteenth centuries (E-1B-M6);

D. History: Strand Four

1. Historical Thinking Skills

a. GLE 43: Construct a timeline of key events and key figures in U.S. history from 1763 to 1877 (H-1A-M1);

b. GLE 44: Interpret a timeline to identify cause-and-effect relationships among events in U.S. history (H-1A-M1);

c. GLE 45: Explain the point of view of key historical figures and groups in U.S. history (H-1A-M2);

d. GLE 46: Explain the causes, effects, or impact of a given historical event in U.S. history (H-1A-M3);

e. GLE 47: Explain how a given historical figure influenced or changed the course of U.S. history (H-1A-M3);

f. GLE 48: Compare and contrast two primary sources related to the same event in U.S. history (H-1A-M4);

g. GLE 49: Propose and defend an alternative course of action to a given issue or problem in U.S. history (H-1A-M5);

h. GLE 50: Conduct historical research using a variety of resources, and evaluate those resources for reliability and bias, to answer historical questions related to U.S. history (H-1A-M6);

2. United States History

a. GLE 51: Explain the causes, course, and consequences of the American Revolutionary War (H-1B-M6);

b. GLE 52: Compare and contrast the strategies and motivations of the Patriots, Loyalists, and British during the American Revolution (H-1B-M6);

c. GLE 53: Explain the role of key figures in the American Revolution (H-1B-M6);

d. GLE 54: Explain how the American Revolution affected the politics, society, and economy of the new nation (H-1B-M7);

e. GLE 55: Describe the issues involved in the creation and ratification of the U.S. Constitution (H-1B-M8);

f. GLE 56: Explain the significance of the Bill of Rights and its specific guarantees (H-1B-M8);

g. GLE 57: Describe major events and issues involving early presidencies (H-1B-M8);

h. GLE 58: Explain Napoleon's reasons for selling the Louisiana territory to the United States and the impact of that acquisition (H-1B-M9);

i. GLE 59: Explain President Madison's reason for declaring war in 1812, the sectional divisions over the war, and the consequences of the Native American alliance with the British (H-1B-M9);

j. GLE 60: Describe provisions of the Monroe Doctrine and its influence on U.S. foreign relations (H-1B-M9);

k. GLE 61: Explain westward movement of the United States, the changes it created, and its effects on relations with Native Americans (H-1B-M9);

l. GLE 62: Explain Manifest Destiny and its economic, political, social, and religious roots (H-1B-M9);

- m. GLE 63: Describe diplomatic and political developments that led to the resolution of conflicts with Britain, Spain, and Russia from 1815 to 1850 (H-1B-M9);
- n. GLE 64: Identify the causes, course, and consequences of the Texas War for Independence and the Mexican-American War (H-1B-M9);
- o. GLE 65: Describe Jacksonian Democracy, the influence of Jackson on the U.S. political system, and Jackson's Indian Removal Policy (H-1B-M10);
- p. GLE 66: Identify major technological developments related to land, water, and transportation and explain how they transformed the economy, created international markets, and affected the environment (H-1B-M10);
- q. GLE 67: Analyze national policies on a protective tariff, a national bank, federally funded improvements (e.g., roads, canals, railroads), and educational and prison reforms (H-1B-M10);
- r. GLE 68: Compare ways of life in northern and southern states and identify factors that caused rapid urbanization and the growth of slavery (H-1B-M10);
- s. GLE 69: Identify the causes and explain the effects of new waves of immigration prior to the Civil War (H-1B-M10);
- t. GLE 70: Explain the importance of the Second Great Awakening, the ideas of its principal leaders, and how it affected public education, temperance, women's suffrage, and abolition (H-1B-M11);
- u. GLE 71: Describe fundamental beliefs of abolitionists and compare positions of those who favored gradual versus immediate emancipation (H-1B-M11);
- v. GLE 72: Identify the major antebellum reform movements, their leaders, and the movements' effects on the United States (H-1B-M11);
- w. GLE 73: Describe the economic, social, and cultural differences between the North and South, including the advantages and disadvantages each had at the outbreak of the Civil War (H-1B-M12);
- x. GLE 74: Explain the impact of the compromises on the issue of slavery and the Dred Scott decision on increasing tensions between the North and South (H-1B-M12);
- y. GLE 75: Explain the immediate and long-term causes of the secession of the Southern states and the outbreak of the Civil War (H-1B-M12);
- z. GLE 76: Describe the course of the Civil War, including major turning points and the war's immediate and long-term impact on the North and the South (H-1B-M12);
- aa. GLE 77: Explain the purpose, significance, and results of Lincoln's Emancipation Proclamation (H-1B-M12);
- bb. GLE 78: Describe provisions of the Thirteenth Amendment and Lincoln's reasons for advancing it, as well as the purpose and significance of the Fourteenth and Fifteenth Amendments (H-1B-M12);
- cc. GLE 79: Describe, compare, and evaluate various reconstruction plans of the post-Civil War South (H-1B-M13);
- dd. GLE 80: Explain the growing conflict between Andrew Johnson and Congress, and the reasons for and consequences of his impeachment and trial (H-1B-M13);

ee. GLE 81: Describe the successes and failures of Reconstruction, as well as its impact on the South (H-1B-M13);

ff. GLE 82: Explain how the presidential election of 1876 led to the Compromise of 1877 and brought about an end to Reconstruction in the South (H-1B-M13).

NOTE: The foundation skills addressed by each benchmark are listed numerically in parenthesis after the benchmark.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6; R.S. 17:24.4; R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:

### §1119. Eighth Grade

#### A. Geography: Strand One

##### 1. The World in Spatial Terms

a. GLE 1: Use time zones in the United States or the International Date Line to interpret a map or representation of a globe and calculate current times in different places (G-1A-M2);

b. GLE 2: Locate major landforms and geographic features, places, and bodies of water/waterways on a map of Louisiana (G-1A-M2);

c. GLE 3: Construct a map based on given narrative information (G-1A-M2);

d. GLE 4: Construct a chart or diagram to display geographical information in an organized way (G-1A-M2);

##### 2. Places and Regions

a. GLE 5: Describe and analyze the distinguishing physical and/or human characteristics of Louisiana regions (G-1B-M1);

b. GLE 6: Describe ways in which location and physical features have influenced historical events in Louisiana and the development of the state (e.g., Mississippi River/swamp in the Battle of New Orleans) (G-1B-M2);

c. GLE 7: Explain how or why specific regions are changing as a result of physical phenomena (e.g., changes in the coastal wetlands) (G-1B-M3);

d. GLE 8: Identify and describe factors that cause a Louisiana region to change (e.g., natural occurrences, disasters, migration) (G-1B-M3);

e. GLE 9: Explain ways in which goals, cultures, interests, inventions, and technological advances have affected perceptions and uses of places or regions in Louisiana (G-1B-M4);

##### 3. Physical and Human Systems

a. GLE 10: Analyze the population characteristics and other demographic information about the United States and Louisiana, including rates of increase/decrease for demographic variables (G-1C-M2);

b. GLE 11: Explain why humans settled and formed societies in specific regions or why immigrant groups (e.g., Acadians) settled in specific areas of Louisiana (G-1C-M3);

c. GLE 12: Describe the causes and effects of cultural diffusion and the effects of cultural diversity in Louisiana (G-1C-M5);

d. GLE 13: Describe factors that contribute to economic interdependence at the local, national, and global level, as related to Louisiana's past and present (G-1C-M6);

##### 4. Environment and Society

a. GLE 14: Analyze, evaluate, and predict consequences of environmental modifications on Louisiana landforms, natural resources, and plant or animal life (G-1D-M1);

b. GLE 15: Analyze the benefits and challenges of the Louisiana physical environments on its inhabitants (e.g., flooding, soil, climate conducive to growing certain plants) (G-1D-M2);

c. GLE 16: Analyze the distribution and uses of Louisiana's natural resources (G-1D-M3);

d. GLE 17: Identify a contemporary Louisiana geographic issue, and research possible solutions (G-1D-M4);

#### B. Civics: Strand Two

##### 1. Structure and Purposes of Government

a. GLE 18: Identify the powers of state government as defined in the Louisiana Constitution and compare/contrast those powers to the powers of the federal government (C-1A-M3);

b. GLE 19: Explain the purposes of state constitutions and describe the relationship of the Louisiana Constitution to the U.S. Constitution (C-1A-M4);

c. GLE 20: Identify the structure and powers of the three branches of the state government, the limits of those powers, and key positions within each branch (C-1A-M5);

d. GLE 21: Describe the various forms of local government in Louisiana (C-1A-M5);

e. GLE 22: Describe the powers/responsibilities and limits of power for government officials at the local and state levels in Louisiana (C-1A-M6);

f. GLE 23: Identify qualifications and terms of office for key leaders/representatives at the state and local levels (C-1A-M6);

g. GLE 24: Identify current government leaders at the state, local, and national levels in the United States (C-1A-M6);

h. GLE 25: Explain how a bill becomes law at the state level (C-1A-M7);

i. GLE 26: List and apply criteria for evaluating rules and laws (C-1A-M7);

j. GLE 27: Describe ways by which public policies are formed, including the role of lobbyists, special interest groups, and constituents (C-1A-M8);

k. GLE 28: Explain why taxes are needed and purposes for which tax monies/revenues are used (C-1A-M9);

l. GLE 29: Identify types of taxes collected by the local, state, and federal government (C-1A-M10);

m. GLE 30: Evaluate a type of tax in a historical context (e.g., severance tax) (C-1A-M10);

##### 2. Foundations of the American Political System

a. GLE 31: Explain how the Louisiana Constitution reflects the principles of government set forth in the U.S. Constitution (e.g., checks and balance, separation of powers) (C-1B-M3);

b. GLE 32: Describe various peaceful ways of resolving political or social conflicts, including *majority vote* vs. *consensus* (C-1B-M4);

c. GLE 33: Analyze how the democratic process has been used to institute change in Louisiana (C-1B-M5);

d. GLE 34: Explain how the U.S. census is used in the political process and how it affects Louisiana representation in Congress (C-1B-M6);

e. GLE 35: Describe the role of the Electoral College and how Louisiana participates in that system (C-1B-M6);

f. GLE 36: Explain how political parties, campaigns, and elections provide opportunities for citizens to participate in government (C-1B-M6);

##### 3. International Relationships

a. GLE 37: Explain the role of nation-states in various alliances and international organizations (e.g., NATO, the United Nations, OPEC) and identify effects of their decisions upon Louisiana (C-1C-M1);

b. GLE 38: Explain how U.S. foreign policy has affected Louisiana (e.g., tariffs, NAFTA) (C-1C-M2);

##### 4. Roles of the Citizen

a. GLE 39: Identify individual rights guaranteed in the Louisiana Constitution (C-1D-M2);

b. GLE 40: Describe ways by which citizens can organize, monitor, or influence government and politics at the local, state, and national levels (C-1D-M4);

c. GLE 41: Explain the importance of being an informed citizen on public issues, recognizing propaganda, and knowing the voting issues (C-1D-M5);

#### C. Economics: Strand Three

##### 1. Fundamental Economic Concepts

a. GLE 42: Analyze situations involving scarcity (limited resources) at the individual, group, and societal levels to determine the need for choices or what is gained/lost by a decision (E-1A-M1);

b. GLE 43: Explain how effective economic decisions (e.g., determining the best level of consumption) require comparing the additional costs of alternatives with additional benefits (E-1A-M2);

c. GLE 44: Explain choice/trade-offs, cost/benefits, and opportunity costs related to making personal economic decisions (E-1A-M3);

d. GLE 45: Analyze the role of specialization in Louisiana's economy (E-1A-M4);

e. GLE 46: Use a variety of resources to research education and training for jobs and careers (E-1A-M5);

f. GLE 47: Cite examples of how skills/knowledge and technical training increase personal productivity and career opportunities, and which skills/knowledge would enhance particular career prospects (E-1A-M5);

g. GLE 48: Characterize and analyze the use of productive resources in an economic system (E-1A-M6);

h. GLE 49: Describe how the four basic economic questions are answered in *traditional* vs. *command* vs. *market* economies (E-1A-M6);

i. GLE 50: Describe institutions (e.g., banks, government agencies, large companies, small businesses) that make up economic systems (E-1A-M7);

j. GLE 51: Use economic concepts (e.g., scarcity, opportunity cost) to explain historic and contemporary events and developments in Louisiana (E-1A-M9);

##### 2. Individuals, Households, Businesses, and Governments

a. GLE 52: Explain how supply and demand affect prices (E-1B-M1);

b. GLE 53: Explain and analyze factors affecting production and allocation of goods/services in Louisiana and the United States (E-1B-M2);

c. GLE 54: Explain the difference between private goods/services and public goods/services and give examples of each (E-1B-M3);



- d. GLE 55: Identify the costs and benefits of a given government policy (e.g., trade agreements, minimum wage) on a competitive market (E-1B-M4);
- e. GLE 56: Identify various types of taxes and user fees and predict their consequences (E-1B-M5);
- f. GLE 57: Explain reasons for trade between nations and the impact of international trade (E-1B-M6);
- g. GLE 58: Describe historical and economic factors influencing the economic growth, interdependence, and development of Louisiana and the nation (e.g., mass production, oil boom and decline) (E-1B-M7);

### 3. The Economy as a Whole

- a. GLE 59: Explain the meaning of various economic indicators that help describe the state of an economy (e.g., GDP, CPI, stock market indices, rate of unemployment or inflation) (E-1C-M1);
- b. GLE 60: Define *inflation* and *unemployment* in terms of an economic system as a whole (E-1C-M2);
- c. GLE 61: Describe the influence/impact of inflation or unemployment on different groups of people (e.g., consumers, business owners) (E-1C-M2);

### D. History: Strand Four

#### 1. Historical Thinking Skills

- a. GLE 62: Construct a timeline of key events in Louisiana history (H-1A-M1);
- b. GLE 63: Interpret data presented in a timeline correlating Louisiana, U.S., and world history (H-1A-M1);
- c. GLE 64: Compare and contrast events and ideas from Louisiana's past and present, explaining political, social, or economic contexts (H-1A-M2);
- d. GLE 65: Analyze the causes, effects, or impact of a given historical event in Louisiana (H-1A-M3);
- e. GLE 66: Analyze how a given historical figure influenced or changed the course of Louisiana's history (H-1A-M3);
- f. GLE 67: Analyze given source material to identify opinion, propaganda, or bias (H-1A-M4);
- g. GLE 68: Interpret a political cartoon (H-1A-M4);
- h. GLE 69: Propose and defend potential solutions to past and current issues in Louisiana (H-1A-M5);
- i. GLE 70: Conduct historical research using a variety of resources, and evaluate those resources, to answer historical questions related to Louisiana history (H-1A-M6);

#### 2. Louisiana History

- a. GLE 71: Describe major early explorers and explorations significant to Louisiana or early settlers in Louisiana (H-1D-M1);
- b. GLE 72: Describe leaders who were influential in Louisiana's development (H-1D-M1);
- c. GLE 73: Describe and explain the importance of major events and ideas in the development of Louisiana (H-1D-M1);
- d. GLE 74: Describe the causes and effects of various migrations into Louisiana (H-1D-M1);
- e. GLE 75: Describe the contributions of ethnic groups significant in Louisiana history (H-1D-M1);
- f. GLE 76: Trace and describe various governments in Louisiana's history (H-1D-M2);
- g. GLE 77: Describe major conflicts in context of Louisiana history (e.g., Rebellion of 1768, the French and Indian War) (H-1D-M3);

- h. GLE 78: Describe and analyze the impact of Louisiana's geographic features on historic events, settlement patterns, economic development, etc (H-1D-M4);
- i. GLE 79: Explain how Louisiana's natural resources have shaped its history (e.g., petroleum) (H-1D-M4);
- j. GLE 80: Trace the state's economic development and growth toward economic diversity (e.g., fur trade, tourism, technology) (H-1D-M5);
- k. GLE 81: Explain cultural elements that have shaped Louisiana's heritage (e.g., festivals, music, dance, food, languages) (H-1D-M6).

NOTE: The foundation skills addressed by each benchmark are listed numerically in parenthesis after the benchmark.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6; R.S. 17:24.4; R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:

### **§1121. Geography (Core Course: World Geography)**

#### A. Geography: Strand One

##### 1. The World in Spatial Terms

- a. GLE 1: Identify, explain, and apply the five themes of geography (G-1A-H1);
- b. GLE 2: Compare and contrast various types of maps (G-1A-H1);
- c. GLE 3: Analyze or interpret a map to locate geographic information, using a variety of map elements (e.g., compass rose, symbols, distance scales, time zones, latitude, longitude) (G-1A-H1);
- d. GLE 4: Use a city or road map to plot a route from one place to another or to identify the shortest route (G-1A-H1);
- e. GLE 5: Construct a map based on given narrative information (e.g., location of cities, bodies of water, places of historical significance) (G-1A-H1);
- f. GLE 6: Construct a chart, diagram, graph, or graphic organizer to display geographic information (G-1A-H1);
- g. GLE 7: Analyze, interpret, and use information in charts, diagrams, and graphs to explain geographic issues (G-1A-H1);
- h. GLE 8: Use maps drawn from memory to answer geographic questions (G-1A-H2);

##### 2. Places and Regions

- a. GLE 9: Identify and analyze the distinguishing physical or human characteristics of a given place (e.g., landforms, precipitation, ecosystems, settlement patterns, economic activities) (G-1B-H1);
- b. GLE 10: Evaluate how location, topography, climate, natural resources, and other physical characteristics affect human activities (e.g., cultural diversity, migration, physical features, historical events, plantation, subsistence farming) or the significance of a place (G-1B-H1);
- c. GLE 11: Draw conclusions about a place or area from its geographic or physical features (G-1B-H1);
- d. GLE 12: Explain how topography, climate, soil, vegetation, and natural resources shape the history of a region (G-1B-H2);
- e. GLE 13: Explain how location, physical features, and human characteristics of places influenced historical events (e.g., World War II, Cuban Missile Crisis, Vietnam, Middle East conflicts) (G-1B-H2);

f. GLE 14: Explain ways in which regional systems are interconnected (e.g., interstate transportation and trade, interconnecting rivers and canals) (G-1B-H3);

g. GLE 15: Analyze world regions in terms of given characteristics (e.g., population density, natural resources, economic activities, demography) (G-1B-H3);

h. GLE 16: Explain how physical or geographical characteristics (e.g., mountain ranges, interconnecting waterways) facilitate or hinder regional interactions (G-1B-H3);

i. GLE 17: Explain how technological advances have led to increasing interaction between regions (e.g., use of satellites for monitoring and exploration) (G-1B-H3);

j. GLE 18: Analyze how human activities and physical characteristics of regions have led to regional labels (e.g., Dust Bowl, New South, Sunbelt) (G-1B-H4);

k. GLE 19: Describe how physical, historical, and cultural characteristics give definition to a place or region (e.g., New South, Jerusalem) (G-1B-H4);

### 3. Physical and Human Systems

a. GLE 20: Categorize elements of the natural environment as belonging to one of four components of Earth's physical systems: atmosphere, lithosphere, biosphere, or hydrosphere (G-1C-H1);

b. GLE 21: Characterize areas or regions in terms of the physical processes that affect them (e.g., Pacific Ocean "Rim of Fire," San Andreas fault) (G-1C-H1);

c. GLE 22: Examine the physical effects of Earth-Sun relationships (G-1C-H1);

d. GLE 23: Explain the movement of wind patterns across the earth, its relationship to ocean currents, and its climatic effects on various regions of the world (G-1C-H1);

e. GLE 24: Examine the effects of a physical process (e.g., erosion and depository processes, global warming, El Niño) on the natural environment and societies of an area and draw conclusions from that information (G-1C-H1);

f. GLE 25: Compare and contrast past and present trends in human migration (G-1C-H2);

g. GLE 26: Assess the role of environmental changes, economic scarcity, conflict, political developments, cultural factors, and prosperity in human migration (e.g., escape from persecution or famine, migration to the suburbs) (G-1C-H2);

h. GLE 27: Analyze patterns of urban development in an area or region (G-1C-H3);

i. GLE 28: Compare, contrast, and analyze the distribution, growth rates, and other demographic characteristics of human populations in various countries or regions (G-1C-H3);

j. GLE 29: Analyze the current and future impact of population growth on the world (e.g., natural resources, food supply, standard of living) (G-1C-H3);

k. GLE 30: Analyze population pyramids and use other data, graphics, and maps to describe population characteristics of different societies and to predict future growth (G-1C-H3);

l. GLE 31: Compare the role that culture plays in incidents of cooperation and conflict in the present-day world (G-1C-H4);

m. GLE 32: Analyze how certain cultural characteristics can link or divide regions (e.g., language, religion, demography) (G-1C-H4);

n. GLE 33: Identify the geographical distribution of the different economic systems (market, command, traditional, mixed) (G-1C-H5);

o. GLE 34: Distinguish between developed and developing countries, including the standard of living in these nations, GDP, and per capita income (G-1C-H5);

p. GLE 35: Analyze ways in which the distribution of economic systems relates to regional tensions or regional cooperation (e.g., North and South Korea) (G-1C-H6);

q. GLE 36: Analyze the role of differing points of view and national self-interest in disputes over territory and resources (e.g., oil, water, boundaries) (G-1C-H6);

r. GLE 37: Analyze regional issues and alliances in terms of common interests related to territory and resources (e.g., oil, water, boundaries) (G-1C-H6);

### 4. Environment and Society

a. GLE 38: Identify technological advances that expanded human capacity to modify the environment (e.g., steam, coal, electric, nuclear power, levees) (G-1D-H1);

b. GLE 39: Describe challenges to human systems and activities posed by the physical environment or the impact of natural processes and disasters on human systems (e.g., infrastructure) (G-1D-H2);

c. GLE 40: Analyze or evaluate strategies for dealing with environmental challenges (e.g., dams or dikes to control floods, fertilizer to improve crop production) (G-1D-H2);

d. GLE 41: Analyze the relationship between the development of natural resources in a region and human settlement patterns or regional variations in land use (G-1D-H3);

e. GLE 42: Assess the ways in which unequal distribution of natural resources has led to exploration, colonization, and conflict (G-1D-H3);

f. GLE 43: Analyze world or regional distribution of natural resources in terms of import need and export capacity (G-1D-H3);

g. GLE 44: Analyze the relationship between a country's standard of living and its locally accessible natural resources (e.g., the effects of oil or natural gas reserves in a region) (G-1D-H3);

h. GLE 45: Describe the impact of the scarcity of natural resources (e.g., water shortage) or pollution (e.g., air, water) (G-1D-H3);

i. GLE 46: Assess the role of government in preserving natural resources and protecting the physical environment (G-1D-H4);

j. GLE 47: Evaluate the effectiveness of policies and programs related to conservation and use of natural resources (G-1D-H4);

k. GLE 48: Evaluate import and export policies in regard to a country's needs for resources (G-1D-H4);

l. GLE 49: Debate a position on an environmental issue involving conservation or use of natural resources (e.g., private vs. public interest) (G-1D-H5);

m. GLE 50: Evaluate options for solving a local or regional problem involving physical processes or

environmental challenges (e.g., government disaster aid, environmental clean-up cost responsibility) (G-1D-H5).

NOTE: The foundation skills addressed by each benchmark are listed numerically in parenthesis after the benchmark.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6; R.S. 17:24.4; R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:

### **§1123. Civics (Core Course: Civics)**

#### **A. Civics: Strand Two**

##### **1. Structure and Purposes of Government**

a. GLE 1: Explain competing ideas about the purposes of politics and government and identify reasons why government is necessary (C-1A-H1);

b. GLE 2: Identify and describe services provided by government and assess their necessity and effectiveness (e.g., health care, education) (C-1A-H1);

c. GLE 3: Identify programs, institutions, and activities that fulfill a given governmental or political purpose (e.g., the court system, the military, revenue sharing, block grants) (C-1A-H1);

d. GLE 4: Analyze ways in which the purposes of the U.S. government, as defined in the U.S. Constitution, are achieved (e.g., protecting individual rights, providing for the general welfare) (C-1A-H1);

e. GLE 5: Compare and contrast various forms of government among nations that have been significant in U.S. history (e.g., absolute monarchy in England or France, Germany under Hitler, the Soviet Union under Stalin) (C-1A-H2);

f. GLE 6: Explain the distribution of powers, responsibilities, and the limits of the U.S. federal government (C-1A-H3);

g. GLE 7: Categorize governmental powers as delegated, reserved, concurrent, or implied (C-1A-H3);

h. GLE 8: Identify powers denied to federal or state governments by the U.S. Constitution (C-1A-H3);

i. GLE 9: Analyze or assess issues related to the distribution of powers at the federal level (e.g., tensions among the three branches of government, roles and responsibilities of the three branches) (C-1A-H3);

j. GLE 10: Explain the structure and functions of the three branches of the federal government, including regulatory and independent agencies and the court system (C-1A-H4);

k. GLE 11: Cite the roles, duties, qualifications, and terms of office for key elected and appointed officials (C-1A-H4);

l. GLE 12: Explain the structure and functions of state, parish, and local governments (C-1A-H4);

m. GLE 13: Discuss the advantages and disadvantages of various types of local government (C-1A-H4);

n. GLE 14: Examine constitutional provisions concerning the relationship between federal and state governments (C-1A-H4);

o. GLE 15: Explain the processes and strategies of how a bill becomes a law at the federal and state levels (C-1A-H5);

p. GLE 16: Evaluate a specific law or court ruling on given criteria (C-1A-H5);

r. GLE 17: Examine the meaning, implications, or applications of the U.S. Constitution (e.g., the Bill of Rights, Fourteenth Amendment) (C-1A-H5);

s. GLE 18: Define domestic and foreign policies (C-1A-H6);

t. GLE 19: Analyze responsibilities of the federal government for domestic and foreign policy (e.g. monetary policy, national defense) (C-1A-H6);

u. GLE 20: Analyze a past or present domestic or foreign policy issue from a news article or editorial (C-1A-H6);

v. GLE 21: Explain how government is financed (e.g., taxation, fines, user fees, borrowing) (C-1A-H7);

w. GLE 22: Identify the major sources of tax revenues at the federal, state, and local levels (C-1A-H7);

x. GLE 23: Analyze or evaluate various uses of tax dollars (e.g., the public's need for services versus the public's resistance to taxation) (C-1A-H7);

y. GLE 24: Use the rules of taxation (ability, equity, ease of payment, convenient times to pay) to analyze or evaluate a given tax practice (C-1A-H7);

##### **2. Foundations of the American Political System**

a. GLE 25: Analyze the significance of the Magna Carta, English common law, and the English Bill of Rights in creating limited government in the United States (C-1B-H1);

b. GLE 26: Explain how European philosophers (e.g., Rousseau, Locke, Montesquieu, Voltaire) helped shape American democratic ideas (C-1B-H1);

c. GLE 27: Analyze central ideas in an American historical document and explain the document's significance in shaping the U.S. Constitution (C-1B-H1);

d. GLE 28: Explain the meaning and importance of principles of U.S. constitutional democracy in American society (C-1B-H1);

e. GLE 29: Assess the importance of the U.S. Constitution as the Supreme Law of the Land, and ways in which U.S. constitutional government has helped shape American society (C-1B-H1);

f. GLE 30: Identify and describe examples of freedoms enjoyed today but denied to earlier Americans (C-1B-H1);

g. GLE 31: Explain issues involved in various compromises or plans leading to the creation of the U.S. Constitution (C-1B-H2);

h. GLE 32: Interpret, analyze, or apply ideas presented in a given excerpt from any political document or material (e.g., speech, essay, editorial, court case) (C-1B-H2);

i. GLE 33: Analyze a given example of American political or social conflict, and state and defend a position on the issue (C-1B-H3);

j. GLE 34: Analyze discrepancies between American ideals and social or political realities of life (e.g., equal protection vs. Jim Crow laws) (C-1B-H4);

k. GLE 35: Explain the two-party system and assess the role of third parties in the election process (C-1B-H5);

l. GLE 36: Assess the significance of campaigns, campaign finance, elections, the Electoral College, and the U.S. census in the U.S. political system (C-1B-H5);

m. GLE 37: Analyze the use and effects of propaganda (C-1B-H5);

n. GLE 38: Identify key platform positions of the major political parties (C-1B-H5);

o. GLE 39: Evaluate the role of the media and public opinion in American politics (C-1B-H6);

p. GLE 40: Explain historical and contemporary roles of special interest groups, lobbyists, and associations in U.S. politics (C-1B-H6);

### 3. International Relationships

a. GLE 41: Identify the political divisions of the world and the factors that contribute to those divisions (C-1C-H1);

b. GLE 42: Analyze and assess the various ways that nation-states interact (C-1C-H1);

c. GLE 43: Explain the role of the United Nations or other international organizations in political interactions and conflicts (C-1C-H1);

d. GLE 44: Analyze ways in which the interactions of nation-states or international organizations affect the United States (C-1C-H1);

e. GLE 45: Describe the means by which the United States upholds national security, protects its economic welfare and strategic interests, and attains its foreign policy objectives (e.g., aid, sanctions, embargos, treaties) (C-1C-H2);

f. GLE 46: Assess the extent to which a given U.S. foreign policy position has helped or hindered the United States' relations with the rest of the world (C-1C-H2);

g. GLE 47: Explain how U.S. domestic policies, constitutional principles, economic behavior, and culture affect its relations with the rest of the world (C-1C-H3);

h. GLE 48: Describe ways in which ideas, actions, and problems of other nations impact the United States (C-1C-H3);

### 4. Roles of the Citizen

a. GLE 49: Distinguish between personal, political, and economic rights of citizenship (C-1D-H1);

b. GLE 50: Describe the importance of various rights of citizenship to the individual or to society at large (C-1D-H1);

c. GLE 51: Analyze an amendment or law concerning the rights of citizens in terms of their effect on public policy or American life (e.g., Nineteenth Amendment, Americans with Disabilities Act) (C-1D-H1);

d. GLE 52: Evaluate and defend a position on a given situation or issue in terms of the personal, political, or economic rights of citizens (C-1D-H1);

e. GLE 53: Assess the difference between personal and civic responsibilities (C-1D-H2);

f. GLE 54: Describe various forms of political participation (C-1D-H3);

g. GLE 55: Evaluate current and past political choices that individuals, groups, and nations have made, taking into account historical context (C-1D-H3);

h. GLE 56: Describe the importance of political leadership to American society, and identify ways in which citizens can exercise leadership (C-1D-H4);

i. GLE 57: Identify examples of public service, and describe the importance of public service to American society (C-1D-H4);

j. GLE 58: Evaluate the claim that American constitutional democracy requires the participation of an attentive, knowledgeable, and competent citizenry (C-1D-H4);

k. GLE 59: Compare and evaluate characteristics, style, and effectiveness of state and national leaders, past and present (C-1D-H4).

NOTE: The foundation skills addressed by each benchmark are listed numerically in parenthesis after the benchmark.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6; R.S. 17:24.4; R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:

## **§1125. Economics (Core Course: Free Enterprise)**

### A. Economics: Strand Three

#### 1. Fundamental Economic Concepts

a. GLE 1: Apply fundamental economic concepts to decisions about personal finance (E-1A-H1);

b. GLE 2: Define scarcity (E-1A-H1);

c. GLE 3: Identify factors that drive economic decisions (e.g., incentives, benefits, costs, trade-offs, consequences) (E-1A-H1);

d. GLE 4: Analyze an economic choice at the personal, family, or societal level to determine its opportunity cost (E-1A-H1);

e. GLE 5: Explain how the scarcity of natural resources leads to economic interdependence (E-1A-H1);

f. GLE 6: Identify the four basic economic questions (E-1A-H1);

g. GLE 7: Define *productivity* and characterize the relationship between productivity and standard of living (E-1A-H2);

h. GLE 8: Explain the role of marketing and channels of distribution in economic decisions (E-1A-H2);

i. GLE 9: Identify actions or conditions that increase productivity or output of the economy (E-1A-H2);

j. GLE 10: Explain the skills, knowledge, talents, personal characteristics, and efforts likely to enhance prospects of success in finding a job in a particular field (E-1A-H3);

k. GLE 11: Explain the types of jobs important to meeting the needs of Louisiana industries and an information-based society (E-1A-H3);

l. GLE 12: Evaluate various careers in terms of availability, educational and skill requirements, salary and benefits, and intrinsic sources of job satisfaction (E-1A-H3);

m. GLE 13: Compare contemporary and historic economic systems (e.g., ownership and control of production and distribution, determination of wages) (E-1A-H4);

n. GLE 14: Explain the advantages and disadvantages of given market structures (E-1A-H5);

o. GLE 15: Explain factors affecting levels of competition in a market (e.g., number of buyers and sellers, profit motive, collusion among buyers or sellers, presence of cartels) (E-1A-H5);

p. GLE 16: Explain the effects of competition on producers and consumers (E-1A-H5);

q. GLE 17: Analyze the role of various economic institutions in economic systems (E-1A-H6);

r. GLE 18: Explain the role of government as producer, employer, and consumer in economic systems (E-1A-H6);

s. GLE 19: Analyze the importance of labor-management relations and the effects of given labor and management practices on productivity or business profitability (E-1A-H6);

t. GLE 20: Compare and contrast characteristics of various forms of business ownership (E-1A-H6);

u. GLE 21: Explain ways in which businesses have changed to meet rising production costs or to compete more effectively in a global market (E-1A-H6);

v. GLE 22: Analyze the role of banks in economic systems (e.g., increasing the money supply by making loans) (E-1A-H7);

w. GLE 23: Describe the functions and purposes of the financial markets (E-1A-H7);

x. GLE 24: Compare and contrast credit, savings, and investment services available to the consumer from financial institutions (E-1A-H7);

y. GLE 25: Apply an economic concept to analyze or evaluate a given historical economic issue or situation (e.g., causes of the Great Depression, how the New Deal changed the role of the federal government) (E-1A-H8);

z. GLE 26: Interpret information about a current economic system undergoing change from a largely command or traditional system to a more mixed system (e.g., Eastern European countries, China, other developing economies) (E-1A-H8);

## 2. Individuals, Households, Businesses, and Governments

a. GLE 27: Explain, analyze, and apply principles of supply and demand, including concepts of price, equilibrium point, incentives, and profit (E-1B-H1);

b. GLE 28: Identify factors that cause changes in supply or demand for a product (e.g. complements, substitutes) (E-1B-H1);

c. GLE 29: Explain the role of *factors of production* in the economy (E-1B-H2);

d. GLE 30: Identify factors affecting production/allocation of goods/services and characterize their effects (E-1B-H2);

e. GLE 31: Identify the difference between monetary and non-monetary incentives and how changes in incentives cause changes in behavior (E-1B-H2);

f. GLE 32: Analyze the circular flow of goods and services and money payments from a diagram (E-1B-H2);

g. GLE 33: Identify various forms of taxation (E-1B-H3);

h. GLE 34: Describe the impact of given forms of taxation (E-1B-H3);

i. GLE 35: Describe the effects of governmental action or intervention in a market economy (E-1B-H3);

j. GLE 36: Describe major revenue and expenditure categories and their respective proportions of local, state, and federal budgets (E-1B-H3);

k. GLE 37: Predict how changes in federal spending and taxation would affect budget deficits and surpluses and the national debt (E-1B-H3);

l. GLE 38: Evaluate the impact of policies related to the use of resources (e.g., water use regulations, policies on scarce natural resources) (E-1B-H3);

m. GLE 39: Explain the causes of global economic interdependence (E-1B-H4);

n. GLE 40: Describe the worldwide exchange of goods and services in terms of its effect in increasing global interdependence and global competition (E-1B-H4);

o. GLE 41: Examine fundamental concepts of currency valuation and foreign exchange and their role in a global economy (E-1B-H4);

p. GLE 42: Explain how the economy of one country can affect the economies of other countries or the balance of trade among nations (E-1B-H4);

q. GLE 43: Explain the role of the International Monetary Fund in supporting world economies (E-1B-H4);

r. GLE 44: Identify and evaluate various types of trade barriers among nations (E-1B-H5);

s. GLE 45: Take and defend a position on a trade policy or issue (e.g., NAFTA, G8, European Union) (E-1B-H5);

t. GLE 46: Evaluate the role and importance of Louisiana ports and products in the national and international economy (E-1B-H6);

## 3. The Economy as a Whole

a. GLE 47: Explain the meaning or use of various economic indicators and their implications as measures of economic well-being (E-1C-H1);

b. GLE 48: Define productivity and characterize the relationship between productivity and standard of living (E-1C-H1);

c. GLE 49: Interpret various economic indicators used in a chart, table, or news article (E-1C-H1);

d. GLE 50: Draw conclusions about two different economies based on given economic indicators (E-1C-H1);

e. GLE 51: Explain how inflation and deflation are reflected in the Consumer Price Index (E-1C-H2);

f. GLE 52: Explain the impact of inflation/deflation on individuals, nations, and the world, including its impact on economic decisions (E-1C-H2);

g. GLE 53: Describe the effects of interest rates on businesses and consumers (E-1C-H2);

h. GLE 54: Predict the consequences of investment decisions made by individuals, businesses, and government (E-1C-H2);

i. GLE 55: Predict how interest rates will act as an incentive for savers and borrowers (E-1C-H2);

j. GLE 56: Explain various causes and consequences of unemployment in a market economy (E-1C-H3);

k. GLE 57: Analyze regional, national, or demographic differences in rates of unemployment (E-1C-H3);

l. GLE 58: Analyze the relationship between the business cycle and employment (E-1C-H3);

m. GLE 59: Explain the meaning of *underemployment* and analyze its causes and consequences (E-1C-H3);

n. GLE 60: Explain factors contributing to unequal distribution of income in a market economy (E-1C-H3);

o. GLE 61: Interpret a chart or graph displaying various income distributions (e.g., in the United States vs. the Third World, various groups within a country) (E-1C-H3);

p. GLE 62: Distinguish monetary policy from fiscal policy (E-1C-H4);

q. GLE 63: Explain the role of the Federal Reserve System as the central banking system of the United States (E-1C-H4);

r. GLE 64: Explain the role of regulatory agencies in the U.S. economy (E-1C-H4);

s. GLE 65: Explain the role of the Federal Deposit Insurance Corporation (FDIC) (E-1C-H4).

NOTE: The foundation skills addressed by each benchmark are listed numerically in parenthesis after the benchmark.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6; R.S. 17:24.4; R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:

### **§1127. History (Core Course: U.S. History)**

#### **A. History: Strand Four**

##### **1. Historical Thinking Skills**

a. GLE 1: Construct a timeline to explain and analyze historical periods in U.S. history (H-1A-H1);

b. GLE 2: Compare historical periods or historical conflicts in terms of similar issues, actions, or trends in U.S. history (H-1A-H1);

c. GLE 3: Contrast past and present events or ideas in U.S. history, demonstrating awareness of differing political, social, or economic context (H-1A-H1);

d. GLE 4: Analyze change or continuity in the United States over time based on information in stimulus material (H-1A-H1);

e. GLE 5: Describe multiple perspectives on an historical issue or event in U.S. history (H-1A-H2);

f. GLE 6: Analyze the point of view of an historical figure or group in U.S. history (H-1A-H2);

g. GLE 7: Analyze or interpret a given historical event, idea, or issue in U.S. history (H-1A-H2);

h. GLE 8: Debate a historical point of view, with supporting evidence, on an issue or event in U.S. history (H-1A-H2);

i. GLE 9: Evaluate and use multiple primary or secondary materials to interpret historical facts, ideas, or issues (H-1A-H3);

j. GLE 10: Determine when primary and/or secondary sources would be most useful when analyzing historical events (H-1A-H3);

k. GLE 11: Propose and defend alternative courses of action to address an historical or contemporary issue, and evaluate their positive and negative implications (H-1A-H4);

l. GLE 12: Analyze and evaluate the credibility of a given historical document (e.g., in terms of its source, unstated assumptions) (H-1A-H4);

m. GLE 13: Analyze source material to identify opinion or propaganda and persuasive techniques (H-1A-H4);

n. GLE 14: Interpret a political cartoon depicting an historical event, issue, or perspective (H-1A-H4);

o. GLE 15: Interpret or analyze historical data in a map, table, or graph to explain historical factors or trends (H-1A-H4);

p. GLE 16: Construct a narrative summary of an historical speech or address (H-1A-H5);

q. GLE 17: Conduct historical research using a variety of resources to answer historical questions related to U.S. history and present that research in appropriate format(s) (visual, electronic, written) (H-1A-H5);

r. GLE 18: Analyze causes and effects in historical and contemporary U.S. events, using a variety of resources (H-1A-H6);

##### **2. United States History**

a. GLE 19: Examine the causes of industrialization and analyze its impact on production, business structures, the work force, and society in the United States (H-1B-H6);

b. GLE 20: Describe the emergence of big business and analyze how it changed American society in the late nineteenth century (H-1B-H6);

c. GLE 21: Analyze the changing relationship between the federal government and private industry (H-1B-H6);

d. GLE 22: Describe the phases, geographic origins, and motivations behind mass migration to and within the United States (H-1B-H7);

e. GLE 23: Explain the causes of the late nineteenth-century urbanization of the United States, including immigration and migration from rural areas, and discuss its impact in such areas as housing, political structures, and public health (H-1B-H7);

f. GLE 24: Explain the impact of legislation, federal Indian and land policies, technological developments, and economic policies on established social and migratory groups in the settlement of the western United States (e.g., Dawes Act, Chinese Exclusion Act) (H-1B-H7);

g. GLE 25: Analyze the role of the media, political leaders, and intellectuals in raising awareness of social problems among Americans in the United States (e.g., Muckrakers, Presidents Roosevelt, Taft, and Wilson, Jane Adams) (H-1B-H8);

h. GLE 26: Evaluate the Progressive movement in terms of its goals and resulting accomplishments (e.g., Sixteenth through Nineteenth Amendments, Pure Food and Drug Act, advances in land conservation) (H-1B-H8);

i. GLE 27: Describe problems facing farmers and laborers, the ways they sought to enact change, and the responses of the government and business community (e.g., populism, share-croppers, rise of labor unions) (H-1B-H9);

j. GLE 28: Locate on a world map the territories acquired by the United States during its emergence as an imperial power in the world and explain how these territories were acquired (H-1B-H10);

k. GLE 29: Explain the U.S. policy of imperialism and how it increased U.S. involvement in world affairs (H-1B-H10);

l. GLE 30: Identify causes of World War I (H-1B-H10);

m. GLE 31: Describe the events that led to U.S. involvement in World War I (H-1B-H10);

n. GLE 32: Identify and describe significant events and issues during World War I (H-1B-H10);

o. GLE 33: Identify and explain the consequences of World War I, in terms of changes in U.S. foreign and domestic policies during the 1920s (e.g., Treaty of Versailles, Wilson's Fourteen Points, League of Nations) (H-1B-H11);

p. GLE 34: Identify the characteristics of the 1920s and describe the cultural changes that resulted (e.g., Harlem Renaissance, prohibition, women's suffrage) (H-1B-H11);

q. GLE 35: Analyze the international and domestic events, interests, and philosophies that prompted threats to civil liberties in the aftermath of World War I (H-1B-H11);

r. GLE 36: Identify the causes of the Great Depression (e.g., over speculation, Stock Market Crash of 1929) and analyze its impact on American society (H-1B-H12);

s. GLE 37: Explain the expanding role of government as a result of the Great Depression and the New Deal and analyze the effects of the New Deal legislation (H-1B-H12);

t. GLE 38: Describe the conditions that led to the outbreak of World War II (H-1B-H13);

u. GLE 39: Describe the events that led the United States into World War II (H-1B-H13);

v. GLE 40: Describe the course of World War II, including major turning points and key strategic decisions (H-1B-H13);

w. GLE 41: Describe the effects of World War II on the U.S. home front and Europe, including the Holocaust (H-1B-H13);

x. GLE 42: Explain the consequences and impact of World War II (e.g., Cold War, United Nations, Baby Boom) (H-1B-H13);

y. GLE 43: Analyze the spread of Communism after World War II and its impact on U.S. foreign policy (H-1B-H14);

z. GLE 44: Analyze the conflicts that resulted from Cold War tensions (e.g., Vietnam War, Korean War) (H-1B-H14);

aa. GLE 45: Describe the impact of the Cold War on American society and domestic policy (e.g., McCarthyism, Space Race) (H-1B-H14);

bb. GLE 46: Analyze the reasons for the end of the Cold War and its impact on the world today (H-1B-H14);

cc. GLE 47: Explain the impact of post-World War II domestic policies on life in the United States (e.g., the Great Society) (H-1B-H15);

dd. GLE 48: Identify the primary leaders of the Civil Rights Movement and describe major issues and accomplishments (H-1B-H15);

ee. GLE 49: Describe the effects of Watergate on the United States and its political system (H-1B-H15);

ff. GLE 50: Identify and describe the social and cultural changes from the 1960s to the present (e.g., Women's Movement) (H-1B-H15);

gg. GLE 51: Evaluate various means of achieving equality of political rights (e.g., civil disobedience vs. violent protest) (H-1B-h1);

hh. GLE 52: Evaluate the effects of the mass media on American society (H-1B-H16);

ii. GLE 53: Describe the impact of technology on American society (H-1B-H16);

jj. GLE 54: Analyze contemporary issues in American society and suggest alternative solutions (H-1B-H17);

kk. GLE 55: Identify recent U.S. Supreme Court decisions and describe how they impact political and social institutions (e.g., presidential election of 2000) (H-1B-H17);

ll. GLE 56: Describe the relationship of the United States and nations of the world in the post-Cold War era (e.g., Middle East conflicts, U.S. peace keeping) (H-1B-H18);

mm. GLE 57: Identify recent trends in the U.S. economy and explain shifts in government policy designed

to address them (e.g., NAFTA, global economy) (H-1B-H18);

nn. GLE 58: Identify and explain recent domestic issues and reform movements (e.g., terrorism, energy, environment, war on drugs, education) (H-1B-H18).

NOTE: The foundation skills addressed by each benchmark are listed numerically in parenthesis after the benchmark.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6; R.S. 17:24.4; R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:

## §1129. History (Core Course: World History)

### A. History: Strand

#### 1. Historical Thinking Skills

a. GLE 1: Construct a timeline to explain and analyze historical periods in world history (H-1A-H1);

b. GLE 2: Compare historical periods or historical conflicts in terms of similar issues, actions, or trends in world history (H-1A-H1);

c. GLE 3: Contrast past and present events or ideas in world history, demonstrating awareness of differing political, social, or economic context (H-1A-H1);

d. GLE 4: Analyze change or continuity in areas of the world over time based on information in stimulus material (H-1A-H1);

e. GLE 5: Describe multiple perspectives on an historical issue or event in world history (H-1A-H2);

f. GLE 6: Analyze the point of view of an historical figure or group in world history (H-1A-H2);

g. GLE 7: Analyze or interpret a given historical event, idea, or issue in world history (H-1A-H2);

h. GLE 8: Debate an historical point of view, with supporting evidence, on an issue or event in world history (H-1A-H2);

i. GLE 9: Evaluate and use multiple primary or secondary materials to interpret historical facts, ideas, or issues (H-1A-H3);

j. GLE 10: Determine when primary and/or secondary sources would be most useful when analyzing historical events (H-1A-H3);

k. GLE 11: Propose and defend alternative courses of action to address an historical or contemporary issue, and evaluate their positive and negative implications (H-1A-H4);

l. GLE 12: Analyze and evaluate the credibility of a given historical document (e.g., in terms of its source, unstated assumptions) (H-1A-H4);

m. GLE 13: Analyze source material to identify opinion or propaganda and persuasive techniques (H-1A-H4);

n. GLE 14: Interpret a political cartoon depicting an historical event, issue, or perspective (H-1A-H4);

o. GLE 15: Interpret or analyze historical data in a map, table, or graph to explain historical factors or trends (H-1A-H4);

p. GLE 16: Construct a narrative summary of an historical speech or address (H-1A-H5);

q. GLE 17: Conduct historical research using a variety of resources to answer historical questions related to world history and present that research in appropriate format(s) (visual, electronic, written) (H-1A-H5);

r. GLE 18: Analyze causes and effects in historical and contemporary world events, using a variety of resources (H-1A-H6);

## 2. World History

a. GLE 19: Explain the origins, developments, and consequences of the transatlantic slave trade between Africa and the Americas and Europe (H-1C-H6);

b. GLE 20: Identify major technological innovations in shipbuilding, navigation, and naval warfare, and explain how these technological advances were related to European voyages of exploration, conquest, and colonization (H-1C-H6);

c. GLE 21: Identify demographic, economic, and social trends in major world regions (H-1C-H7);

d. GLE 22: Describe key features of the Renaissance, Reformation, Scientific Revolution, and the Age of Enlightenment (H-1C-H7);

e. GLE 23: Describe major changes in world political boundaries between 1450 and 1770 and assess the extent and limitations of European political and military power in Africa, Asia, and the Americas as of the mid-eighteenth century (H-1C-H8);

f. GLE 24: Describe the development of nation-states and major world powers (H-1C-H8);

g. GLE 25: Describe the goals and consequences of European colonization in the Americas (H-1C-H9);

h. GLE 26: Describe the European commercial penetration of Asia and the impact on trade (H-1C-H9);

i. GLE 27: Identify the influence of European economic power within Africa and its impact on other parts of the world (H-1C-H9);

j. GLE 28: Describe the major ideas of philosophers and their effects on the world (H-1C-H10);

k. GLE 29: Identify causes and evaluate effects of major political revolutions since the seventeenth century (H-1C-H10);

l. GLE 30: Describe how the American Revolution differed from the French Revolution and the impact both had on world political developments (H-1C-H10);

m. GLE 31: Describe the characteristics of the agricultural revolution that occurred in England and Western Europe and analyze its effects on population growth, industrialization, and patterns of landholding (H-1C-H11);

n. GLE 32: Describe the expansion of industrial economies and the resulting social transformations throughout the world (e.g., urbanization, change in daily work life) (H-1C-H11);

o. GLE 33: Describe the motives, major events, and effects of Western European and American imperialism in Africa, Asia, and the Americas (H-1C-H12);

p. GLE 34: Using a map, identify the extent of European and American territorial expansion (H-1C-H12);

q. GLE 35: Describe the origins, major events, and peace settlements of World War I from multiple international perspectives (H-1C-H13);

r. GLE 36: Describe the causes and consequences of the Russian Revolution of 1917 (H-1C-H13);

s. GLE 37: Explain how art, literature, and intellectual thought reflect changes brought about by World War I (e.g., Freud, Einstein) (H-1C-H13);

t. GLE 38: Explain the causes and consequences of global depression following World War I (H-1C-H13);

u. GLE 39: Describe the political, social, and economic conditions leading to the rise of totalitarianism in

the Soviet Union, Germany, Italy, Japan, and Spain (H-1C-H13);

v. GLE 40: Describe the origins, major events, and peace settlements of World War II including decisions made at wartime conferences (H-1C-H13);

w. GLE 41: Explain the consequences of World War II as a total war (e.g., occupation of defeated powers, Nuremberg trials, Japanese war trials, Cold War, NATO, Warsaw Pact) (H-1C-H13);

x. GLE 42: Explain major differences in the political ideologies and values of the Western democracies versus the Soviet bloc and how they led to development of the Cold War (H-1C-H14);

y. GLE 43: Describe the causes and effects of major Cold War crises and military conflicts on the world (H-1C-H14);

z. GLE 44: Analyze and compare the development of Communism in the Soviet Union and China (H-1C-H14);

aa. GLE 45: Describe the end of colonial rule in Asia, Africa, the Americas, and the Middle East (H-1C-H14);

bb. GLE 46: Describe the role of the United Nations in the contemporary world (H-1C-H14);

cc. GLE 47: Analyze the consequences of the breakup of the Soviet Union on the world (H-1C-H15);

dd. GLE 48: Describe terrorist movements in terms of their proliferation and impact on politics and societies (H-1C-H15);

ee. GLE 49: Describe the progress and status of democratic movements and civil rights around the world (H-1C-H15);

ff. GLE 50: Explain the political, social, and economic significance of the growing interdependence in the global economy (H-1C-H15);

gg. GLE 51: Analyze information about current economic systems undergoing change (e.g., command economy to mixed economy, traditional economy to industrial economy, developing countries to developed countries) (H-1C-H15);

hh. GLE 52: Describe and evaluate the significance and possible consequences of major technological innovations and trends (H-1C-H15).

NOTE: The foundation skills addressed by each benchmark are listed numerically in parenthesis after the benchmark.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6; R.S. 17:24.4; R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:

## Chapter 13. Glossary and References

### §1301. Definitions

A. Analyzing. Weighing or studying various factors in order to arrive at an answer, result or solution.

B. Applying. Using (a tool or a concept) for a practical purpose, for a particular purpose, or in a particular case.

C. Benchmark. A broad statement of process and/or content that is used as a reference to develop curriculum and to assess student progress.

D. Comparing. Examining the character or qualities of two or more persons, things, or concepts for the purpose of discovering similarities or differences.

E. Constructing. Creating by organizing ideas or concepts logically, coherently, and meaningfully.



F. Content area. A field of study or a branch of knowledge formally referred to as a subject area or discipline.

G. Content standard. A description of what a student should know and be able to do through subject matter, knowledge, proficiencies, etc., gained as a result of his or her education.

H. Culture. Customary beliefs, social forms, and material traits of a racial, religious, or social group.

I. Defining. Discovering and setting forth the meaning to significance in context of a word, term, or concept.

J. Describing. Representing orally or in writing the characteristics of a person, object, or concept, derived from personal observation or understanding.

K. Determining. Coming to a decision as the result of investigation or reasoning.

L. Developing. Laying out in a clear, full, and explicit presentation the meaning, significance, or application of a basic thought or concept.

M. Differentiating. Expressing the specific differences between or among two or more ideas, concepts, or objects.

N. Displaying. Setting forth evidence of a concept in order to assist the transfer of knowledge or understanding.

O. Evaluating. Examining an object, idea, or concept for the purpose of determining its worth, applicability, quality, or significance within a specific context.

P. Explaining. Presenting a subject or concept plainly and understandably, clear of unnecessary complexities or obscurities.

Q. Focus. A statement describing the importance of a content strand.

R. Formulating. Placing ideas into a systemized statement or expression.

S. Foundation skills. Processes that are common to all areas and levels of education and are intended to suggest methods and objectives of instructional strategies.

T. Global. Of, relating to, or involving the entire world; worldwide.

U. Hypothesizing. Adopting temporarily as true a proposition in order to establish its consequences and to test its agreement with facts which are known or which may be determined.

V. Identifying. Associating a persona, thought, or concept with a specific characteristic or requirement which determines its nature or character.

W. Interpreting. Translating an idea or concept into intelligible or familiar language.

X. Locating. Determining or indicating the place, time, or context in which a person, place, movement, or idea can be found.

Y. Mental map. A map which represents the mental image a person has of an area, including knowledge of features and spatial relationships; also known as a cognitive map.

Z. Opportunity cost. The highest valued alternative that must be forgone because another economic option is chosen.

AA. Predicting. Declaring in advance the likelihood that an event will occur, or the consequence(s) of the occurrence of an action or event.

BB. Relating. Showing or establishing a logical or causal connection between or among two or more ideas, events, or occurrences.

CC. Spatial. Pertaining to space on Earth's surface; includes location, distance, direction, pattern, shape, and arrangement.

DD. Strands. Categories within particular content areas, which may vary from discipline to discipline. Because strands are interrelated, they should be integrated, rather than taught in isolation.

EE. Tracing. Following or studying in detail the historical development of a concept or movement.

FF. Using/utilizing. Putting an object, idea, or concept into service or action in order to accomplish a desired purpose.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6; R.S. 17:24.4; R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:

Interested persons may submit written comments until 4:30 p.m., September 8, 2005, to Nina A. Ford, Board of Elementary and Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA 70804-9064.

Weegie Peabody  
Executive Director

## **FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES**

### **RULE TITLE: Bulletin 1964—Louisiana Content Standards, Benchmarks, and Grade Level Expectations for Social Studies**

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

This revision of the Louisiana social studies content standards includes Grade-Level Expectations (GLEs) for all grades pre-kindergarten through 12th. Grade-Level Expectations are statements of knowledge and skills that students should master at the end of each grade. The cost for printing GLE materials for social studies and for providing training to school and district staff totaled \$205,750. These costs were paid by federal Title VI funds in the '04-'05 fiscal year.

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

There will be no 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)**

There will be no costs or economic benefits to persons or nongovernmental groups.

#### **IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)**

There will be no effect on competition and employment.

Marlyn J. Langley  
Deputy Superintendent  
0507#037

H. Gordon Monk  
Staff Director  
Legislative Fiscal Office

## NOTICE OF INTENT

### Board of Elementary and Secondary Education

Bulletin 1965 **C**Louisiana Content Standards, Benchmarks, and Grade Level Expectations for English Language Arts (LAC 28:LXIII.Chapters 1-19)

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, notice is hereby given that the Board of Elementary and Secondary Education approved for advertisement *Bulletin 1965 **C**Louisiana Content Standards, Benchmarks, and Grade Level Expectations for English Language Arts*. This revision of the Louisiana English language arts content standards includes Grade Level Expectations for all grades pre-kindergarten through 12th. Grade Level Expectations are statements of knowledge and skills that students should master at the end of each grade. The federal No Child Left Behind legislation requires every state to have grade specific standards. Since the Louisiana content standards are by grade band, it was necessary to develop the Grade Level Expectations.

#### Title 28

#### EDUCATION

#### Part LXIII. Bulletin 1965 **C**Louisiana Content Standards, Benchmarks, and Grade Level Expectations for English Language Arts

#### Chapter 1. General

#### §101. Introduction

A. The content standards in this document define what Louisiana students should know and be able to do in the English Language Arts in order to become lifelong learners and productive citizens in the 21st century. The challenges our students face are numerous and rigorous, requiring that students communicate in all settings. Therefore, the Louisiana English Language Arts Content Standards demonstrate an expanded definition of literacy, one that includes not only knowledge and application of subject matter, but also the ability to be literate technologically and to function as part of a team working individually, collaboratively, and strategically to achieve a common goal.

B. The English Language Arts, reading, writing, speaking, listening, viewing, and visually representing, are integrated; they support each other as they are learned and as they are used. Learning activities are rarely *just reading*, *just writing*, or *just speaking*. Therefore, it is essential that the content standards be viewed holistically; they are not distinct or separable. The English Language Arts are interwoven as pervasive themes throughout this document. Consequently, the Louisiana English Language Arts Content Standards are not categorized by strands.

C. The Louisiana English Language Arts Standards support the philosophy that all students can learn and seek to remove any disparities that may exist in educational opportunities. These content standards reflect a shared vision of the community, educators, and parents that all Louisiana students are capable of becoming informed, productive citizens in our society.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6; R.S. 17: 24.4; R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:306 (March 2003), LR 31:

#### §103. Louisiana Content Standards Foundation Skills

A. The Louisiana Content Standards Task Force has developed the following foundation skills which should apply to all students in all disciplines.

1. Communication. A process by which information is exchanged and a concept of *meaning* is created and shared between individuals through a common system of symbols, signs, or behavior. Students should be able to communicate clearly, fluently, strategically, technologically, critically, and creatively in society in a variety of workplaces. This process can best be accomplished through use of the following skills: reading, writing, speaking, listening, viewing, and visually representing;

2. Problem Solving. The identification of an obstacle or challenge and the subsequent application of knowledge and thinking processes, which include reasoning, decision making, and inquiry in order to reach a solution using multiple pathways, even when no routine path is apparent;

3. Resource Access and Utilization. The process of identifying, locating, selecting, and using resource tools to help in analyzing, synthesizing, and communicating information. The identification and employment of appropriate tools, techniques, and technologies are essential to all learning processes. These resource tools include pen, pencil, and paper; audio/video materials, word processors, computers, interactive devices, telecommunication, and other emerging technologies;

4. Linking and Generating Knowledge. The effective use of cognitive processes to generate and link knowledge across the disciplines and in a variety of contexts. In order to engage in the principles of continual improvement, students must be able to transfer and elaborate on these processes. *Transfer* refers to the ability to apply a strategy or content knowledge effectively in a setting or context other than that in which it was originally learned. *Elaboration* refers to monitoring, adjusting, and expanding strategies into other contexts; and

5. Citizenship. The application of the understanding of the ideals, rights, and responsibilities of active participation in a democratic republic that includes working respectfully and productively together for the benefit of the individual and the community; being accountable for one's choices and actions and understanding their impact on oneself and others; knowing one's civil, constitutional, and statutory rights; and mentoring others to become productive citizens and lifelong learners.

NOTE: These foundation skills are listed numerically in parenthesis after each benchmark.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6; R.S. 17: 24.4; R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:306 (March 2003), LR 31:

#### §105. Information Literacy Model for Lifelong Learning

A. Students must become competent and independent users of information to be productive citizens of the 21st century. They must be prepared to live in an information-rich and changing global society. Due to the rapid growth of technology, the amount of information available is accelerating so quickly that teachers are no longer able to impart a complete knowledge base in a subject area. In addition, students entering the workforce must know how to

access information, solve problems, make decisions, and work as part of a team. Therefore, information literacy, the ability to recognize an information need and then locate, evaluate, and effectively use the needed information, is a basic skill essential to the 21st century workplace and home. Information literate students are self-directed learners who, individually or collaboratively, use information responsibly to create quality products and to be productive citizens. Information literacy skills must not be taught in isolation; they must be integrated across all content areas, utilizing fully the resources of the classroom, the school library media center, and the community. The Information Literacy Model for Lifelong Learning is a framework that teachers at all levels can apply to help students become independent lifelong learners.

1. **Defining/Focusing.** The first task is to recognize that an information need exists. Students make preliminary decisions about the type of information needed based on prior knowledge.

2. **Selecting Tools and Resources.** After students decide what information is needed, they then develop search strategies for locating and accessing appropriate, relevant sources in the school library media center, community libraries and agencies, resource people, and others as appropriate.

3. **Extracting and Recording.** Students examine the resources for readability, currency, usefulness, and bias. This task involves skimming or listening for key words, chunking reading, finding main ideas, and taking notes.

4. **Processing Information.** After recording information, students must examine and evaluate the data in order to utilize the information retrieved. Students must interact with the information by categorizing, analyzing, evaluating, and comparing for bias, inadequacies, omissions, errors, and value judgments. Based on their findings, they either move on to the next step or do additional research.

5. **Organizing Information.** Students effectively sort, manipulate, and organize the information that was retrieved. They make decisions on how to use and communicate their findings.

6. **Presenting Findings.** Students apply and communicate what they have learned (e.g., research report, project, illustration, dramatization, portfolio, book, book report, map, oral/audio/visual presentation, game, bibliography, hyper stack).

7. **Evaluating Efforts.** Throughout the information problem solving process, students evaluate their efforts. This assists students in determining the effectiveness of the research process. The final product may be evaluated by the teacher and also other qualified or interested resource persons.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 17:6; R.S. 17: 24.4; R.S. 17:154.

**HISTORICAL NOTE:** Promulgated by the Board of Elementary and Secondary Education, LR 29:306 (March 2003), LR 31:

### **§107. Louisiana English Language Arts Content Standards**

A. The Louisiana English Language Arts Content Standards listed below should be considered as a whole and not as isolated components of instruction. Further, it should be noted that the content standards are numbered for

reference purposes and are not arranged by hierarchy or progression.

1. Students read, comprehend, and respond to a range of materials, using a variety of strategies for different purposes;

2. Students write competently for a variety of purposes and audiences;

3. Students communicate using standard English grammar, usage, sentence structure, punctuation, capitalization, spelling, and handwriting;

4. Students demonstrate competence in speaking and listening as tools for learning and communicating;

5. Students locate, select, and synthesize information from a variety of texts, media, references, and technological sources to acquire and communicate knowledge;

6. Students read, analyze, and respond to literature as a record of life experiences;

7. Students apply reasoning and problem solving skills to reading, writing, speaking, listening, viewing, and visually representing.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 17:6; R.S. 17: 24.4; R.S. 17:154.

**HISTORICAL NOTE:** Promulgated by the Board of Elementary and Secondary Education, LR 29:306 (March 2003), LR 31:

### **Chapter 3. Standard One**

#### **§301. General Provisions**

A. Standard One. Students read, comprehend, and respond to a range of materials, using a variety of strategies for different purposes.

B. Focus. As students move through the stages of reading development from emergent literacy to fluent, strategic reading, they learn to draw upon their prior experiences, their interactions with other readers and writers, their knowledge of word meaning and of other texts, their word identification strategies, and their understanding of textual features (e.g., semantic, syntactic, graphophonic). Students need to learn how to vary their approaches according to the type of text (e.g., written, spoken, or visual, including formal, informal, literary, and practical), their purpose in reading, and their own knowledge and experiences. Therefore, students should read for a variety of purposes and within a variety of contexts in order to become proficient and knowledgeable readers. Discovering various purposes and exploring and studying different kinds of texts will enable students to become lifelong readers and productive members of society and the workplace.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 17:6; R.S. 17: 24.4; R.S. 17:154.

**HISTORICAL NOTE:** Promulgated by the Board of Elementary and Secondary Education, LR 29:306 (March 2003), LR 31:

#### **§303. Benchmarks K-4**

A. In Grades K-4, what students know and are able to do includes the following.

1. ELA-1-E1 **C**gaining meaning from print and building vocabulary using a full range of strategies (e.g., self-monitoring and correcting, searching, cross-checking), evidenced by reading behaviors while using phonemic awareness, phonics, sentence structure, meaning (1, 4);

2. ELA-1-E2 **C**using the conventions of print (e.g., left-to-right directionality, top-to-bottom, one-to-one matching, sentence framing (1, 4);

3. ELA-1-E3 **C**adjusting speed of reading (e.g., appropriate pacing, intonation, expression) to suit the difficulty of materials and the purpose for reading (e.g., enjoying, learning, problem solving) (1, 4);

4. ELA-1-E4 **C**recognizing story elements (e.g., setting, plot, character, theme) and literary devices (e.g., simile, dialogue, personification) within a selection (1, 4);

5. ELA-1-E5 **C**reading, comprehending, and responding to written, spoken, and visual texts in extended passages (e.g., range for fiction passages **C**45-1,000 words; range for nonfiction **C**450-850 words) (1, 3, 4);

6. ELA-1-E6 **C**interpreting (e.g., retelling, summarizing) texts to generate connections to real-life situations (1, 2, 4);

7. ELA-1-E7 **C**reading with fluency (natural sequencing of words) for various purposes (e.g., enjoying, learning, problem solving) (1, 2, 4).

NOTE: These foundation skills are listed numerically in parentheses at the end of each benchmark.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6; R.S. 17: 24.4; R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:306 (March 2003), LR 31:

### **§305. Benchmarks 5-8**

A. As students in Grades 5-8 extend their knowledge, what they know and are able to do includes the following.

1. ELA-1-M1 **C**using knowledge of word meaning and developing basic and technical vocabulary using various strategies (e.g., context clues, idioms, affixes, etymology, multiple-meaning words) (1, 4);

2. ELA-1-M2 **C**interpreting story elements (e.g., mood, tone, style)\* and literary devices (e.g., flashback, metaphor, foreshadowing, symbolism)\* within a selection (1, 4);

3. ELA-1-M3 **C**reading, comprehending, and responding to written, spoken, and visual texts in extended passages (e.g., ranging from 500-1,000 words) (1, 3, 4);

4. ELA-1-M4 **C**interpreting (e.g., paraphrasing, comparing, contrasting) texts with supportive explanations to generate connections to real-life situations and other texts (e.g., business, technical, scientific) (1, 2, 4, 5);

5. ELA-1-M5 **C**adjusting reading rate according to texts and purposes for reading (e.g., problem solving, evaluating, researching)\* (1, 2, 4, 5).

\* Inclusive of K-4 examples;

\*\* Inclusive of K-8 examples.

NOTE: These foundation skills are listed numerically in parentheses at the end of each benchmark.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6; R.S. 17: 24.4; R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:307 (March 2003), LR 31:

### **§307. Benchmarks 9-12**

A. As students in Grades 9-12 extend and refine their knowledge, what they know and are able to do includes the following.

1. ELA-1-H1 **C**using knowledge of word meaning and extending basic and technical vocabulary, employing a variety of strategies (e.g., contexts, connotations and denotations, word derivations, relationships, inferences) (1, 4);

2. ELA-1-H2 **C**analyzing and evaluating the effects of complex elements and complex literary devices (e.g., irony, sarcasm, ambiguity)\*\* on the meaning and purpose of a selection (1, 2, 4);

3. ELA-1-H3 **C**reading, comprehending, and responding to extended, complex, written, spoken, and visual texts (e.g., ranging from 600-1,500 words) (1, 2, 3, 4);

4. ELA-1-H4 **C**analyzing and evaluating complex texts with supportive explanations to generate connections to real-life situations and other texts (e.g., consumer materials, public documents) (1, 2, 4, 5);

5. ELA-1-H5 **C**adjusting reading rate according to texts and purposes for reading (e.g., analyzing, synthesizing, evaluating)\*\* (1, 2, 4).

\* Inclusive of K-4 examples;

\*\* Inclusive of K-8 examples.

NOTE: These foundation skills are listed numerically in parentheses at the end of each benchmark.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6; R.S. 17: 24.4; R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:307 (March 2003), LR 31:

## **Chapter 5. Standard Two**

### **§501. General Provisions**

A. Standard Two. Students write competently for a variety of purposes and audiences.

B. Focus. Writing is a flexible, recursive process that requires an awareness of purpose and audience, an ability to draw on prior experience, and a knowledge of various approaches. To attain the necessary skills to create written text, students should engage in frequent, meaningful writing activities. As students use different strategies and modify their writing for various purposes and audiences, they become competent in communicating in real-life situations.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6; R.S. 17: 24.4; R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:307 (March 2003), LR 31:

### **§503. Benchmarks K-4**

A. In Grades K-4, what students know and are able to do includes the following.

1. ELA-2-E1 **C**drawing, dictating and writing compositions that clearly state or imply a central idea with supporting details in a logical, sequential order (beginning, middle, end) (1, 4);

2. ELA-2-E2 **C**ocusing on language (vocabulary), concepts, and ideas that show an awareness of the intended audience and/or purpose (e.g., classroom, real-life, workplace) in developing compositions (1, 2, 4);

3. ELA-2-E3 **C**reating written texts using the writing process (1, 4);

4. ELA-2-E4 **C**using narration, description, exposition, and persuasion to develop compositions (e.g., stories, letters, poems, logs) (1, 4);

5. ELA-2-E5 **C**recognizing and applying literary devices (e.g., figurative language) (1, 4);

6. ELA-2-E6 **C**writing as a response to texts and life experiences (e.g., journals, letters, lists) (1, 2, 4).

NOTE: These foundation skills are listed numerically in parentheses at the end of each benchmark.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6; R.S. 17: 24.4; R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:307 (March 2003), LR 31:

### §505. Benchmarks 5-8

A. As students in Grades 5-8 extend their knowledge, what they know and are able to do includes the following.

1. ELA-2-M1 **C**writing multiparagraph compositions (150-200 words) that clearly imply a central idea with supporting details in a logical, sequential order (1, 4);

2. ELA-2-M2 **C**using language, concepts, and ideas that show an awareness of intended audience and/or purpose (e.g., classroom, real-life, workplace) in developing complex compositions (1, 2, 4);

3. ELA-2-M3 **C**identifying and applying the steps of the writing process (1, 4);

4. ELA-2-M4 **C**using narration, description, exposition, and persuasion to develop various modes of writing (e.g., notes, essays)\* (1, 4);

5. ELA-2-M5 **C**identifying and applying literary devices (e.g., symbolism, dialogue)\* (1, 4);

6. ELA-2-M6 **C**writing as a response to texts and life experiences (e.g., personal and business letters)\* (1, 2, 4).

\* Inclusive of K-4 examples;

\*\* Inclusive of K-8 examples.

NOTE: These foundation skills are listed numerically in parentheses at the end of each benchmark.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6; R.S. 17: 24.4; R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:307 (March 2003), LR 31:

### §507. Benchmarks 9-12

A. As students in Grades 9-12 extend and refine their knowledge, what they know and are able to do includes the following.

1. ELA-2-H1 **C**writing compositions (250-300 words) that employ specific organizational elements (e.g., spatial order, order of importance, ascending/descending order, chronological order) and clearly imply a central idea with supporting details in a logical, sequential order (1, 4);

2. ELA-2-H2 **C**using language, concepts, and ideas that show an awareness of the intended audience and/or purpose (e.g., classroom, real-life, workplace) in developing complex compositions (1, 2, 4);

3. ELA-2-H3 **C**applying the steps of the writing process, emphasizing revising and editing in final drafts (1, 4);

4. ELA-2-H4 **C**using narration, description, exposition, and persuasion to develop various modes of writing (e.g., editorials, critical analyses)\*\* (1, 4);

5. ELA-2-H5 **C**applying literary devices and various stylistic elements (e.g., diction, sentence structure, voice, tone)\*\* (1, 4);

6. ELA-2-H6 **C**writing as a response to texts and life experiences (e.g., technical writing, resumes)\*\* (1, 2, 4, 5).

\* Inclusive of K-4 examples;

\*\* Inclusive of K-8 examples.

NOTE: These foundation skills are listed numerically in parentheses at the end of each benchmark.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6; R.S. 17: 24.4; R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:308 (March 2003), LR 31:

### Chapter 7. Standard Three

#### §701. General Provisions

A. Standard Three. Students communicate using standard English grammar, usage, sentence structure, punctuation, capitalization, spelling, and handwriting.

B. Focus. Communication is dependent on the practical application of standard English to real-life situations. Students need to be able to apply the knowledge of the systems and structures of standard English in order to develop, discuss, and critique various texts. When students connect the study of grammar and language patterns to written, spoken, and visual compositions, they begin to incorporate these skills into their own working knowledge and ensure that the texts that they create are well received and understood.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6; R.S. 17: 24.4; R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:308 (March 2003), LR 31:

#### §703. Benchmarks K-4

A. In Grades K-4, what students know and are able to do includes the following.

1. ELA-3-E1 **C**writing legibly, allowing margins and correct spacing between letters in a word and words in a sentence (1, 4);

2. ELA-3-E2 **C**demonstrating use of punctuation (e.g., comma, apostrophe, period, question mark, exclamation mark), capitalization, and abbreviations in final drafts of writing assignments (1, 4);

3. ELA-3-E3 **C**demonstrating standard English structure and usage by writing clear, coherent sentences (1, 4);

4. ELA-3-E4 **C**using knowledge of the parts of speech to make choices for writing (1, 4);

5. ELA-3-E5 **C**spelling accurately using strategies (e.g., letter-sound correspondence, hearing and recording sounds in sequence, spelling patterns, pronunciation) and resources (e.g., glossary, dictionary) when necessary (1, 4).

NOTE: These foundation skills are listed numerically in parentheses at the end of each benchmark.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6; R.S. 17: 24.4; R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:308 (March 2003), LR 31:

#### §705. Benchmarks 5-8

A. As students in Grades 5-8 extend their knowledge, what they know and are able to do includes the following.

1. ELA-3-M1 **C**writing fluidly and legibly in cursive or printed form (1, 4);

2. ELA-3-M2 **C**demonstrating use of punctuation (e.g., colon, semicolon, quotation marks, dashes, parentheses), capitalization, and abbreviations (1, 4);

3. ELA-3-M3 **C**demonstrating standard English structure and usage by using correct and varied sentence types (e.g., compound and compound-complex) and effective personal styles (1, 4, 5);

4. ELA-3-M4 **C** demonstrating understanding of the parts of speech to make choices for writing (1, 4); and

5. ELA-3-M5 **C** spelling accurately using strategies and resources (e.g., glossary, dictionary, thesaurus, spell check) when necessary (1, 3, 4).

NOTE: These foundation skills are listed numerically in parentheses at the end of each benchmark.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6; R.S. 17: 24.4; R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:308 (March 2003), LR 31:

#### **§707. Benchmarks 9-12**

A. As students in Grades 9-12 extend and refine their knowledge, what they know and are able to do includes the following

1. ELA-3-H1 **C** writing fluidly and legibly in cursive or printed form (1, 4);

2. ELA-3-H2 **C** using the grammatical and mechanical conventions of standard English (1, 4, 5);

3. ELA-3-H3 **C** spelling accurately using strategies and resources (e.g., technical glossary, specialized dictionary) when necessary (1, 3, 4).

NOTE: These foundation skills are listed numerically in parentheses at the end of each benchmark.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6; R.S. 17: 24.4; R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:308 (March 2003), LR 31:

#### **Chapter 9. Standard Four**

##### **§901. General Provisions**

A. Standard Four. Students demonstrate competence in speaking and listening as tools for learning and communicating.

B. Focus. Communication is dependent on the interpersonal skills of speaking and listening and on the ability to work collaboratively with different people. Since information can be conveyed in various ways (e.g., between persons or groups, between persons and technological mechanisms, or between mechanisms), students need to understand the communication process: the concepts of sender and receiver, the ability to track communication breakdowns, recognition of verbal and nonverbal cues, and the art of follow-through. Understanding the communication process and applying this understanding to different audiences, purposes, and contexts will enable students to achieve effective communication in real-life situations.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6; R.S. 17: 24.4; R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:308 (March 2003), LR 31:

##### **§903. Benchmarks K-4**

A. In Grades K-4, what students know and are able to do includes the following.

1. ELA-4-E1 **C** speaking intelligibly, using standard English pronunciation (1, 4);

2. ELA-4-E2 **C** giving and following directions/procedures (1, 4);

3. ELA-4-E3 **C** telling or retelling stories in sequence (1, 4);

4. ELA-4-E4 **C** giving rehearsed and unrehearsed presentations (1, 4);

5. ELA-4-E5 **C** speaking and listening for a variety of audiences (e.g., classroom, real-life, workplace) and purposes (e.g., awareness, concentration, enjoyment, information, problem solving) (1, 2, 4, 5);

6. ELA-4-E6 **C** listening and responding to a wide variety of media (e.g., music, TV, film, speech) (1, 3, 4, 5);

7. ELA-4-E7 **C** participating in a variety of roles in group discussions (e.g., active listener, contributor, discussion leader) (1, 4, 5).

NOTE: These foundation skills are listed numerically in parentheses at the end of each benchmark.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6; R.S. 17: 24.4; R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:309 (March 2003), LR 31:

##### **§905. Benchmarks 5-8**

A. As students in Grades 5-8 extend their knowledge, what they know and are able to do includes the following.

1. ELA-4-M1 **C** speaking intelligibly, using standard English pronunciation and diction (1, 4);

2. ELA-4-M2 **C** giving and following directions /procedures (1, 4);

3. ELA-4-M3 **C** using the features of speaking (e.g., audience analysis, message construction, delivery, interpretation of feedback) when giving rehearsed and unrehearsed presentations (1, 2, 4);

4. ELA-4-M4 **C** speaking and listening for a variety of audiences (e.g., classroom, real-life, workplace) and purposes (e.g., awareness, concentration, enjoyment, information, problem solving) (1, 2, 4, 5);

5. ELA-4-M5 **C** listening and responding to a wide variety of media\* (1, 3, 4, 5);

6. ELA-4-M6 **C** participating in a variety of roles in group discussions (e.g., facilitator, recorder)\* (1, 4, 5).

\* Inclusive of K-4 examples;

\*\* inclusive of K-8 examples.

NOTE: These foundation skills are listed numerically in parentheses at the end of each benchmark.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6; R.S. 17: 24.4; R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:309 (March 2003), LR 31:

##### **§907. Benchmarks 9-12**

A. As students in Grades 9-12 extend and refine their knowledge, what they know and are able to do includes the following:

1. ELA-4-H1 **C** speaking intelligibly, using standard English pronunciation and diction (1, 4);

2. ELA-4-H2 **C** giving and following directions /procedures (1, 4);

3. ELA-4-H3 **C** using the features of speaking (e.g., audience analysis, message construction, delivery, interpretation of feedback) when giving prepared and impromptu presentations (1, 2, 4);

4. ELA-4-H4 **C** speaking and listening for a variety of audiences (e.g., classroom, real-life, workplace) and purposes (e.g., awareness, concentration, enjoyment, information, problem solving) (1, 2, 4, 5);

5. ELA-4-H5 **C** listening and responding to a wide variety of media (e.g., CD-ROM)\*\* (1, 3, 4);

6. ELA-4-H6 **C** participating in a variety of roles in group discussion (e.g., mediator)\*\* (1, 4, 5).

\* Inclusive of K-4 examples;

\*\* Inclusive of K-8 examples.

NOTE: These foundation skills are listed numerically in parentheses at the end of each benchmark.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6; R.S. 17: 24.4; R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:309 (March 2003), LR 31:

## Chapter 11. Standard Five

### §1101. General Provisions

A. Standard Five. Students locate, select, and synthesize information from a variety of texts, media, references, and technological sources to acquire and communicate knowledge.

B. Focus. The information and technology age demands multifaceted approaches to accessing facts, images, and text from an array of information sources (e.g., libraries, electronic data, audio and video materials). The vast amount of available sources includes the reading and retrieval of information through the use of technology. The ability to identify topics, to gather information, and to evaluate, assemble, and interpret findings from an assortment of sources is one of the most essential real-life skills that students need in order to acquire and communicate knowledge in a rapidly changing world.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6; R.S. 17: 24.4; R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:309 (March 2003), LR 31:

### §1103. Benchmarks K-4

A. In Grades K-4, what students know and are able to do includes the following.

1. ELA-5-E1 **C**recognizing and using organizational features of printed text, other media, and electronic information (e.g., parts of a text, alphabetizing, captions, legends, pull-down menus, keyword searches, icons, passwords, entry menu features) (1, 3, 4);

2. ELA-5-E2 **C**locating and evaluating information sources (e.g., print materials, databases, CD-ROM references, Internet information, electronic reference works, community and government data, television and radio resources, audio and visual materials) (1, 3, 4, 5);

3. ELA-5-E3 **C**locating, gathering, and selecting information using graphic organizers, simple outlining, note taking, and summarizing to produce texts and graphics (1, 3, 4);

4. ELA-5-E4 **C**using available technology to produce, revise, and publish a variety of works (e.g., book reviews, summaries, short research reports) (1, 3, 4);

5. ELA-5-E5 **C**giving credit for borrowed information by telling or listing sources (1, 4);

6. ELA-5-E6 **C**recognizing and using graphic organizers (e.g., charts/graphs, tables/schedules, diagrams/maps) (1, 2, 3, 4, 5).

NOTE: These foundation skills are listed numerically in parentheses at the end of each benchmark.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6; R.S. 17: 24.4; R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:309 (March 2003), LR 31:

### §1105. Benchmarks 5-8

A. As students in Grades 5-8 extend their knowledge, what they know and are able to do includes the following.

1. ELA-5-M1 **C**identifying and using organizational features of printed text, other media, and electronic information (e.g., microprint, CD-ROM, e-mail)\* (1, 3, 4);

2. ELA-5-M2 **C**ntegrating information sources\* (1, 3, 4, 5);

3. ELA-5-M3 **C**locating, gathering, and selecting information using formal outlining, paraphrasing, interviewing, and surveying to produce documented texts and graphics\* (1, 3, 4);

4. ELA-5-M4 **C**using available technology to produce, revise, and publish a variety of works (e.g., documented research reports, investigative reports, annotated bibliographies)\* (1, 3, 4);

5. ELA-5-M5 **C**iting references using various formats (e.g., endnotes, bibliography)\* (1, 4);

6. ELA-5-M6 **C**identifying and interpreting graphic organizers (e.g., flowcharts, timelines, tree diagrams)\* (1, 2, 3, 4, 5).

\* Inclusive of K-4 examples;

\*\* Inclusive of K-8 examples.

NOTE: These foundation skills are listed numerically in parentheses at the end of each benchmark.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6; R.S. 17: 24.4; R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:310 (March 2003), LR 31:

### §1107. Benchmarks 9-12

A. As students in Grades 9-12 extend and refine their knowledge, what they know and are able to do includes the following.

1. ELA-5-H1 **C**evaluating and using organizational features of printed text, other media, and electronic information (e.g., citations, endnotes, bibliographic references)\*\* (1, 3, 4);

2. ELA-5-H2 **C**synthesizing information sources\*\* (1, 3, 4, 5);

3. ELA-5-H3 **C**accessing information and conducting research using a variety of primary and secondary sources to produce formal papers\*\* (1, 2, 3, 4);

4. ELA-5-H4 **C**using available technology to produce, revise, and publish a variety of works (e.g., abstracts, analytical reports, summative research)\*\* (1, 3, 4);

5. ELA-5-H5 **C**iting references using various formats (e.g., parenthetical citations, annotated bibliographies)\*\* (1, 4);

6. ELA-5-H6 **C**analyzing and synthesizing graphic organizers (e.g., organizational charts, concept maps, comparative tables)\*\* (1, 2, 3, 4, 5).

\* Inclusive of K-4 examples;

\*\* Inclusive of K-8 examples.

NOTE: These foundation skills are listed numerically in parentheses at the end of each benchmark.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6; R.S. 17: 24.4; R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:310 (March 2003), LR 31:

## Chapter 13. Standard Six

### §1301. General Provisions

A. Standard Six. Students read, analyze, and respond to literature as a record of life experiences.

B. Focus. Literature is a record of life experiences as set forth in various writings (e.g., history, novels, poetry, science fiction, essays, news articles, logs). The study of literary texts recognizes characteristics of enduring literature, discovers and reviews the elements of various genres, identifies diverse perspectives, and distinguishes cultural traditions. The study of literature and writers of the United States and throughout the world gives students an appreciation of other cultures in a global society. Through a comprehensive literature program, students learn to make connections between literary texts and their own lives, to develop their own perspectives, and to analyze different viewpoints toward events, circumstances, and issues in our complex society.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6; R.S. 17: 24.4; R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:610 (March 2003), LR 31:

### §1303. Benchmarks K-4

A. In Grades K-4, what students know and are able to do includes the following.

1. ELA-6-E1 Recognizing and responding to United States and world literature that represents the experiences and traditions of diverse ethnic groups (1, 4, 5);

2. ELA-6-E2 Recognizing and responding to a variety of classic and contemporary fiction and non-fiction literature from many genres (e.g., folktales, legends, myths, biography, autobiography, poetry, short stories) (1, 4);

3. ELA-6-E3 Identifying and distinguishing key differences of various genres (1, 2, 4, 5).

NOTE: These foundation skills are listed numerically in parentheses at the end of each benchmark.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6; R.S. 17: 24.4; R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:310 (March 2003), LR 31:

### §1305. Benchmarks 5-8

A. As students in Grades 5-8 extend their knowledge, what they know and are able to do includes the following.

1. ELA-6-M1 Comparing/contrasting and responding to United States and world literature that represents the experiences and traditions of diverse ethnic groups (1, 4, 5);

2. ELA-6-M2 Identifying, comparing, and responding to a variety of classic and contemporary fiction and non-fiction literature from many genres (e.g., novels, drama)\* (1, 2, 4, 5);

3. ELA-6-M3 Classifying and interpreting various genres according to their unique characteristics (1, 2, 4, 5).

NOTE: These foundation skills are listed numerically in parentheses at the end of each benchmark.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6; R.S. 17: 24.4; R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:310 (March 2003), LR 31:

## §1307. Benchmarks 9-12

A. As students in grades 9-12 extend and refine their knowledge, what they know and are able to do includes the following:

1. ELA-6-H1 Analyzing, evaluating, and responding to United States and world literature that represents the experiences and traditions of diverse ethnic groups (1, 2, 4, 5);

2. ELA-6-H2 Analyzing and evaluating distinctive elements (e.g., recurrent themes, historical significance, literary techniques) of ancient, American, British, and world literature (1, 2, 4, 5);

3. ELA-6-H3 Analyzing, and synthesizing a variety of classic and contemporary fiction and non-fiction literature from many genres (e.g., epics)\*\* (1, 2, 4, 5);

4. ELA-6-H4 Analyzing and responding to various genres as records of life experiences (1, 2, 4, 5).

\* Inclusive of K-4 examples;

\*\* Inclusive of K-8 examples.

NOTE: These foundation skills are listed numerically in parentheses at the end of each benchmark.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6; R.S. 17: 24.4; R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:310 (March 2003), LR 31:

## Chapter 15. Standard Seven

### §1501. General Provisions

A. Standard Seven. Students apply reasoning and problem solving skills to their reading, writing, speaking, listening, viewing, and visually representing.

B. Focus. Students use language daily to solve problems and deal with issues surrounding them. In order to respond effectively to these situations, students need to use the English Language Arts clearly, fluently, strategically, critically, technologically, and creatively. Students should use reasoning skills as they pose questions, plan, predict, investigate, hypothesize, speculate, and communicate about issues they encounter in academic subjects as well as in everyday life.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6; R.S. 17: 24.4; R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:311 (March 2003), LR 31:

### §1503. Benchmarks K-4

A. In Grades K-4, what students know and are able to do includes the following.

1. ELA-7-E1 Using comprehension strategies (e.g., sequencing, predicting, drawing conclusions, comparing and contrasting, making inferences, determining main ideas) to interpret oral, written, and visual texts (1, 2, 4);

2. ELA-7-E2 Using basic reasoning skills, life experiences, and available information to solve problems in oral, written, and visual texts (1, 2, 4);

3. ELA-7-E3 Recognizing an author's purpose (reason for writing), and viewpoint (perspective) (1, 2, 4);

4. ELA-7-E4 Using basic reasoning skills to distinguish fact from opinion, skim and scan for facts, determine cause and effect, generate inquiry, and make connections with real-life situations (1, 2, 4, 5).



NOTE: These foundation skills are listed numerically in parentheses at the end of each benchmark.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6; R.S. 17: 24.4; R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:311 (March 2003), LR 31:

### §1505. Benchmarks 5-8

A. As students in Grades 5-8 extend their knowledge, what students know and are able to do includes the following.

1. ELA-7-M1 Using comprehension strategies (e.g., summarizing, recognizing literary devices, paraphrasing)\* to analyze oral, written, and visual texts (1, 2, 4);

2. ELA-7-M2 Using reasoning skills (e.g., categorizing, prioritizing),\* life experiences, accumulated knowledge, and relevant available information resources to solve problems in oral, written, and visual texts (1, 2, 4);

3. ELA-7-M3 Interpreting the effects of an author's purpose (reason for writing) and viewpoint (perspective) (1, 2, 4);

4. ELA-7-M4 Using inductive and deductive reasoning skills across oral, written, and visual texts\* (1, 2, 4, 5).

NOTE: These foundation skills are listed numerically in parentheses at the end of each benchmark.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6; R.S. 17: 24.4; R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:311 (March 2003), LR 31:

### §1507. Benchmarks 9-12

A. As students in Grades 9-12 extend and refine their knowledge, what they know and are able to do includes the following.

1. ELA-7-H1 Using comprehension strategies (e.g., synthesizing, critiquing)\*\* to evaluate oral, written, and visual texts (1, 2, 4);

2. ELA-7-H2 Using reasoning skills (e.g., analyzing evaluating),\*\* incorporating life experiences, and using available information resources to solve problems in complex oral, written, and visual texts (1, 2, 4, 5);

3. ELA-7-H3 Analyzing and evaluating the effects of an author's life, culture, and philosophical assumptions as reflected in the author's viewpoint (perspective) (1, 2, 4, 5);

4. ELA-7-H4 Analyzing and evaluating the effects of an author's life, culture, and philosophical assumptions as reflected in the author's viewpoint (perspective) (1, 2, 4, 5).

\*Inclusive of K-4 examples;

\*\* Inclusive of K-8 examples.

NOTE: These foundation skills are listed numerically in parentheses at the end of each benchmark.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6; R.S. 17: 24.4; R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:311 (March 2003), LR 31:

## Chapter 17. Grade Level Expectations

### §1701. Prekindergarten

A. Reading and Responding. Standard One

1. GLE 1 Demonstrate understanding of phonological awareness by doing the following:

a. manipulating endings of words and nonsense words to make rhyming sounds;

b. manipulating syllables in spoken words (segment/blend);

c. identifying and manipulating onset and rime in words with three sounds (onset of the word *cake* is /k/ and the rime of the word *cake* is /-ake/);

d. repeating each word in a simple sentence (PK-LL-L3) (ELA-1-E1);

2. GLE 2 demonstrate understanding of phonemic awareness by manipulating and identifying individual sounds (phonemes) in spoken words with three sounds (PK-LL-L3) (ELA-1-E1);

3. GLE 3 demonstrate understanding of alphabetic principle by doing the following:

a. identifying own first name in print;

b. identifying at least eight uppercase or lowercase letters, focusing on those in the student's name (PK-LL-L3) (ELA-1-E1);

4. GLE 4 orally respond to questions using new vocabulary introduced in conversations, activities, stories, or books (PK-LL-L4) (ELA-1-E1);

5. GLE 5 demonstrate understanding of book and print concepts by doing the following:

a. recognizing that a book has a cover and identifying the cover and title of a book;

b. holding a book right side up;

c. differentiating between an illustration and printed text;

d. recognizing that print is read left-to-right and top-to-bottom (PK-LL-R3) (ELA-1-E2);

6. GLE 6 relate pictures to characters (PK-LL-R4) (ELA-1-E4);

7. GLE 7 role-play using different voices to represent characters in familiar stories (PK-LL-S1) (ELA-1-E4);

8. GLE 8 listen to a story and state orally what the story is about (PK-LL-R1) (PK-LL-R2) (PK-LL-E5);

9. GLE 9 answer simple questions about a story read aloud (PK-L-S3) (PK-LL-R4) (ELA-1-E5);

10. GLE 10 share related life experiences after stories are read aloud (PK-LL-L1) (PK-LL-S1) (ELA-1-E6);

11. GLE 11 orally express thoughts about characters or events in a story (PK-LL-S1) (PK-LL-S2) (PKS-LL-R2) (ELA-1-E6);

B. Reading and Responding. Standard Seven

1. GLE 12 demonstrate understanding of texts read aloud using a variety of strategies, including:

a. sequencing two or three pictures to illustrate events in a story;

b. participating in a group discussion to predict what a book will be about; and

c. determining whether the prediction was accurate (PK-LL-R2) (ELA-7-E1);

2. GLE 13 identify problems and solutions in stories that are read aloud (PK-LL-R2) (ELA-7-E2);

3. GLE 14 use simple reasoning skills, including:

a. identifying reality and fantasy in texts read aloud (PF-LL-R1);

b. determining why something happens in a story read aloud (PK-LL-R2);

c. asking simple questions about a story read aloud (e.g., who, where) (PK-LL-S3) (ELA-7-E4);

### C. Writing. Standard Two

1. GLE 15 Use scribble writing, letter-like forms, dictation, or drawing to represent a word or concept (PK-LL-W1) (PK-LL-W2) (PK-LL-W3) (ELA-2-E1);
2. GLE 16 Orally generate words, ideas, and lists for group writing activities (PK-LL-W3) (ELA-2-E3);
3. GLE 17 Write informal notes, lists, and letters using scribble writing and/or pictures (PK-LL-W2) (PK-LL-W3) (PK-LL-W4) (ELA-2-E4);
4. GLE 18 Participate in group-shared writing activities that include rhyming and descriptive words (PK-LL-W3) (PK-LL-W4) (PK-LL-L3) (ELA-2-E5); and
5. GLE 19 Scribble write or draw a picture of a life experience or response to a text read aloud (PK-LL-W2) (PK-LL-W4) (ELA-2-E6).

### D. Writing/Proofreading. Standard Three

1. GLE 20 Demonstrate consistent top-to-bottom formation for letters or letter-like forms (PK-LL-W2) (ELA-3-E1).

### E. Speaking and Listening. Standard Four

1. GLE 21 Use words, phrases, and /or sentences to express feelings, ideas, needs, and wants (PK-LL-S1) (PK-LL-S2) (ELA-4-E1);
2. GLE 22 Carry on a conversation about a topic, thought, or idea from the classroom, home, or community (PK-LL-S1) (PK-LL-S3) (ELA-4-E1);
3. GLE 23 Repeat an instruction given orally (PK-LL-S1) (ELA-4-E2);
4. GLE 24 Follow one- and two-step verbal and nonverbal directions (PK-LL-L2) (ELA-4-E2);
5. GLE 25 Retell part of a favorite story (PK-LL-R2) (ELA-4-E3);
6. GLE 26 Speak about life experiences or topics of interest (PK-LL-S3) (ELA-4-E4);
7. GLE 27 Actively participate in role-playing, creative dramatics, finger plays, nursery rhymes and choral speaking (PK-LL-R1) (PK-LL-S2) (PK-LL-L3) (PK-LL-L4) (ELA-4-E5);
8. GLE 28 Listen and orally respond to questions about media, including music and videos (PK-LL-L5) (ELA-4-E6);
9. GLE 29 Recognize and follow agreed-upon rules for discussing, such as raising one's hand, waiting one's turn, and speaking one at a time (PK-LL-S1) (PK-SE-C1) (ELA-4-E7)

### F. Information Resources. Standard Five

1. GLE 30 Identify a computer mouse and its purpose (i.e., to navigate the screen) (PK-LL-L5) (LEA-5-E1);
2. GLE 31 Identify and use information that is formatted in a chart or graph, such as a daily schedule (PK-LL-S1) (ELA-5-E6).

NOTE: These foundation skills are listed numerically in parentheses at the end of each benchmark.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6; R.S. 17: 24.4; R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:306 (March 2003), LR 31:

## §1703. Kindergarten

### A. Reading and Responding. Standard One

1. GLE 1 Demonstrate understanding of phonemic awareness by doing the following:

- a. creating rhyming words;
- b. demonstrating that a sequence of letters in a word represents the sequence of sounds heard or spoken in that word by repeating or saying the sounds in sequence heard or seen;
- c. identifying when words begin with the same sound;
- d. listening to three sounds (phonemes) and recognizing that two are the same;
- e. listening to and deleting or adding a beginning, a middle, or a final sound to a word;
- f. orally segmenting individual sounds (phonemes) in words that have two to five sounds;
- g. isolating and saying the beginning and final sounds (phonemes) of a spoken word;
- h. Clapping/tapping to match each individual syllable of a spoken word (ELA-1-E1);

2. GLE 2 Demonstrate understanding of alphabetic principle by doing the following:

- a. distinguishing and naming all uppercase and lowercase letters;
  - b. identifying own first and last name (ELA-1-E1);
3. GLE 3 Demonstrate understanding of phonics by doing the following:
    - a. matching each consonant or short vowel sound to the appropriate letter;
    - b. decoding simple one-syllable words (ELA-1-E1);
  4. GLE 4 Recognize and understand words found in environmental print (ELA-1-E1);
  5. GLE 5 Read books with predictable, repetitive text and simple illustrations (ELA-1-E1);

6. GLE 6 Identify that printed text is made up of sentences that begin with a capital letter and end with some type of punctuation (ELA-1-E2);

7. LE 7 Demonstrate understanding of book and print concepts by doing the following:

- a. locating front and back covers, title pages, and inside pages of a book;
- b. identifying periods, question marks, and exclamation marks and demonstrating knowledge that they are used at the end of a sentence;
- c. isolating individual words in print (ELA-1-E5);

8. GLE 8 Identify basic story elements, including simple plot sequences, setting, and simple character descriptions, in a favorite story using pictures and/or oral responses (ELA-1-E4);

9. GLE 9 Orally retell ideas and important facts in grade-appropriate texts read aloud by the teacher and read by the individual student (ELA-1-E5);

10. GLE 10 Answer questions about the important characters, setting, and events of a story (ELA-1-E5);

11. GLE 11 Describe the connections between life experiences and texts (ELA-1-E6);

### B. Reading and Responding. Standard Six

1. GLE 12 Respond to stories, legends, songs, and other literature from diverse cultural and ethnic groups by participating in activities such as answering questions, role-playing, and drawing (ELA-6-E1);

2. GLE 13 Identify whether the type of text read aloud is a true story, a fictional story, a song, or a poem (ELA-6-E2);

### C. Reading and Responding. Standard Seven

1. GLE 14 **C** demonstrate understanding of information in texts read aloud using a variety of strategies, including:
  - a. making predictions using prior knowledge and pictures;
  - b. using at least five pictures to sequence the events of a story;
  - c. drawing conclusions from text;
  - d. using pictures to resolve questions (ELA-7-E1);
2. GLE 15 **C** identify problems in texts and offer possible solutions (ELA-7-E2);
3. GLE 16 **C** describe the role of an author and an illustrator (ELA-7-E3);
4. GLE 17 **C** identify different emotions and feelings of authors by participating in activities such as role-playing, illustrating, and answering questions (ELA-7-E4);
5. GLE 18 **C** ask questions that demonstrate knowledge of character, setting, plot, and text type about texts read aloud (e.g., what, why, how) (ELA-7-E4);

D. Writing. Standard Two

1. GLE 19 **C** write using developmental/inventive spelling, supported by drawing or dictation to the teacher to express ideas (ELA-2-E1);
2. GLE 20 **C** create compositions by participating in shared writing activities (ELA-2-E1);
3. GLE 21 **C** use illustrations, developmental/inventive spelling, and appropriate vocabulary to write for a specific purpose and/or audience (ELA-2-E2);
4. GLE 22 **C** create simple text using prior knowledge by drawing, dictating to the teacher, and/or writing using developmental/inventive spelling (ELA-2-E3);
5. GLE 23 **C** use classroom resources (e.g., word walls, picture dictionaries, teachers, peers) to support a writing process (ELA-2-E3);
6. GLE 24 **C** actively discuss ideas and select a focus for group stories (ELA-2-E3);
7. GLE 25 **C** write informal notes, lists, letters, personal experiences, and stories using developmental/inventive spelling and pictures (ELA-2-E4);
8. GLE 26 **C** use rhyme and alliteration in group-shared writing activities (ELA-2-E5);
9. GLE 27 **C** use developmental/inventive spelling, supported by pictures, to represent a word or idea or to respond to a life experience or a text read aloud (ELA-2-E6);

E. Writing/Proofreading. Standard Three

1. GLE 28 **C** demonstrate an understanding of letter placement in text by writing letters and words from left to right and top to bottom on a page (ELA-3-E1);
2. GLE 29 **C** print all uppercase and lowercase letters (ELA-3-E1);
3. GLE 30 **C** print letters and words with proper figure grounding on a line and with appropriate spaces between words (ELA-3-E1);
4. GLE 31 **C** identify and use uppercase letters at the beginning of own first and last names (ELA-3-E2);
5. GLE 32 **C** write simple stories or life experiences using developmental/inventive spelling that shows knowledge of letter/sound correspondences (ELA-3-E5);

F. Speaking and Listening. Standard Four

1. GLE 33 **C** initiate and sustain normal conversation on a specific topic with the teacher (ELA-4-E1);
2. GLE 34 **C** express feelings, needs, and ideas in complete sentences (ELA-4-E1);

3. GLE 35 **C** give and follow one- and two-step verbal and nonverbal directions without interrupting (ELA-4-E2);
4. GLE 36 **C** relate an experience or creative story in a logical sequence (ELA-4-E3);
5. GLE 37 **C** describe people, places, things (e.g., size, color, shape), locations, and actions from a story read aloud (ELA-4-E3);
6. GLE 38 **C** recite short poems, rhymes, and songs (ELA-4-E4);
7. GLE 39 **C** listen to and recite short poems and stories for an audience (ELA-4-E5);
8. GLE 40 **C** respond to video/film versions of a story read aloud through activities such as role-playing, illustrating, and discussing without interruption (ELA-4-E6);
9. GLE 41 **C** participate in designated roles within classroom activities, such as line leader, teacher helper, and calendar helper (ELA-4-E7);

G. Information Resources. Standard Five

1. GLE 42 **C** use a computer mouse to navigate the screen (ELA-5-E1);
2. GLE 43 **C** identify that a computer has a keyboard to enter information (ELA-5-E1);
3. GLE 44 **C** use technology to produce class work (ELA-5-E4);
4. GLE 45 **C** read and interpret a classroom schedule (ELA-5-E6).

NOTE: These foundation skills are listed numerically in parentheses at the end of each benchmark.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6; R.S. 17: 24.4; R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:306 (March 2003), LR 31:

**§1705. First Grade**

A. Reading and Responding. Standard One

1. GLE 1 **C** demonstrate understanding of phonemic awareness of:
  - a. creating and stating a series of rhyming words, including consonant blends;
  - b. distinguishing which words have the same target sounds (i.e., beginning, medial, and final) in a given set of spoken words;
  - c. distinguishing long- and short-vowel sounds related to the same letter in one-syllable spoken words (e.g., the *a* is short in *ran* and long in *make*);
  - d. segmenting single-syllable real and nonsense words with as many as five sounds (phonemes) into separate sounds (phonemes) and blending as many as five sounds (phonemes) into single-syllable real or nonsense words, without looking at the word or letters in print;
  - e. adding, deleting, or substituting sounds (phonemes) to create new words (ELA-1-E1);
2. GLE 2 **C** demonstrate understanding of phonics by:
  - a. decoding simple words using word-attack strategies including letter-sound correspondence for consonants spelled with one letter and with digraphs, short and long vowels spelled with one letter, diphthongs, consonant blends, *r*-controlled vowels, and long vowels spelled with more than one letter, including silent *e*;
  - b. reading one- and two-syllable words with short- and long-vowel sounds spelled with common spelling patterns;

c. identifying and reading words from common word families;

d. recognizing base words and the inflectional forms (e.g., suffixes, *-s*, *-es*, *-ed*, *-ing*, *-est*, *-er*);

e. reading high-frequency, grade-appropriate nonphonetic words with automaticity (ELA-1-E1);

3. GLE 3 Use pictures and context clues to confirm meaning of unfamiliar words (ELA-1-E1);

4. GLE 4 Identify grade-appropriate compound words in print (ELA-1-E1);

5. GLE 5 Identify grade-appropriate contractions (e.g., *isn't*, *can't*, *don't*) (ELA-1-E1);

6. GLE 6 Identify words in categories with shared conceptual or definitional characteristics (ELA-1-E1);

7. GLE 7 Give more than one definition for grade-appropriate words that have more than one meaning (ELA-1-E2);

8. GLE 8 Identify the author and the illustrator of a book (ELA-1-E2);

9. GLE 9 Identify that the first sentence of a paragraph is indented (ELA-1-E2);

10. GLE 10 Identify table of contents in a book (ELA-1-E3);

11. GLE 11 Demonstrate ability to read and follow two-step written directions (ELA-1-E3);

12. GLE 12 Identify story elements, including:

a. speaker or narrator;

b. setting;

c. characters;

d. plot;

e. problems and solutions (ELA-1-E4);

13. GLE 13 Identify literary devices, including dialogue (ELA-1-E4);

14. GLE 14 retell a story's beginning, middle, and end (ELA-1-E5);

15. GLE 15 Retell important facts from informational text (ELA-1-E5);

16. GLE 16 Compare the similarities/differences between events in a story and events in life (ELA-1-E6);

17. GLE 17 Identify themes in texts and relate themes to personal prior experience or experience of others (ELA-1-E6);

18. GLE 18 Demonstrate oral reading fluency of at least 40 words per minute in first-grade text with appropriate phrasing and intonation (ELA-1-E7);

#### B. Reading and Responding. Standard Six

1. GLE 19 Identify and state/tell cultural differences found in literature read aloud (ELA-6-E1);

2. GLE 20 Explain the difference between a fable and a fairy tale (ELA-6-E2);

3. GLE 21 Distinguish between a poem, a fable, and a fairy tale (ELA-6-E3);

#### C. Reading and Responding. Standard Seven

1. GLE 22 Demonstrate understanding of information in texts using a variety of strategies, including:

a. identifying the main idea and some details in a text;

b. after finishing a story, discuss predictions made during reading to determine whether they were reasonable;

c. making simple inferences about characters and events;

d. resolving questions about meaning by using prior knowledge, basic reasoning skills, context clues, and pictures during read-alouds (ELA-7-E1);

2. GLE 23 Identify alternative solutions and consequences to a problem in texts (ELA-7-E3);

3. GLE 24 Identify an author's purpose for writing (e.g., to entertain, to inform, to describe) (ELA-7-E3);

4. GLE 25 Apply basic reasoning skills, including:

a. identifying simple causes and effects in stories;

b. telling differences between reality and fantasy in texts;

c. formulating questions beginning with *who*, *what*, *when*, *where*, and *why* about texts read independently (ELA-7-E4);

#### D. Writing. Standard Two

1. GLE 26 Write simple stories with a central idea or event; a beginning, middle, and end; and details (ELA-2-E1);

2. GLE 27 Use specific action and descriptive words when writing a story, description, or narration (e.g., *stomped* instead of *walked* and *magnificent* instead of *big*) for a specific purpose and/or audience (ELA-2-E2);

3. GLE 28 Participate in group writing activities and processes, including:

a. using prewriting strategies, including listing, brainstorming, and drawing to generate ideas for writing;

b. planning for writing by completing a partially completed graphic organizer;

c. writing a first draft of a story, letter, or description using complete sentences;

d. conferencing with a teacher or peers about how to improve writing and incorporate ideas into final paper;

e. revising/editing own writing in first draft;

f. creating individual and class-written texts for publication (ELA-2-E3);

4. GLE 29 Independently write a variety of grade-appropriate compositions, including:

a. simple letters, notes, and stories;

b. simple informational descriptions;

c. simple rhymes and poems (ELA-2-E4);

5. GLE 30 Use literary devices including dialogue and sensory details in shared writing activities (ELA-2-E5);

6. GLE 31 Write for various purposes, including:

a. responses that include simple judgments about stories and text;

b. responses that follow simple formats, including envelopes, lists, and journals (ELA-2-E6);

#### E. Writing/Proofreading. Standard 3

1. GLE 32 Write a legible sentence demonstrating proper figure grounding on a line and appropriate spacing between words (ELA-3-E1);

2. GLE 33 Use standard English punctuation, including:

a. correctly writing common contractions such as *isn't*, *we'll*, and *I'd*;

b. periods, exclamation points, and question marks at the end of sentences;

c. commas to separate words in a series (ELA-3-E2);

3. GLE 34 Capitalize the first word of a sentence, names of people, the pronoun *I*, and the names of months and days (ELA-3-E2);

4. GLE 35 **C**use the singular and plural forms of high-frequency and commonly used words (ELA-3-E3);

5. GLE 36 **C**identify and use a subject and a verb when writing a complete sentence (ELA-3-E3);

6. GLE 37 **C**distinguish between a complete and an incomplete sentence (ELA-3-E3);

7. GLE 38 **C**identify different types of sentences including telling, asking, and exclaiming (ELA-3-E3);

8. GLE 39 **C**identify and use knowledge parts of speech, including:

- a. basic singular and plural nouns, pronouns, verbs;
- b. common conjunctions such as *and*, *but*, and

*because*;

c. simple transitional words including *first*, *second*, and *finally* (ELA-3-E4);

9. GLE 40 **C**spell grade-appropriate words, including:

a. one-syllable words and selected grade-appropriate two-syllable words with regular spellings for long- and short-vowel sounds;

b. high-frequency, grade-level words including words with irregular spellings, such as *was*, *were*, *says*, *said*, *who*, *what*, and *why* (ELA-3-E5);

10. GLE 41 **C**create phonetically spelled written work that can be read by the writer and others (ELA-3-E5);

11. GLE 42 **C**spell unfamiliar words using various phonics strategies, including:

- a. segmenting;
- b. sounding out;
- c. matching familiar words and word parts;
- d. using word walls and word banks (ELA-3-E5);

12. GLE 43 **C**use a beginner's dictionary to verify correct spelling (ELA-3-E5);

13. GLE 44 **C**alphabetize to the first letter (ELA-3-E5);

#### F. Speaking and Listening. Standard Four

1. GLE 45 **C**speak clearly at a speed and volume appropriate for purpose and setting (ELA-4-E1);

2. GLE 46 **C**follow classroom procedures (e.g., organizing materials) according to teacher directions (ELA-4-E2);

3. GLE 47 **C**give or explain directions for simple processes (e.g., explaining an assignment) to classmates (ELA-4-E2);

4. GLE 48 **C**ask questions to clarify directions and/or classroom routines (ELA-4-E2);

5. GLE 49 **C**retell stories with the following included:

- a. sequential order using vocabulary from the story;
- b. descriptive words to answer questions about characters, settings, and events of a story (ELA-4-E3);

6. GLE 50 **C**recite parts of familiar literature to the class (ELA-4-E4);

7. GLE 51 **C**give oral presentations about familiar experiences or topics using eye contact and adequate volume (ELA-4-E4);

8. GLE 52 **C**give oral presentations that have a recognizable organization (e.g., sequence, summary) (ELA-4-E4);

9. GLE 53 **C**use active listening strategies (e.g., making eye contact, asking questions, restating acquired information and procedures) to acquire information and understand procedures (ELA-4-E5);

10. GLE 54 **C**listen and orally respond to information presented in a variety of media, such as audio and video recordings (ELA-4-E6);

11. GLE 55 **C**maintain the topic of conversation with a classmate (ELA-4-E7);

12. GLE 56 **C**engage in discussions about classroom procedures and rules (ELA-4-E7);

#### G. Information Resources. Standard Five

1. GLE 57 **C**locate information using the organization features of various media, including:

- a. the keyboard to enter information on a computer;
- b. a picture dictionary (ELA-5-E1);

2. GLE 58 **C**use various sources, including print materials and observations, to gather information to explain a topic (ELA-5-E2);

3. GLE 59 **C**record data through pictures or words (ELA-5-E3);

4. GLE 60 **C**use graphic organizers to categorize information and create informal outlines individually and during class discussions (ELA-5-E3);

5. GLE 61 **C**use technology to publish class work such as research questions and answers (ELA-5-E4);

6. GLE 62 **C**locate and read information on simple charts and graphs (ELA-5-E6).

NOTE: These foundation skills are listed numerically in parentheses at the end of each benchmark.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6; R.S. 17: 24.4; R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:306 (March 2003), LR 31:

### §1707. Second Grade

#### A. Reading and Responding. Standard One

1. GLE 1 **C**identify unique letter-sound patterns, including long and short vowels (e.g., *eg* for short *e*, as in *bread*, and *ought* for long *o*, as in *though*) and consonants (*tch* for /ch/, as in *watch*, and *gh* for /f/, as in *cough*) (ELA-1-E1);

2. GLE 2 **C**demonstrate understanding of phonics by doing the following:

a. isolating difficult parts of words in order to correct a mispronunciation or decode an unfamiliar printed word;

b. fluently manipulating targeted sounds by adding, deleting, or substituting the sounds to create new words;

c. differentiating short and long-vowel sounds in printed words when those sounds are made with a broad variety of letter combinations and a variety of word families (e.g., *ou*, *ow*, *ough*, *igh*);

d. reading regularly spelled words with as many as four syllables;

e. using phonetic decoding strategies accurately and rapidly in unfamiliar words and text;

f. using common affixes (prefixes and suffixes) to understand word meanings (ELA-1-E1);

3. GLE 3 **C**identify and explain common synonyms, antonyms, and homonyms (ELA-1-E1);

4. GLE 4 **C**use knowledge of base words to interpret meaning of unfamiliar words (e.g., *heat/preheat*) (ELA-1-E1);

5. GLE 5 **C**determine word meaning and appropriate word choices using reference aids, including dictionaries and thesauruses (ELA-1-E1);

6. GLE 6 **C**identify the glossary and index in a book (ELA-1-E2);

7. GLE 7 **C**determine appropriate circumstances to use skimming and scanning to preview text and to find information (ELA-1-E3);

8. GLE 8 **C**identify story elements, including effects of setting on events and characters (ELA-1-E4);

9. GLE 9 **C**identify literary and sound devices, including similes and rhythm in texts (ELA-1-E4);

10. GLE 10 **C**retell a story in sequence including main idea and important supporting details (ELA-1-E5);

11. GLE 11 **C**make statements about how previous reading and life experiences relate to information read in texts (ELA-1-E6);

12. GLE 12 **C**demonstrate oral reading fluency of at least 90 words per minute in second-grade text with appropriate intonation (ELA-1-E7);

13. GLE 13 **C**read texts and simple chapter books silently at independent reading level (ELA-1-E7);

#### B. Reading and Responding. Standard Six

1. GLE 14 **C**compare and contrast different version of the same story from different cultures through oral, written, and visual responses (ELA-6-E1);

2. GLE 15 **C**identify a variety of types of literature, including biography, autobiography, and the folktale, in oral and written responses (ELA-6-E2);

3. GLE 16 **C**distinguish between a variety of types of literature, including biography, autobiography, and plays (ELA-6-E3);

#### C. Reading and Responding. Standard Seven

1. GLE 17 **C**demonstrate understanding of information in texts using a variety of strategies, including:

a. comparing and contrasting story elements (e.g., character, setting, events);

b. predicting what will happen next in a story or a text;

c. making simple inferences about information in texts;

d. self-monitoring consistently for comprehension using multiple strategies and self-correcting as appropriate (ELA-7-E1);

2. GLE 18 **C**discuss and choose the most appropriate solution to a problem in texts (ELA-7-E2);

3. GLE 19 **C**identify the author's viewpoint (i.e., perspective) in a text (ELA-7-E3);

4. GLE 20 **C**apply basic reasoning skills, including:

a. discussing the relationship between cause-effect;

b. asking questions about texts read independently including why and how (ELA-7-E4);

#### D. Writing. Standard Two

1. GLE 21 **C**write compositions of one or more paragraphs, organized with a central idea and a coherent beginning, middle, and end (ELA-2-E1);

2. GLE 22 **C**use a greater variety of action and descriptive words when writing for a specific purpose and /or audience (ELA-2-E2);

3. GLE 23 **C**develop compositions of one or more paragraphs using writing processes such as the following:

a. independently generating ideas for writing by using various strategies (e.g., listing, brainstorming, drawing);

b. creating a plan (e.g., graphic organizer, web) appropriate to the purpose of writing;

c. writing a first draft with a developed beginning, a middle, and an end;

d. conferencing with a teacher or peers;

e. revising for clarity, grammatical and mechanical correctness, and/or to include additional information;

f. creating a final draft for possible publication (ELA-2-E3);

4. GLE 24. Develop grade-appropriate compositions, for example:

a. friendly letters;

b. poems;

c. stories;

d. informational descriptions for possible publication (ELA-2-E4);

5. GLE 25 **C**use literary devices, including patterns of rhythm and simile in writing (ELA-2-E5);

6. GLE 26 **C**write for various purposes, including:

a. letters or invitations that include relevant information and follow a letter/envelope format;

b. informal writing, including messages, journals, notes, and poems (ELA-2-E6);

#### E. Writing/Proofreading. Standard 3

1. GLE 27 **C**write legible short paragraphs using proper indentation (ELA-3-E1);

2. GLE 28 **C**use standard English punctuation, including:

a. commas in the greeting and closure of a letter, between a city and a state, and in dates;

b. apostrophes in contractions;

c. periods in abbreviations (ELA-3-E2);

3. GLE 29 **C**capitalize grade-appropriate proper nouns, initials of a person's name, and the salutation, and closing of a friendly letter (ELA-3-E2);

4. GLE 30 **C**writing using standard English structure and usage, including:

a. subject-verb agreement in simple and compound sentences;

b. past and present verb tenses;

c. noun and pronoun antecedent agreement;

d. transitional words and conjunctions in sentences;

e. prepositions and prepositional phrases;

f. possessive nouns;

g. adverbs, especially those related to time (ELA-3-E3);

5. GLE 31 **C**distinguish between a sentence and a sentence fragment (ELA-3-E3);

6. GLE 32 **C**use knowledge of parts of speech, including:

a. identifying and using nouns, including proper, common, concrete, abstract, and collective;

b. using correct antecedents of pronouns;

c. identifying and using the standard forms of possessives (e.g., *mom's coat, dad's hat, girl's shoes*);

d. electing and using verbs in past and present tenses in writing;

e. selecting and using standard forms of personal pronouns;

- f. using a variety of conjunctions (e.g., *or*, *nor*, *yet*, *so*);
  - g. selecting and using adverbs that modify according to time;
  - h. identifying and using prepositions appropriately (ELA-3-E4);
7. GLE 33 **C**spell grade-appropriate words, including:
    - a. words with short-vowels, long vowels, *r*-controlled vowels, and consonant blends;
    - b. words with short- and long-vowel sounds when those sounds are made with a broad variety of letter combinations (e.g., *ou*, *ow*, *ough*, *igh*);
    - c. frequently used irregularly spelled words (ELA-3-E5);
  8. GLE 34 **C**use spelling patterns and rules correctly (e.g., dropping silent *-e* before adding *-ing*) (ELA-3-E5);
  9. GLE 35 **C**use multiple spelling strategies (e.g., word wall, word lists, thinking about the base word, affixes) (ELA-3-E5);
  10. GLE 36 **C**alphabetize to the second letter and some third letters (ELA-3-E5);
  11. GLE 37 **C**use a dictionary and a glossary to locate correct spellings (ELA-3-E5);

F. Speaking and Listening. Standard Four

1. GLE 38 **C**adjust speaking tone and volume to suit purpose, audience, and setting (ELA-4-E1);
2. GLE 39 **C**give/relate multi-step directions to classmates (ELA-4-E2);
3. GLE 40 **C**tell and retell stories with the following included:
  - a. sequential order, including setting, character, and simple plot;
  - b. supportive facts and details from the story;
  - c. explicit and implicit main ideas (ELA-4-E3);
4. GLE 41 **C**adjust language during a presentation in order to inform or explain to a specific audience (ELA-4-E4);
5. GLE 42 **C**deliver informal presentations that demonstrate an understanding of a topic (ELA-4-E4);
6. GLE 43 **C**give rehearsed oral presentations about general topics using eye contact, appropriate volume, clear pronunciation, and appropriate visual aids (ELA-4-E4);
7. GLE 44 **C**use active listening strategies, including asking for clarification and explanations (ELA-4-E5);
8. GLE 45 **C**give oral responses, including:
  - a. telling stories and personal experiences;
  - b. giving explanations and reports (ELA-4-E5);
9. GLE 46 **C**compare ideas from a wide variety of media (ELA-4-E6);
10. GLE 47 **C**discuss classroom procedures and rules and generate ideas for new procedures and rules (ELA-4-E7);
11. GLE 48 **C**identify the role of discussion leader, contributor, and active listener (ELA-4-E7);

G. Information Resources. Standard Five

1. GLE 49 **C**locate information using the organizational features of texts, including:
  - a. URL addresses from the Web;
  - b. title pages;
  - c. glossaries;
  - d. indices;
  - e. table of contents;

- f. chapter headings (ELA-5-E1);
- 2. GLE 50 **C**locate information about a topic from a variety of sources, including children's magazines, children's encyclopedias, and electronic references (ELA-5-E2);
- 3. GLE 51 **C**gather and arrange information in a variety of organizational forms, including graphic organizers, simple outlines, notes, and summaries (ELA-5-E3);
- 4. GLE 52 **C**tell and write about the sources of learned information (ELA-5-E5);
- 5. GLE 53 **C**locate and read information on a chart, graph, diagram, map, and simple timeline (EL-5-E6).

NOTE: These foundation skills are listed numerically in parentheses at the end of each benchmark.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6; R.S. 17: 24.4; R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:306 (March 2003), LR 31:

**§1709. Third Grade**

A. Reading and Responding. Standard One

1. GLE 1 **C**decode words using knowledge of base words, root words, and common prefixes and suffixes (ELA-1-E1);
2. GLE 2 **C**decode similar words (e.g., *supper* vs. *super*) using knowledge of basic syllabication rules (ELA-1-E1);
3. GLE 3 **C**identify and explain words with multiple meanings using contextual clues (ELA-1-E1);
4. GLE 4 **C**demonstrate knowledge of the meanings of common prefixes and suffixes (ELA-1-E1);
5. GLE 5 **C**use reference aids such as dictionaries, thesauruses, synonym finders, and reference software to determine word meanings, word choices, and pronunciations (ELA-1-E1);
6. GLE 6 **C**determine meanings of unfamiliar words using a variety of strategies, including:
  - a. knowledge of common antonyms, synonyms, homonyms, and homographs;
  - b. use of context clues;
  - c. identification of base words and root words (ELA-1-E1);
7. GLE 7 **C**adjust speed of reading to accomplish a purpose based on text complexity (ELA-1-E3);
8. GLE 8 **C**identify story elements including:
  - a. theme;
  - b. conflict;
  - c. character traits, feelings, and motivation (ELA-1-E4);
9. GLE 9 **C**identify literary devices, including idioms and personification (ELA-1-E4);
10. GLE 10 **C**demonstrate understanding by summarizing stories and information, including the main events or ideas and selected details from the text in oral and written responses (ELA-1-E5);
11. GLE 11 **C**connect ideas, events, and information identified in grade-appropriate texts to prior knowledge and life experiences in oral and written responses (ELA-1-E6);
12. GLE 12 **C**demonstrate oral reading fluency of at least 110 words per minute in third-grade text with appropriate pacing, intonation, and expression (ELA-1-E7);

13. GLE 13 **C**read texts, chapter books, and informational materials silently at independent reading level (ELA-1-E7);

B. Reading and Responding. Standard Six

1. GLE 14 **C**compare and contrast story elements, including setting, character, and events of two multicultural texts in oral, written, and visual responses (ELA-6-E1);

2. GLE 15 **C**identify a variety of types of literature, including the myth and the legend, in oral and written responses (ELA-6-E2);

3. GLE 16 **C**identify and explain the defining characteristics of various types of literature, including the folktale (ELA-6-E3);

C. Reading and Responding. Standard Seven

1. GLE 17 **C**demonstrate understanding of information in grade-appropriate texts using a variety of strategies, including:

- a. sequencing events;
- b. making predictions using information from texts;
- c. making simple inferences and drawing conclusions about information in texts;
- d. comparing and contrasting, including story elements (e.g., theme, character, and conflicts) and main points or ideas in informational texts;
- e. distinguishing between a main idea and a summary;
- f. identifying main ideas of texts (ELA-7-E1);

2. GLE 18 **C**explain chosen solutions to problems in texts (ELA-7-E2);

3. GLE 19 **C**identify an author's purpose for writing, including persuading, entertaining, and informing (ELA-7-E3);

4. GLE 20 **C**explain the author's viewpoint using information from the text (ELA-7-E3);

5. GLE 21 **C**apply basic reasoning skills, including:

- a. identifying differences between fact and opinion;
- b. skimming and scanning texts to locate specific information;
- c. identifying multiple causes and/or effects in texts and life situations;
- d. raising questions to obtain clarification and/or direct investigation;
- e. connecting what is learned to real-life situations (ELA-7-E4);

D. Writing. Standard Two

1. GLE 22 **C**write compositions of two or more paragraphs that are organized with the following:

- a. a central idea;
- b. a logical, sequential order;
- c. supporting details that develop ideas;
- d. transitional words within and between paragraphs (ELA-2-E1);

2. GLE 23 **C**incorporate grade-appropriate vocabulary and information when writing for an intended audience and/or purpose (ELA-2-E2);

3. GLE 24 **C**develop compositions of two or more paragraphs using writing processes such as the following:

- a. selecting a topic;
- b. prewriting using strategies such as brainstorming, locating information, and generating graphic organizers;
- c. drafting;
- d. conferencing with teachers;

e. revising and proofreading;

f. creating a final draft for publication (ELA-2-E3);

4. GLE 25 **C**develop organized one- and two-paragraph compositions using description and narration (ELA-2-E4);

5. GLE 26 **C**use a variety of literary devices, including idioms and personification, in written responses and compositions (ELA-2-E5);

6. GLE 27 **C**write for various purposes, including:

- a. informal letters using appropriate letter format;
- b. book reports and informational compositions that include main idea and significant details from the text (ELA-2-E6);

E. Writing/Proofreading. Standard Three

1. GLE 28 **C**write legibly in cursive or printed form, using standard margins and demonstrating appropriate spacing of letters, words, sentences, and paragraphs (ELA-3-E1);

2. GLE 29 **C**use standard English punctuation, including:

- a. commas to separate phrases in a series;
- b. commas to separate parts of addresses (ELA-3-E2);

3. GLE 30 **C**capitalize the first word in direct quotations and proper adjectives (e.g., American flag, Mexican food) (ELA-3-E2);

4. GLE 31 **C**write using standard English structure and usage, including:

- a. avoiding run-on sentences;
- b. using verbs in the future tense;
- c. making subjects and verbs agree in sentences with simple and compound subjects and predicates (ELA-3-E3);

5. GLE 32 **C**apply knowledge of parts of speech in writing, including:

- a. using standard future verb tenses;
- b. using a variety of conjunctions, such as *although*, *since*, *until*, and *while*, in constructing sentences;
- c. using correct forms of possessive pronouns, singular nouns, transitional words, and prepositions;
- d. identifying and using irregular plural nouns correctly;
- e. sing first- and second-, and third-person pronouns correctly;
- f. selecting and using adverbs that modify according to time, place, manner, and degree;
- g. identifying and using irregular verb tenses (ELA-3-E4);

6. GLE 33 **C**spell grade-appropriate words, including:

- a. multisyllabic words made up of both base words and roots and common prefixes and suffixes;
- b. compound words;
- c. common homophones (ELA-3-E5);

7. GLE 34 **C**follow common spelling generalizations, including *-qu*, *consonant doubling*, and *changing -y to -i* (ELA-3-E5);

8. GLE 35 **C**alphabetize to the third letter (ELA-3-E5);

9. GLE 36 **C**use a variety of resources, including online and print dictionaries and spell checkers to check spelling (ELA-3-E5);

F. Speaking and Listening. Standard Four



1. GLE 37 **C**use clear diction and tone and adjust volume and tempo to stress important ideas when speaking (ELA-4-E1);

2. GLE 38 **C**give and follow precise directions and instructions (ELA-4-E2);

3. GLE 39 **C**tell a complex story that includes the following:

a. a central idea;

b. ideas and details organized chronologically (ELA-4-E3);

4. GLE 40 **C**give rehearsed oral presentations that include the following:

a. expression of an opinion about a text, topic, or idea;

b. relevant facts and details from multiple sources (ELA-4-E4);

5. GLE 41 **C**larify and enhance oral presentations through the use of appropriate props (e.g., objects, pictures, charts) (ELA-4-E4);

6. GLE 42 **C**use active listening strategies, including:

a. asking questions and responding to ideas/opinions;

b. giving oral responses, such as explanations of written and/or spoken texts (ELA-4-E5);

7. GLE 43 **C**compare ideas and points of view from a wide variety of media, including television, video, music, the Web, charts, and print materials (ELA-4-E6);

8. GLE 44 **C**assume the role of discussion leader, contributor, and active listener (ELA-4-E7);

#### G. Information Resources. Standard Five

1. GLE 45 **C**locate information using organizational features of a variety of resources, including:

a. electronic information such as pull-down menus, icons, keyword searches, passwords, and entry menu features;

b. printed text such as indices, tables of contents, glossaries, charts, captions, chapter headings, and subheadings;

c. the Dewey Decimal system;

d. electronic and online catalogs (ELA-5-E1);

2. GLE 46 **C**locate information from multiple sources, including books, periodicals, videotapes, Web sites, and CD-ROMs (ELA-5-E2);

3. GLE 47 **C**determine appropriateness of collected information for a specified purpose (ELA-5-E2);

4. GLE 48 **C**use keywords to take notes from written sources (ELA-5-E3);

5. GLE 49 **C**complete simple outlines with main topics and subtopics that reflect the information gathered (ELA-5-E3);

6. GLE 50 **C**use available electronic and print resources to draft, revise, and publish simple research reports, book reports, and other projects (ELA-5-E4);

7. GLE 51 **C**use simple bibliographic information to cite source (ELA-5-E5);

8. GLE 52 **C**locate information found in graphic organizers such as timelines, charts, graphs, schedules, tables, diagrams, and maps (ELA-5-E6).

NOTE: These foundation skills are listed numerically in parentheses at the end of each benchmark.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6; R.S. 17: 24.4; R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:306 (March 2003), LR 31:

#### §1711. Fourth Grade

##### A. Reading and Responding. Standard One

1. GLE 1 **C**use understanding of base words, roots, prefixes, and suffixes to decode more complex words (ELA-1-E1);

2. GLE 2 **C**determine the meaning of unfamiliar words using knowledge of word origins and inflections (ELA-1-E1);

3. GLE 3 **C**determine word meanings, word choices, and pronunciations using a board variety of reference aids such as dictionaries, thesauruses, synonym finders, and reference software (ELA-1-E1);

4. GLE 4 **C**adjust speed of reading to accomplish purpose based on text complexity (ELA-1-E3);

5. GLE 5 **C**identify a variety of story elements, including:

a. the impact of setting on character;

b. multiple conflicts;

c. first- and third-person points of view;

d. development of theme (ELA-1-E4);

6. GLE 6 **C**identify literary devices, including metaphor and hyperbole (ELA-1-E4);

7. GLE 7 **C**answer literal and inferential questions about ideas and information in grade-appropriate texts in oral and written responses (ELA-1-E5);

8. GLE 8 **C**connect information in grade-appropriate texts to prior knowledge and real-life situations in oral and written response (ELA-1-E6);

9. GLE 9 **C**increase oral and silent reading fluency and accuracy with grade-appropriate texts (ELA-1-E7);

10. GLE 10 **C**demonstrate oral reading fluency of at least 140 words per minute in fourth-grade text with appropriate pacing, intonation, and expression (ELA-1-E7);

##### B. Reading and Responding. Standard Six

1. GLE 11 **C**compare and contrast stories/tales from different cultures and explain the influence of culture on each tale in oral, written, and visual responses (ELA-6-E1);

2. GLE 12 **C**identify a variety of types of literature, including poetry and short stories, in oral and written responses (ELA-6-E2);

3. GLE 13 **C**identify and explain the defining characteristics of various types of literature, including the myth and the legend (ELA-6-E3);

##### C. Reading and Responding. Standard Seven

1. GLE 14 **C**demonstrate understanding of information in grade-appropriate texts using a variety of strategies, such as:

a. sequencing events and steps in a process;

b. explaining how the setting impacts other story elements, including the characters' traits and actions;

c. using specific evidence from a story to describe a character's traits, actions, relationships, and/or motivations;

d. confirming or denying a prediction about information in a text;

e. comparing and contrasting story elements or information within and across texts;

f. identifying stated main ideas and supporting details;

- g. making simple inferences (ELA-7-E1);
- 2. GLE 15 **C**justify solutions to problems in texts by verifying, confirming, and supporting (ELA-7-E2);
- 3. GLE 16 **C**distinguish an author’s purpose for writing, including entertaining, expressing an opinion, defending an argument, or conveying information (ELA-7-E3);
- 4. GLE 17 **C**explain in oral or written responses how an author’s life and times are reflected in a text (ELA-7-E3);
- 5. GLE 18 **C**explain how an author’s purpose influences organization of a text, word choice, and sentence structure (ELA-7-E3);
- 6. GLE 19 **C**demonstrate understanding of information in grade-appropriate texts using a variety of strategies, including:
  - a. supporting differences between fact and opinion with information from texts;
  - b. skimming and scanning texts from various purposes (e.g., locating information, verifying facts);
  - c. identifying cause-effect relationships in text and real-life situations;
  - d. generating questions to guide examination of topics in texts and real-life situations;
  - e. explaining connection between information from texts and real-life experiences (ELA-7-E4);
- D. Writing. Standard Two
  - 1. GLE 20 **C**write compositions of at least three paragraphs organized with the following:
    - a. a clearly stated central idea;
    - b. an introduction and a conclusion;
    - c. a middle developed with supporting details;
    - d. a logical, sequential order;
    - e. transitional words and phrases that unify points and ideas (ELA-2-E1);
  - 2. GLE 21 **C**organize individual paragraphs with topic sentences, relevant elaboration, and concluding sentences (ELA-2-E1);
  - 3. GLE 22 **C**identify an audience for a specific writing assignment and select appropriate vocabulary, details, and information to create a tone or set the mood and to affect or manipulate the intended audience (ELA-2-E2);
  - 4. GLE 23 **C**develop grade-appropriate compositions by identifying and applying writing processes, including the following:
    - a. selecting topic and form;
    - b. prewriting (e.g., brainstorming, researching, raising questions, generating graphic organizers);
    - c. drafting;
    - d. conferencing with peers and teachers;
    - e. revising based on feedback and use of various tools (e.g., *LEAP21 Writer’s Checklist*, rubrics);
    - f. proofreading/editing;
    - g. publishing using available technology (ELA-2-E3);
  - 5. GLE 24 **C**develop paragraphs and compositions of at least three paragraphs using the various modes (i.e., description, narration, exposition, and persuasion), emphasizing narration and description (ELA-2-E4);
  - 6. GLE 25 **C**use a variety of literary devices, including hyperbole and metaphor, in compositions (ELA-2-E5);
  - 7. GLE 26 **C**write for various purposes, including:

- a. formal and informal letters that follow a specific letter format, include relevant information, and use an appropriate closure;
- b. informational reports that include facts and examples and that present important details in a logical order;
- c. book reports that include an opinion and /or a persuasive viewpoint (ELA-2-E6);
- E. Writing/Proofreading. Standard Three
  - 1. GLE 27 **C**write legibly in standard cursive or printed form, indenting paragraphs appropriately, using standard margins, and demonstrating fluency (ELA-3-E1);
  - 2. GLE 28 **C**use standard English punctuation, including apostrophes in contractions and in the possessive case of singular and plural nouns (ELA-3-E2);
  - 3. GLE 29 **C**capitalize greetings, titles of respect, and titles of books, articles, chapters, movies, and songs (ELA-3-E2);
  - 4. GLE 30 **C**write using standard English structure and usage, including:
    - a. using active and passive voices of verbs;
    - b. avoiding writing with sentence fragments and run-on sentences (ELA-3-E3);
  - 5. GLE 31 **C**apply knowledge of parts of speech in writing, including:
    - a. selecting and using common interjections appropriately;
    - b. identifying and using transitive and intransitive verbs correctly;
    - c. identifying and using verb tenses correctly, including present perfect, past perfect, and future perfect;
    - d. using grade-appropriate irregular verb tenses correctly (ELA-3-E4);
  - 6. GLE 32 **C**use knowledge of root words, affixes, and syllable constructions to spell words (ELA-3-E5);
  - 7. GLE 33 **C**alphabetize to the fourth and fifth letters (ELA-3-E5);
- F. Speaking and Listening. Standard Four
  - 1. GLE 34 **C**adjust pacing to suit purpose, audience, and setting when speaking (ELA-4-E1);
  - 2. GLE 35 **C**interpret, follow, and give multi-step directions (ELA-4-E2);
  - 3. GLE 36 **C**deliver presentations that include the following:
    - a. information drawn from several sources and identification of the sources;
    - b. effective introductions and conclusions;
    - c. details, examples, anecdotes, or statistics that explain or clarify information;
    - d. information selected to persuade or influence the audience (ELA-4-E4);
  - 4. GLE 37 **C**demonstrate active listening strategies, including asking questions, responding to cues, and making eye contact (ELA-4-E5);
  - 5. GLE 38 **C**adjust speaking content according to the needs of the audience (ELA-4-E5);
  - 6. GLE 39 **C**listen to and critique messages such as advertising that are communicated in a variety of mediums, including television and print (ELA-4-E6);
  - 7. GLE 40 **C**identify the effectiveness and dynamics of group processes and cooperative learning (ELA-4-E7);

G. Information Resources. Standard Five

1. GLE 41 **C**locate information using organizational features of a variety of resources, including:
  - a. electronic information such as keyword searches, passwords, and entry menu features;
  - b. print materials such as indices, glossaries, table of contents, title pages, and map legends (ELA-5-E1);
2. GLE 42 **C**locate information using a broad variety of reference sources, including almanacs, atlases, newspapers, magazines, and brochures (ELA-5-E1);
3. GLE 43 **C**evaluate the usefulness of information selected from multiple sources, including:
  - a. library and online databases;
  - b. electronic reference works;
  - c. Internet information;
  - d. community and government data;
  - e. interviews;
  - f. experiments;
  - g. surveys (ELA-5-E2);
4. GLE 44 **C**use keywords and phrases to take notes from oral, written, and electronic media sources (ELA-5-E3);
5. GLE 45 **C**paraphrase or summarize information from a variety of sources (ELA-5-E3);
6. GLE 46 **C**construct simple outlines with main topics and subtopics that reflect the information gathered (ELA-5-E3);
7. GLE 47 **C**use electronic and print resources (e.g., spelling, grammar, and thesaurus checks) to revise and publish book reviews and research reports (ELA-5-E4);
8. GLE 48 **C**create a list of sources (e.g., books, encyclopedias, online resources) following a specified format (ELA-5-E5);
9. GLE 49 **C**define *plagiarism* (ELA-5-E5);
10. GLE 50 **C**read and interpret timelines, charts, graphs, schedules, tables, diagrams, and maps generated from grade-appropriate materials (ELA-5-E6).

NOTE: These foundation skills are listed numerically in parentheses at the end of each benchmark.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6; R.S. 17: 24.4; R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:306 (March 2003), LR 31:

**§1713. Fifth Grade**

A. Reading and Responding. Standard One

1. GLE 1 **C**identify word meanings using a variety of strategies, including:
  - a. using context clues (e.g., definition, restatement, example, contrast);
  - b. using structural analysis (e.g., base words, roots, affixes);
  - c. determining word origins (etymology);
  - d. using electronic and print dictionaries, thesauruses, glossaries (ELA-1-M1);
2. GLE 2 **C**identify common abbreviations, symbols, acronyms, and multiple-meaning words (ELA-1-M1);
3. GLE 3 **C**identify the meanings of idioms and analogies (ELA-1-M1);
4. GLE 4 **C**develop specific vocabulary (e.g., for reading scientific, geographical, historical, and mathematical texts, as well as news and current events) for various purposes (ELA-1-M1);

5. GLE 5. Identify and explain story elements, including:

- a. theme development;
  - b. character development;
  - c. relationship of word choice and mood;
  - d. plot sequence (e.g., exposition, rising action, climax, falling action, resolution) (ELA-1-M2);
6. GLE 6 **C**identify and explain literary devices in grade-appropriate texts, including:
- a. how word choice and images appeal to the senses and suggest mood, tone, and style;
  - b. foreshadowing;
  - c. flashback (ELA-1-M2);
7. GLE 7 **C**answer literal and inferential questions in oral and written responses about ideas and information in grade-appropriate texts, including:
- a. fiction;
  - b. nonfiction;
  - c. poetry;
  - d. songs (ELA-1-M3);

8. GLE 8 **C**identify the connections between ideas and information in a variety of texts (e.g., cartoons, poetry, fiction, instructional manuals) and real-life situations and other texts (ELA-1-M4);

B. Reading and Responding. Standard Six

1. GLE 9 **C**identify cultural characteristics, including customs, traditions, and viewpoints, found in national, world, and multicultural literature in oral and written responses (ELA-6-M1);
2. GLE 10 **C**compare and contrast elements (e.g., plot, setting, characters, theme) in a variety of genres in oral and written responses (ELA-6-M2);
3. GLE 11 **C**use knowledge of the distinctive characteristics to classify and interpret elements of various genres, including:
  - a. fiction (e.g., folktales, fairy tales, fables, legends, short stories, novels);
  - b. nonfiction (e.g., biography, autobiography, informational text);
  - c. poetry (e.g., lyric, narrative);
  - d. drama (e.g., one-act play or skits) (ELA-6-M3);

C. Reading and Responding. Standard Seven

1. GLE 12 **C**demonstrate understanding of information in grade-appropriate texts using a variety of strategies, including:
  - a. sequencing events and steps in a process;
  - b. summarizing and paraphrasing information;
  - c. identifying stated and implied main ideas and supporting details for each;
  - d. comparing and contrasting literary elements and ideas;
  - e. making simple inferences and drawing conclusions;
  - f. predicting the outcome of a story or situation with reasonable justification;
  - g. identifying literary devices (ELA-7-M1);
2. GLE 13 **C**examine and explain the relationship between life experiences and texts to generate solutions to problems (ELA-7-M2);
3. GLE 14 **C**use technical information and other available resources (e.g., software programs, manuals) to solve problems (ELA-7-M2);

4. GLE 15 **C**explain an author’s purpose for writing (e.g., to explain, to entertain, to persuade, to inform, to express personal attitudes or beliefs) (ELA-7-M3);

5. GLE 16 **C**explain how the author’s viewpoint (perspective, bias) is reflected in the text (ELA-7-M3);

6. GLE 17 **C**analyze grade-appropriate print and nonprint texts using various reasoning skills, including:

- a. identifying cause-effect relationships;
- b. raising questions;
- c. thinking inductively and deductively;
- d. generating a theory or hypothesis;
- e. skimming/scanning;
- f. distinguishing facts from opinions and

probability (ELA-7-M4);

D. Writing. Standard Two

1. GLE 18 **C**write multiparagraph compositions on student- or teacher-selected topics organized with the following:

- a. an established central idea;
- b. important ideas or events stated in sequential or chronological order;
- c. elaboration (e.g., fact, examples, specific details);
- d. transitional words and phrases that unify points and ideas;
- e. an overall structure including an introduction, a body/middle, and a concluding paragraph that summarizes important ideas (ELA-2-M1);

2. GLE 19 **C**organize individual paragraphs with topic sentences, relevant elaboration, and concluding sentences (ELA-2-M1);

3. GLE 20 **C**develop grade-appropriate compositions on student- or teacher-selected topics that include the following:

- a. word choices (diction) appropriate to the identified audience and/or purpose;
- b. vocabulary selected to clarify meaning, create images, and set a tone;
- c. information/ideas selected to engage the interest of the reader;
- d. clear voice (individual personality);
- e. variety in sentence structure (ELA-2-M2);

4. GLE 21 **C**develop grade-appropriate compositions applying writing processes such as the following:

- a. selecting topic and form;
- b. prewriting (e.g., brainstorming, researching, raising questions, completing graphic organizers);
- c. drafting;
- d. conferencing (e.g., peer and teacher);
- e. revising based on feedback and use of various tools (e.g., *LEAP21 Writer’s Checklist*, rubrics);
- f. proofreading/editing;
- g. publishing using technology (ELA-2-M3);

5. GLE 22 **C**develop grade-appropriate paragraphs and multiparagraph compositions using the various modes (i.e., description, narration, exposition, and persuasion), emphasizing narration and exposition (ELA-2-M4);

6. GLE 23 **C**use the various modes to write compositions, including:

- a. how-to essays;
- b. stories that incorporate dialogue, characters, plot, setting, and sensory details (ELA-2-M4);

7. GLE 24 **C**develop writing/compositions using a variety of literary and sound devices, including similes, metaphors, and onomatopoeia (ELA-2-M5);

8. GLE 25 **C**write for various purposes, including:

- a. formal and informal letters that state a purpose, make requests, or give compliments;
- b. evaluations of media, such as films, performances, or field trips;
- c. explanations of stories and poems using retellings, examples, and text-based evidence (ELA-2-M6);

E. Writing/Proofreading. Standard Three

1. GLE 26 **C**use standard English punctuation, including:

- a. parentheses and commas in direct quotations;
- b. commas to set off appositives and introductory phrases;
- c. use quotation marks around dialogue (ELA-3-M2);

2. GLE 27 **C**capitalize the first and other important words in titles and proper nouns (ELA-3-M2);

3. GLE 28 **C**write paragraphs and compositions following standard English structure and usage, including:

- a. varied sentence structures (e.g., simple, compound) and types (i.e., declarative, interrogative, imperative, exclamatory);
- b. agreement of subjects and verbs in complex sentences;
- c. sentences without double negatives;
- d. correct sentence fragments and run-on sentences (ELA-3-M3);

4. GLE 29 **C**apply knowledge of parts of speech in writing, including:

- a. using same verb tense throughout when appropriate;
- b. selecting and using specific nouns, pronouns, and verbs for clarity (ELA-3-M4);

5. GLE 30 **C**spell high-frequency, commonly confused, frequently misspelled words correctly (ELA-3-M5);

6. GLE 31 **C**incorporate accurate spelling and use a variety of resources (e.g., glossaries, dictionaries, thesauruses, spell check) to find correct spellings (ELA-3-M5);

F. Speaking and Listening. Standard Four

1. GLE 32 **C**adjust diction and enunciation to suit the purpose for speaking (ELA-4-M1);

2. GLE 33 **C**use complete sentences and standard English grammar, diction, syntax, and pronunciation when speaking (ELA-4-M2);

3. GLE 34 **C**follow procedures (e.g., read, question, write a response, form groups) from detailed oral instructions (ELA-4-M2);

4. GLE 35 **C**restate or describe oral directions/procedures for tasks (ELA-4-M2);

5. GLE 36 **C**adjust volume and inflection to suit the audience and purpose of presentations (ELA-4-M3);

6. GLE 37 **C**organize oral presentations with a thesis, an introduction, a body developed with relevant details, and a conclusion (ELA-4-M3);

7. GLE 38 **C**demonstrate active listening strategies (e.g., asking focused questions, responding to questions, making visual contact) (ELA-4-M4);

8. GLE 39C deliver formal and informal presentations for a variety of purposes, including:

- a. book reports;
- b. personal experiences;
- c. explanations of projects (ELA-4-M4);

9. GLE 40C evaluate media for various purposes, including:

- a. effectiveness of organization and presentation;
- b. usefulness and relevance of information (ELA-4-M5);

10. GLE 41C participate in group and panel discussions, including:

- a. explaining the effectiveness and dynamics of group process;
- b. applying agreed-upon rules for formal and informal discussions;
- c. assuming a variety of roles (e.g., facilitator, recorder, leader, listener) (ELA-4-M6);

#### G. Information Resources. Standard Five

1. GLE 42C locate and select information using a variety of organizational features in grade-appropriate resources, including:

- a. complex reference sources (e.g., almanacs, atlases, newspapers, magazines, brochures, map legends, prefaces, appendices);
- b. electronic storage devices (e.g., CD-ROMs, diskettes, software, drives);
- c. frequently accessed and bookmarked Web addresses (ELA-5-M1);

2. GLE 43C locate and integrate information from grade-appropriate resources, including:

- a. multiple printed texts (e.g., encyclopedias, atlases, library catalogs, specialized dictionaries, almanacs, technical encyclopedias);
- b. electronic sources (e.g., Web sites, databases, audio and video tapes, films, documentaries) for use in researching a topic (ELA-5-M2);

3. GLE 44C locate, gather, and select information using data-gathering strategies, including:

- a. surveying;
- b. interviewing;
- c. paraphrasing (ELA-5-M3);

4. GLE 45C generate grade-appropriate research reports that include information presented in a variety of forms, including:

- a. visual representations of data/information;
- b. graphic organizers (e.g., outlines, timelines, charts, webs);
- c. bibliographies (ELA-5-M3);

5. GLE 46C use word processing and/or other technology to draft, revise, and publish a variety of works, including compositions and reports (ELA-5-M4);

6. GLE 47C give credit for borrowed information following acceptable use policy, including:

- a. integrating quotations and citations;
- b. using endnotes;
- c. creating bibliographies and/or works cited lists (ELA-5-M5);

7. GLE 48C interpret information from a variety of grade-appropriate sources, including timelines, charts, schedules, tables, diagrams, and maps (ELA-5-M6).

NOTE: These foundation skills are listed numerically in parentheses at the end of each benchmark.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6; R.S. 17: 24.4; R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:306 (March 2003), LR 31:

### §1715. Sixth Grade

#### A. Reading and Responding. Standard One

1. GLE 1C identify word meanings using a variety of strategies, including:

- a. using context clues (e.g., definition, restatement, example, contrast);
- b. using structural analysis (e.g., roots, affixes);
- c. determining word origins (etymology);
- d. using knowledge of idioms;
- e. explaining word analogies (ELA-1-M1);

2. GLE 2C identify common abbreviations, symbols, acronyms, and multiple-meaning words (ELA-1-M1);

3. GLE 3C develop specific vocabulary (e.g., scientific, content-specific, current events) for various purposes (ELA-1-M1);

4. GLE 4C identify and explain story elements, including:

- a. theme development;
- b. character development;
- c. relationship of word choice and mood;
- d. plot sequence (e.g., exposition, rising action, climax, falling action, resolution) (ELA-1-M2);

5. GLE 5C identify and explain literacy and sound devices, including:

- a. foreshadowing;
- b. flashback;
- c. imagery;
- d. onomatopoeia (ELA-1-M2);

6. GLE 6C answer literal and inferential questions in oral and written responses about ideas and information in grade-appropriate texts, including:

- a. comic strips;
- b. editorial cartoons;
- c. speeches (ELA-1-M3);

7. GLE 7C explain the connections between ideas and information in a variety of texts (e.g., journals, technical specifications, advertisements) and real-life situations and other texts (ELA-1-M4);

#### B. Reading and Responding. Standard Six

1. GLE 8C compare and contrast cultural characteristics (e.g., customs, traditions, viewpoints) found in national, world, and multicultural literature (ELA-6-M1);

2. GLE 9C compare and contrast elements (e.g., plot, setting, characters, theme) in a variety of genres (ELA-6-M2);

3. GLE 10C use knowledge of the distinctive characteristics to classify and interpret elements of various genres, including:

- a. fiction (e.g., myths, historical fiction);
- b. nonfiction (e.g., newspaper articles, magazine articles);
- c. poetry (e.g., lyric, narrative);
- d. drama (e.g., short plays) (ELA-6-M3);

#### C. Reading and Responding Standard Seven

1. GLE 11C demonstrate understanding of information in grade-appropriate texts using a variety of strategies, including:

- a. sequencing events and steps in a process;

- b. summarizing and paraphrasing information;
- c. identifying stated or implied main ideas and supporting details;
- d. comparing and contrasting literary elements and ideas;
- e. making simple inferences and drawing conclusions;
- f. predicting the outcome of a story or situation;
- g. identifying literary devices (ELA-7-M1);

2. GLE 12 **C**examine and explain the relationship between life experiences and texts to generate solutions to problems (ELA-7-M2);

3. GLE 13 **C**use technical information and other available resources (e.g., software programs, manuals) to solve problems (ELA-7-M2);

4. GLE 14 **C**analyze an author’s stated or implied purpose for writing (e.g., to explain, to entertain, to persuade, to inform, to express personal attitudes or beliefs) (ELA-7-M3);

5. GLE 15 **C**identify persuasive techniques (e.g., unsupported inferences, faulty reasoning, generalizations) that reflect an author’s viewpoint (perspective) in texts (ELA-7-M3);

6. GLE 16 **C**analyze grade-appropriate print and nonprint texts using various reasoning skills, including:

- a. identifying cause-effect relationships;
- b. raising questions;
- c. reasoning inductively and deductively;
- d. generating a theory or hypothesis;
- e. skimming/scanning;
- f. distinguishing facts from opinions and probability (ELA-7-M4);

D. Writing. Standard Two

1. GLE 17 **C**write multiparagraph compositions on student- or teacher-selected topics organized with the following:

- a. an established central idea;
- b. organizational patterns (e.g., comparison/contrast, order of importance, chronological order) appropriate to the topic;
- c. elaboration (e.g., fact, examples, and/or specific details);
- d. transitional words and phrases that unify ideas and points;
- e. an overall structure including an introduction, a body/middle, and a concluding paragraph that summarizes important ideas (ELA-2-M1);

2. GLE 18 **C**organize individual paragraphs with topic sentences, relevant elaboration, and concluding sentences (ELA-2-M1);

3. GLE 19 **C**develop grade-appropriate compositions on student- or teacher-selected topics that include the following:

- a. word choices (diction) appropriate to the identified audience and/or purpose;
- b. vocabulary selected to clarify meaning, create images, and set a tone;
- c. information/ideas selected to engage the interest of the reader;
- d. clear voice (individual personality);
- e. variety in sentence structure (ELA-2-M2);

4. GLE 20 **C**develop grade-appropriate compositions applying writing processes such as the following:

- a. selecting topic and form;
- b. prewriting (e.g., brainstorming, researching, raising questions, generating graphic organizers);
- c. drafting;
- d. conferencing (e.g., peer, teacher);
- e. revising based on feedback and use of various tools (e.g., *LEAP21 Writer’s Checklist*, rubrics);
- f. proofreading/editing;
- g. publishing using technology (ELA-2-M3);

5. GLE 21 **C**develop grade-appropriate paragraphs and multiparagraph compositions using the various modes of writing (e.g., description, narration, exposition, persuasion), emphasizing narration and exposition (ELA-2-M4);

6. GLE 22 **C**use the various modes of write compositions, including:

- a. comparison/contrast;
- b. essays based on a stated opinion (ELA-2-M4);

7. GLE 23 **C**develop writing using a variety to literary devices, including foreshadowing, flashback, and imagery (ELA-2-M5);

8. GLE 24 **C**write for various purposes, including:

- a. business letters that include a heading, inside address, salutation, body, and signature;
- b. evaluations, supported with facts and opinions, of newspaper/magazine articles and editorial cartoons;
- c. text-supported interpretations of elements of novels, stories, poems, and plays (ELA-2-M6);

E. Writing/Proofreading. Standard Three

1. GLE 25 **C**use standard English punctuation, including:

- a. hyphens to separate syllables of words and compound adjectives;
- b. commas and coordinating conjunctions to separate independent clauses in compound sentences;
- c. colons after salutation in business letters (ELA-3-M2);

2. GLE 26 **C**capitalize names of companies, buildings, monuments, and geographical names (ELA-3-M2);

3. GLE 27 **C**write paragraphs and compositions following standard English structure and usage, including:

- a. possessive forms of singular and plural nouns and pronouns;
- b. regular and irregular verb tenses;
- c. homophones (ELA-3-M3);

4. GLE 28 **C**apply knowledge of parts of speech in writing, including:

- a. prepositional phrases;
- b. interjections for emphasis;
- c. conjunctions and transitions to connect ideas (ELA-3-M4);

5. GLE 29 **C**spell high frequency, commonly confused, frequently misspelled words and derivatives (e.g., roots and affixes) correctly (ELA-3-M5);

6. GLE 30 **C**use a variety to resources (e.g., glossaries, dictionaries, thesauruses, spell check) to find correct spellings (ELA-3-M5);

F. Speaking and Listening. Standard Four

1. GLE 31 **C**adjust diction and enunciation to suit the purpose for speaking (ELA-4-M1);

2. GLE 32 **C**use standard English grammar, diction, syntax, and pronunciation when speaking (ELA-4-M1);

3. GLE 33 **C**follow procedures (e.g., read, question, write a response, form groups) from detailed oral instructions (ELA-4-M2);

4. GLE 34 **C**state oral directions/procedures for tasks (ELA-4-M2);

5. GLE 35 **C**adjust volume and inflection to suit the audience and purpose of presentations (ELA-4-M3);

6. GLE 36 **C**organize oral presentations with a thesis, an introduction, a body developed with relevant details, and a conclusion (ELA-4-M3);

7. GLE 37 **C**demonstrate active listening strategies for various purposes, including:

a. viewing a video to interpret the meaning of the story, to determine the speaker's character's attitude using verbal and nonverbal cues, and to draw conclusions about the presentation;

b. summarizing the main points of a speaker's message, including supporting details and their significance (ELA-4-M4);

8. GLE 38 **C**deliver oral presentations and responses, including:

a. a research-based presentation;

b. formal and informal descriptive presentations that convey relevant information and descriptive details (ELA-4-M4);

9. GLE 39 **C**evaluate media for various purposes, including:

a. text structure;

b. images/sensory details;

c. support for main position;

d. background information;

e. opinions vs. facts;

f. sequence of ideas and organization (ELA-4-M5);

10. GLE 40 **C**participate in group and panel discussions (ELA-4-M5);

a. explaining the effectiveness and dynamics of group process;

b. applying a variety of roles (e.g., facilitator, recorded, leader, listener) (ELA-4-M6);

#### G. Information Resources. Standard Five

1. GLE 41 **C**locate and select information using organizational features of grade-appropriate resources, including:

a. complex reference sources (e.g., almanacs, atlases, newspapers, magazines, brochures, map legends, prefaces, appendices);

b. electronic storage devices (e.g., CD-ROMs, diskettes, software, drives);

c. frequently accessed and bookmarked Web addresses;

d. organizational features of electronic texts (e.g., bulletin boards, databases, keyword searches, e-mail addresses) (ELA-5-M1);

2. GLE 42 **C**locate and integrate information from grade-appropriate resources, including:

a. multiple printed texts (e.g., encyclopedias, atlases, library catalogs, specialized dictionaries, almanacs, technical encyclopedias);

b. electronic sources (e.g., Web sites, databases);

c. other media sources (e.g., audio and video tapes, films, documentaries, television, radio) (ELA-5-M2);

3. GLE 43 **C**identify sources as primary and secondary to determine credibility of information (ELA-5-M2);

4. GLE 44 **C**locate, gather, and select information using data-gathering strategies, including:

a. surveying;

b. interviewing;

c. paraphrasing (ELA-5-M3);

5. GLE 45 **C**generate grade-appropriate research reports that include information presented in a variety of forms, including:

a. visual representations of data/information;

b. graphic organizers (e.g., outlines, timelines, charts, webs);

c. bibliographies (ELA-5-M3);

6. GLE 46 **C**use word processing and/or other technology to draft, revise, and publish a variety of works, including compositions, investigative reports, and business letters (ELA-5-M4);

7. GLE 47 **C**give credit for borrowed information following acceptable-use policy, including:

a. integrating quotations and citations;

b. using endnotes;

c. creating bibliographies and/or works cited lists (ELA-5-M5);

8. GLE 48 **C**interpret information from a variety of graphic organizers, including timelines, charts, schedules, tables, diagrams, and maps in grade-appropriate sources (ELA-5-M6).

NOTE: These foundation skills are listed numerically in parentheses at the end of each benchmark.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6; R.S. 17:24.4; R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:306 (March 2003), LR 31:

### §1717. Seventh Grade

#### A. Reading and Responding. Standard One

1. GLE 1 **C**develop vocabulary using a variety of strategies, including:

a. use of connotative and denotative meanings;

b. use of Greek, Latin, and Anglo-Saxon base words, roots, affixes, and word parts (ELA-1-M1);

2. GLE 2 **C**explain story elements, including:

a. the revelation of character motivation through thoughts, words, and actions;

b. plot sequence (e.g., exposition, rising action, climax, falling action, resolution);

c. conflicts (e.g., man vs. man, nature, society, self) and their effect on plot;

d. effects of first- and third-person points of view;

e. theme development (ELA-1-M2);

3. GLE 3 **C**interpret literary devices, including:

a. symbolism;

b. puns;

c. analogies (ELA-1-M2);

4. GLE 4 **C**draw conclusions and make inferences in oral and written responses about ideas and information in grade-appropriate texts, including:

a. instructional materials;

b. essays;

- c. dramas (ELA-1-M3);
- 5. GLE 5 **C**interpret ideas and information in a variety of texts, including periodical articles, editorials, and lyrics, and make connections to real-life situations and other texts (ELA-1-M4);

B. Reading and Responding. Standard Six

1. GLE 6 **C**identify universal themes (e.g., search for identity, love, friendship, family, courage, adversity) and cultural viewpoints found in national, world, and multicultural literature in oral and written responses (ELA-6-M1);

2. GLE 7 **C**compare and contrast elements (e.g., plot, setting, character, theme) in multiple genres in oral and written responses (ELA-6-M2);

3. GLE 8 **C**use knowledge of the distinctive characteristics to classify and interpret elements of various genres, including:

- a. fiction (e.g., science fiction/fantasy);
- b. nonfiction (e.g., essays, letters);
- c. poetry (e.g., lyric, narrative);
- d. drama (e.g., short plays) (ELA-6-M3);

C. Reading and Responding. Standard Seven

1. GLE 9 **C**demonstrate understanding of information in grade-appropriate texts using a variety of strategies, including:

- a. sequencing events and steps in a process;
- b. summarizing and paraphrasing information;
- c. identifying stated or implied main ideas and explaining how details support ideas;
- d. making inferences and drawing conclusions;
- e. predicting the outcome of a story or situation;
- f. identifying literary devices (ELA-7-M1);

2. GLE 10 **C**explain the relationship between life experiences and texts to generate solutions to problems (ELA-7-M2);

3. GLE 11 **C**use technical information and other available resources (e.g., Web sites, interviews) to solve problems (ELA-7-M2);

4. GLE 12 **C**explain the effects of an author's stated purpose for writing (ELA-7-M3);

5. GLE 13 **C**identify an author's bias (objectivity) for, against, or neutral toward an issue (ELA-7-M3);

6. GLE 14 **C**analyze grade-appropriate print and nonprint texts using various reasoning skills, for example:

- a. identifying cause-effect relationships;
- b. raising questions;
- c. reasoning inductively and deductively;
- d. generating a theory or hypothesis;
- e. skimming/scanning (ELA-7-M4);

D. Writing. Standard Two

1. GLE 15 **C**write multiparagraph compositions on student- or teacher-selected topics organized with the following:

- a. established central idea;
- b. organizational patterns (e.g., comparison/contrast, order of importance, chronological order) appropriate to the topic;
- c. elaboration (e.g., fact, examples, and/or specific details);
- d. transitional words and phrases that unify ideas and points;

e. overall structure including an introduction, a body/middle, and a concluding paragraph that summarizes important ideas and details (ELA-2-M1);

2. GLE 16 **C**organize individual paragraphs with topic sentences, relevant elaboration, and concluding sentences (ELA-2-M1);

3. GLE 17 **C**develop grade-appropriate compositions on student- or teacher-selected topics that include the following:

- a. word choices (diction) appropriate to the identified audience and/or purpose;
- b. vocabulary selected to clarify meaning, create images, and set a tone;
- c. information/ideas selected to engage the interest of the reader;
- d. clear voice (individual/personality);
- e. variety in sentence structure (ELA-2-M2);

4. GLE 18 **C**develop grade-appropriate compositions by identifying and applying writing processes, such as the following:

- a. selecting topic and form;
- b. prewriting (e.g., brainstorming, researching, raising questions, generating graphic organizers);
- c. drafting;
- d. conferencing (e.g., peer and teacher);
- e. revising based on feedback and use of various tools (e.g., *LEAP21 Writer's Checklist*, rubrics);
- f. proofreading/editing;
- g. publishing using technology (ELA-2-M3);

5. GLE 19 **C**develop grade-appropriate paragraphs and multiparagraph compositions using the various modes of writing (e.g., description, narration, exposition, persuasion), emphasizing narration and exposition (ELA-2-M4);

6. GLE 20 **C**use the various modes to write compositions, including:

- a. essays based on a stated opinion;
- b. fictional narratives (ELA-2-M4);

7. GLE 21 **C**develop writing using a variety of literary devices, including analogies, symbolism, and puns (ELA-2-M5);

8. GLE 22 **C**write for various purposes, including:

- a. letters of complaint supported with complete and accurate information and reasons;
- b. evaluations of media, such as television, radio, and the arts;
- c. test-supported interpretations of elements of grade-appropriate stories, poems, plays, and novels;
- d. applications, such as memberships and library cards (ELA-2-M6);

E. Writing/Proofreading. Standard Three

1. GLE 23 **C**use standard English punctuation, including:

- a. commas to set off direct quotations, nouns of direct address, and after introductory words or phrases;
- b. semicolons or colons to separate independent clauses (ELA-3-M2);

2. GLE 24 **C**write paragraphs and compositions following standard English structure and usage, including:

- a. varied sentence structures, including complex sentences;



- b. antecedents that agree with pronouns in number, person, and gender;
  - c. sentences without double negatives (ELA-3-M3);
3. GLE 25 **C**apply knowledge of parts of speech in writing, including:

- a. infinitives and participles;
- b. superlative and comparative degrees of adjectives;
- c. adverbs (ELA-30M4);

4. GLE 26 **C**spell high-frequency, commonly confused, frequently misspelled words and derivatives (e.g., roots, affixes) correctly (ELA-3-M5);

5. GLE 27 **C**use a variety of resources (e.g., glossaries, dictionaries, thesauruses, spell check) to find correct spellings (ELA-3-M5);

F. Speaking and Listening. Standard Four

1. GLE 28 **C**adjust diction and enunciation to suit the purpose for speaking (ELA-4-M1);

2. GLE 29 **C**use standard English grammar, diction, syntax, and pronunciation when speaking (ELA-4-M1);

3. GLE 30 **C**follow procedures (e.g., read, question, write a response, form groups) form detailed oral instructions (ELA-4-M2);

4. GLE 31 **C**state oral directions/procedures for tasks (ELA-4-M2);

5. GLE 32 **C**adjust volume and inflection to suit the audience and purpose of presentations (ELA-4-M3);

6. GLE 33 **C**organize oral presentations with a thesis, an introduction, a body developed with relevant details, and a conclusion (ELA-4-M3);

7. GLE 34 **C**evaluate and determine bias and credibility of various media presentations (e.g., TV and radio advertising) (ELA-4-M4);

8. GLE 35 **C**deliver formal and informal persuasive presentations (ELA-4-M4);

9. GLE 36 **C**deliver grade-appropriate research-based presentations (ELA-4-M4);

10. GLE 37 **C**evaluate a variety of media for impressions/effect on listeners, faulty reasoning, propaganda techniques, and delivery (ELA-4-M5);

11. GLE 38 **C**participate in group and panel discussions, including:

- a. explaining the effectiveness and dynamics of group processes;
- b. applying agreed-upon rules for formal and informal discussions;
- c. assuming a variety of roles (e.g., facilitator, recorder, leader, listener) (ELA-4-M6);

G. Information Resources. Standard Five

1. GLE 39 **C**locate and select information using organizational features of grade-appropriate resources, including:

- a. complex reference sources (e.g., almanacs, atlases, newspapers, magazines, brochures, map legends, prefaces, appendices);
- b. electronic storage devices (e.g., CD-ROMs, diskettes, software, drives);
- c. frequently accessed and bookmarked Web addresses;
- d. features of electronic texts (e.g., hyperlinks, cross-referencing, Web resources, including online sources and remote sites) (ELA-5-M1);

2. GLE 40 **C**locate and integrate information from a variety of grade-appropriate resources, including:

- a. multiple printed texts (e.g., encyclopedias, atlases, library catalogs, specialized dictionaries, almanacs, technical encyclopedias);

- b. electronic sources (e.g., Web sites, databases);
- c. other media sources (e.g., audio and video tapes, films, documentaries, television, radio) (ELA-5-M2);

3. GLE 41 **C**explain the usefulness and accuracy of sources by determining their validity (e.g., authority, accuracy, objectivity, publication date, coverage) (ELA-5-M2);

4. GLE 42 **C**gather and select information using data-gathering strategies/tools, including:

- a. surveying;
  - b. interviewing;
  - c. paraphrasing (ELA-5-M3);
5. GLE 43 **C**generate grade-appropriate research reports that include information presented in a variety of forms, including:

- a. visual representations of data/information;
- b. graphic organizers (e.g., outlines, timelines, charts, webs);
- c. works cited lists and/or bibliographies (ELA-5-M3);

6. GLE 44 **C**use word processing and /or other technology to draft, revise, and publish a variety of works, including reports and research documents (ELA-5-M4);

7. GLE 45 **C**give credit for borrowed information following acceptable use policy, including:

- a. integrating quotations and citations;
- b. using end notes;
- c. creating bibliographies and/or works cited lists (ELA-5-M5);

8. GLE 46 **C**interpret information from a variety of graphic organizers including timelines, charts, schedules, tables, diagrams, and maps in grade-appropriate sources (ELA-5-M6).

NOTE: These foundation skills are listed numerically in parentheses at the end of each benchmark.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6; R.S. 17: 24.4; R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:306 (March 2003), LR 31:

**§1719. Eighth Grade**

A. Reading and Responding. Standard One

1. GLE 1 **C**develop vocabulary using a variety of strategies, including:

- a. use of connotative and denotative meanings;
- b. use of Greek, Latin, and Anglo-Saxon roots and word parts (ELA-1-M1);

2. GLE 2 **C**interpret story elements, including:

- a. stated and implied themes;
- b. development of character types (e.g., flat, round, dynamic, static);

- c. effectiveness of plot sequence and /or subplots;
- d. the relationship of conflicts and multiple conflicts (e.g., man vs. man, nature, society, self) to plot;
- e. difference in third-person limited and omniscient points of view;

- f. how a theme is developed (ELA-1-M2);

3. GLE 3 **C** Interpret literary devices, including:
  - a. allusions;
  - b. understatement (meiosis);
  - c. how word choice and images appeal to the senses and suggest mood and tone;
  - d. the use of foreshadowing and flashback to direct plot development;
  - e. the effects of hyperbole and symbolism (ELA-1-M2);

4. GLE 4 **C** Draw conclusions and make inferences in print and nonprint responses about ideas and information in grade-appropriate texts, including:
  - a. epics;
  - b. consumer materials;
  - c. public documents (ELA-1-M3);

5. GLE 5 **C** Interpret ideas and information in a variety of texts (e.g., scientific reports, technical guidelines, business memos) and make connections to real-life situations and other texts (ELA-1-M4);

B. Reading and Responding. Standard Six

1. GLE 6 **C** Analyze universal themes found in a variety of world and multicultural texts in oral and written responses (ELA-6-M1);

2. GLE 7 **C** Compare and contrast elements (e.g., plot, setting, character, theme) in multiple genres (ELA-6-M2);

3. GLE 8 **C** Use knowledge of the distinctive characteristics to classify and explain the significance of various genres, including:
  - a. fiction (e.g., mystery, novel);
  - b. nonfiction (e.g., workplace documents, editorials);
  - c. poetry (e.g., lyric, narrative);
  - d. drama (e.g., plays) (ELA-6-M3);

C. Reading and Responding. Standard Seven

1. GLE 9 **C** Demonstrate understanding of information in grade-appropriate texts using a variety of strategies, including:
  - a. sequencing events to examine and evaluate information;
  - b. summarizing and paraphrasing to examine and evaluate information;
  - c. interpreting stated or implied main ideas;
  - d. comparing and contrasting literary elements and ideas within and across texts;
  - e. making inferences and drawing conclusions;
  - f. predicting the outcome of a story or situation;
  - g. identifying literary devices (ELA-7-M1);

2. GLE 10 **C** Explain the relationship between life experiences and texts to generate solutions to solve problems (ELA-7-M2);

3. LE 11 **C** Use technical information and other available resources (e.g., Web sites, interviews) to solve problems (ELA-7-M2);

4. GLE 12 **C** Evaluate the effectiveness of an author's purpose (ELA-7-M3);

5. GLE 13 **C** Analyze an author's viewpoint by assessing appropriateness of evidence and persuasive techniques (e.g., appeal to authority, social disapproval) (ELA-7-M3);

6. GLE 14 **C** Analyze grade-appropriate print and nonprint texts using various reasoning skills, including:
  - a. identifying cause-effect relationships;

- b. raising questions;
- c. reasoning inductively and deductively;
- d. generating a theory or hypothesis;
- e. skimming/scanning;
- f. distinguishing facts from opinions and probability (ELA-7-M4);

D. Writing. Standard Two

1. GLE 15 **C** Write complex, multiparagraph compositions on student- or teacher-selected topics organized with the following:
  - a. a clearly stated focus or central idea;
  - b. important ideas or events stated in a selected order;
  - c. organizational patterns (e.g., comparison/contrast, order of importance, chronological order) appropriate to the topic;
  - d. elaboration (anecdotes, relevant facts, examples, and/or specific details);
  - e. transitional words and phrases that unify ideas and points;
  - f. an overall structure (e.g., introduction, body/middle, and concluding paragraph that summarizes important ideas and details) (ELA-2-M1);

2. GLE 16 **C** Organize individual paragraphs with topic sentences, relevant elaboration, and concluding sentences (ELA-2-M1);

3. GLE 17 **C** Develop grade-appropriate compositions on student- or teacher-selected topics that include the following:
  - a. word choices (diction) appropriate to the identified audience and/or purpose;
  - b. vocabulary selected to clarify meaning, create images, and set a tone;
  - c. information/ideas selected to engage the interest of the reader;
  - d. clear voice (individual personality);
  - e. variety in sentence structure (ELA-2-M2);

4. GLE 18 **C** Develop grade-appropriate compositions by identifying and applying writing processes such as the following:
  - a. selecting topic and form;
  - b. prewriting (e.g., brainstorming, researching, raising questions, generating graphic organizers);
  - c. drafting;
  - d. conferencing (e.g., peer and teacher);
  - e. revising based on feedback and use of various tools (e.g., *LEAP21 Writer's Checklist*, rubrics);
  - f. proofreading/editing;
  - g. publishing using technology (ELA-2-M3);

5. GLE 19 **C** Develop grade-appropriate paragraphs and multiparagraph compositions using the various modes of writing (e.g., description, narration, exposition, and persuasion), emphasizing narration and exposition (ELA-2-M4);

6. GLE 20 **C** Use the various modes to write compositions, including:
  - a. short stories developed with literary devices;
  - b. problem/solution essays;
  - c. essays defending a stated position (ELA-2-M4);

7. GLE 21 **C** Develop writing using a variety of literary devices, including understatements and allusions (ELA-2-M5);

8. GLE 22 **C**write for a wide variety of purposes, including:

- a. persuasive letters that include appropriate wording and tone and that state an opinion;
- b. evaluations of advertisements, political cartoons, and speeches;
- c. text-supported interpretations of elements of grade-appropriate stories, poems, plays, and novels (ELA-2-M6);

E. Writing/Proofreading. Standard Three

1. GLE 23 **C**use standard English capitalization and punctuation consistently (ELA-3-M2);

2. GLE 24 **C**write paragraphs and compositions following standard English structure and usage, including:

- a. varied sentence structure and patterns, including complex sentences;
- b. phrases and clauses used correctly as modifiers (ELA-3-M3);

3. GLE 25 **C**apply knowledge of parts of speech in writing, including:

- a. infinitives, participles, and gerunds;
- b. superlative and comparative degrees of adjectives;
- c. adverbs (ELA-3-M4);

4. GLE 26 **C**spell high-frequency, commonly confused, frequently misspelled words and derivatives (e.g., roots and affixes) correctly (ELA-3-M5);

5. GLE 27 **C**use a variety of resources (e.g., glossaries, dictionaries, thesauruses, spell check) to find correct spellings (ELA-3-M5);

F. Speaking and Listening. Standard Four

1. GLE 28 **C**adjust diction and enunciation to suit the purpose for speaking (ELA-4-M1);

2. GLE 29 **C**use standard English grammar, diction, syntax, and pronunciation when speaking (ELA-4-M1);

3. GLE 30 **C**follow procedures (e.g., read, question, write a response, form groups) from detailed oral instructions (ELA-4-M2);

4. GLE 31 **C**state oral directions/procedures for tasks (ELA-4-M2);

5. GLE 32 **C**adjust volume and inflection to suit the audience and purpose of presentations (ELA-4-M3);

6. GLE 33 **C**organize oral presentations with a thesis, an introduction, a body/middle developed with relevant details, and a conclusion (ELA-4-M3);

7. GLE 34 **C**determine the credibility of the speaker (e.g., hidden agenda, slanted or biased materials) (ELA-4-M4);

8. GLE 35 **C**deliver grade-appropriate persuasive presentations (ELA-4-M4);

9. GLE 36 **C**summarize a speaker's purpose and point of view (ELA-4-M4);

10. GLE 37 **C**compare, contrast, and evaluate information found in a wide variety of text/electronic media (e.g., microprint, public speeches, art form) (ELA-4-M5);

11. GLE 38 **C**participate in group and panel discussions, including:

- a. explaining the effectiveness and dynamics of group process;
- b. applying agreed-upon rules for formal and informal discussions;

c. assuming a variety of roles (e.g., facilitator, recorder, leader, listener) (ELA-4-M6);

G. Information Resources. Standard Five

1. GLE 39 **C**locate and select information using organizational features of grade-appropriate resources, including:

a. complex reference sources (e.g., almanacs, atlases, newspapers, magazines, brochures, map legends, prefaces, appendices);

b. electronic storage devices (e.g., CD-ROMs, diskettes, software, drives);

c. frequently accessed and bookmarked Web addresses;

d. organizational features of electronic information (e.g., Web resources including online sources and remote sites) (ELA-5-M1);

2. GLE 40 **C**locate and integrate information from a variety of grade-appropriate resources, including:

a. multiple printed texts (e.g., encyclopedias, atlases, library catalogs, specialized dictionaries, almanacs, technical encyclopedias);

b. electronic sources (e.g., Web sites, databases);

c. other media sources (e.g., audio and video tapes, films, documentaries, television, radio) (ELA-5-M2);

3. GLE 41 **C**explain the usefulness and accuracy of sources by determining their validity (e.g., authority, accuracy, objectivity, publication date, coverage) (ELA-5-M2);

4. GLE 42 **C**gather and select information using data-gathering strategies/tools, including:

a. surveying;

b. interviewing;

c. paraphrasing (ELA-5-M3);

5. GLE 43 **C**generate grade-appropriate research reports that include information presented in a variety of forms, including:

a. visual representations of data/information;

b. graphic organizers (e.g., outlines, timelines, charts, webs);

c. works cited lists and/or bibliographies (ELA-5-M3);

6. GLE 44 **C**use word processing and/or other technology to draft, revise, and publish a variety of works, including documented research reports with bibliographies (ELA-5-M4);

7. GLE 45 **C**give credit for borrowed information following acceptable use policy, including:

a. integrating quotations and citations;

b. using endnotes;

c. creating bibliographies and/or words cited lists (ELA-5-M5);

8. GLE 46 **C**interpret information from a variety of graphic organizers including timelines, charts, schedules, tables, diagrams, and maps in grade-appropriate sources (ELA-5-M6).

NOTE: These foundation skills are listed numerically in parentheses at the end of each benchmark.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6; R.S. 17:24.4; R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:306 (March 2003), LR 31:

## §1721. Ninth Grade

### A. Reading and Responding. Standard One

1. GLE 1C extend basic and technical vocabulary using a variety of strategies, including:

- a. use of context clues;
- b. use of knowledge of Greek and Latin roots and affixes;
- c. use of denotative and connotative meanings;
- d. tracing etymology (ELA-1-H1);

2. GLE 2C identify and explain story elements, including:

- a. the author's use of direct and indirect characterization;
- b. the author's pacing of action and use of plot development, subplots, parallel episodes; and climax to impact the reader;
- c. the revelation of character through dialect, dialogue, dramatic monologues, and soliloquies (ELA-1-H2);

3. GLE 3C identify and explain the significance of literary devices, including:

- a. mixed metaphors;
- b. imagery;
- c. symbolism;
- d. flashback;
- e. foreshadowing;
- f. sarcasm/irony;
- g. implied metaphors;
- h. oxymoron (ELA-1-H2);

4. GLE 4C draw conclusions and make inferences in oral and written responses about ideas and information in texts, including:

- a. nonfiction works;
- b. short stories/novels;
- c. five-act plays;
- d. poetry/epics;
- e. film/visual texts;
- f. consumer/instructional materials;
- g. public documents (ELA-1-H3);

5. GLE 5C explain ways in which ideas and information in a variety of texts (e.g., scientific reports, technical guidelines, business memos, literary texts) connect to real-life situations and other texts (ELA-1-H4);

### B. Reading and Responding. Standard Six

1. GLE 6C compare/contrast cultural elements including a group's history, perspectives, and language found in multicultural texts in oral and written responses (ELA-6-H1);

2. GLE 7C identify and explain connections between historical contexts and works of various authors, including Homer, Sophocles, and Shakespeare (ELA-6-H2);

3. GLE 8C identify and explain recurrent themes in world literature (ELA-6-H2);

4. GLE 9C analyze in oral and written responses distinctive elements (including theme, structure, characterization) of a variety of literary forms and types, including:

- a. essays by early and modern writers;
- b. epic poetry such as *The Odyssey*;
- c. forms of lyric and narrative poetry such as ballads and sonnets;

d. drama, including ancient, Renaissance, and modern;

- e. short stories and novels;
- f. biographies and autobiographies (ELA-6-H3);

5. GLE 10C identify and explain in oral and written responses ways in which particular genres reflect life experiences, for example:

- a. an essay expresses a point of view;
- b. a legend chronicles the life of a cultural hero;
- c. a short story or novel provides a vicarious life experience (ELA-6-H4);

### C. Reading and Responding. Standard Seven

1. GLE 11C demonstrate understanding of information in grade-appropriate texts using a variety of strategies, including:

- a. summarizing and paraphrasing information and story elements;
- b. comparing and contrasting information in texts, including televised news, news magazines, documentaries, and online information;
- c. comparing and contrasting complex literary elements, devices, and ideas within and across texts;
- d. examining the sequence of information and procedures in order to critique the logic or development of ideas in texts;
- e. making inferences and drawing conclusions;
- f. making predictions and generalizations (ELA-7-H1);

2. GLE 12C solve problems using reasoning skills, including:

- a. using supporting evidence to verify solutions;
- b. analyzing the relationships between prior knowledge and life experiences and information in the texts;
- c. using technical information in specialized software programs, manuals, interviews, surveys, and access guides to Web sites (ELA-7-H2);

3. GLE 13C identify and explain the impact of an author's life on themes and issues of a single text or multiple texts by the same author (ELA-7-H3);

4. GLE 14C analyze information within and across grade-appropriate texts using various reasoning skills, including:

- a. identifying cause-effect relationships;
- b. raising questions;
- c. reasoning inductively and deductively;
- d. generating a theory or hypothesis;
- e. distinguishing facts from opinions and probability (ELA-7-H4);

### D. Writing. Standard Two

1. GLE 15C develop organized, coherent paragraphs that include the following:

- a. topic sentences;
- b. logical sequence;
- c. transitional words and phrases;
- d. appropriate closing sentences;
- e. parallel construction where appropriate (ELA-2-H1);

2. GLE 16C develop multiparagraph compositions organized with the following:

- a. a clearly stated central idea or thesis statement;
- b. a clear, overall structure that includes an introduction, a body, and an appropriate conclusion;

c. supporting paragraphs appropriate to the topic organized in a logical sequence (e.g., spatial order, order of importance, ascending/descending order, chronological order, parallel construction);

d. transitional words and phrases that unify throughout (ELA-2-H1);

3. GLE 17 **C**develop complex compositions on student- or teacher-selected topics that are suited to an identified audience and purpose and that include the following:

a. word choices appropriate to the identified audience and/or purpose;

b. vocabulary selected to clarify meaning, create images, and set a tone;

c. information/ideas selected to engage the interest of the reader;

d. clear voice ( individual personality) (ELA-2-H2);

4. GLE 18 **C**develop complex compositions using writing processes, including:

a. selecting topic and form (e.g., brainstorming, clustering, outlining, generating main idea/thesis statements);

b. prewriting (e.g., brainstorming, clustering, outlining, generating main idea/thesis statements);

c. drafting;

d. conferencing (e.g., peer and teacher);

e. revising for content and structure based on feedback;

f. proofreading/editing to improve conventions of language;

g. publishing using technology (ELA-2-H3);

5. GLE 19 **C**develop paragraphs and complex, multiparagraph compositions using all modes of writing (description, narration, exposition, and persuasion) emphasizing exposition and persuasion (ELA-2-H4);

6. GLE 20 **C**develop paragraphs and complex, multiparagraph compositions that include complex stylistic features, including:

a. literary devices such as student-composed oxymoron, touches of sarcasm, and/or irony;

b. vocabulary and phrasing that reflect an individual character (voice);

c. a variety of sentence lengths and structures, including simple, compound, and complex (ELA-2-H5);

7. GLE 21 **C**write for various purposes, including:

a. formal and business letters, such as letters of complaint and requests for information;

b. letters to the editor;

c. job applications;

d. text-supported interpretations that connect life experiences to works of literature (ELA-2-H6);

#### E. Writing/Proofreading. Standard Three

1. GLE 22 **C**apply standard rules of sentence formation, avoiding common errors, such as:

a. fragments;

b. run-on sentences;

c. syntax problems (ELA-3-H2);

2. GLE 23 **C**apply standard rules of usage, including:

a. making subjects and verbs agree;

b. using verbs in appropriate tenses;

c. making pronouns agree with antecedents;

d. using pronouns appropriately in nominative, objective, and possessive cases;

e. using adjectives in comparative and superlative degrees and adverbs correctly;

f. avoiding double negatives;

g. using all parts of speech appropriately (ELA-3-H2);

3. GLE 24 **C**apply standard rules of mechanics, including:

a. using commas to set off appositives or parenthetical phrases;

b. using quotation marks to set off titles of short works;

c. using colons preceding a list and after a salutation in a business letter;

d. using standard capitalization for names of political and ethnic groups, religions, and continents (ELA-3-H2);

4. GLE 25 **C**use correct spelling conventions when writing and editing (ELA-3-H3);

5. GLE 26 **C**use a variety of resources, such as dictionaries, thesauruses, glossaries, technology, and textual features (e.g., definitional footnotes, sidebars) to verify word spellings (ELA-3-H3);

#### F. Speaking and Listening. Standard Four

1. GLE 27 **C**use standard English grammar, diction, and syntax when responding to questions, participating in informal group discussions, and making presentations (ELA-4-H1);

2. GLE 28 **C**select language appropriate to specific purposes and audiences when speaking, including:

a. delivering informational/book reports in class;

b. conducting interviews/surveys of classmates or the general public;

c. participating in class discussions (ELA-4-H1);

3. GLE 29 **C**listen to oral instructions and presentations, speeches, discussions, and carry out procedures, including:

a. taking accurate notes;

b. writing summaries or responses;

c. forming groups (ELA-4-H2);

4. LE 30 **C**organize and use precise language to deliver oral directions and instructions about general, technical, or scientific topics (ELA-4-H2);

5. GLE 31 **C**deliver oral presentations that include the following:

a. phrasing, enunciation, voice modulation, verbal and nonverbal techniques, and inflection adjusted to stress important ideas and impact audience response;

b. language choices selected to suit the content and context;

c. an organization that includes an introduction, relevant details that develop the topic, and a conclusion (ELA-4-H3);

6. GLE 32 **C**use active listening strategies, including:

a. monitoring messages for clarity;

b. selecting and organizing essential information;

c. noting cues such as changes in pace;

d. generating and asking questions concerning a speaker's content, delivery, and attitude toward the subject (ELA-4-H4);

7. GLE 33 **C**deliver clear, coherent, and concise oral presentations about information and ideas in texts (ELA-4-H4);

8. GLE 34 **C**analyze media information in oral and written responses, including:

- a. summarizing the coverage of a media event;
- b. comparing messages from different media

(ELA-4-H5);

9. GLE 35 **C**participate in group and panel discussions, including:

- a. identifying the strengths and talents of other participants;
- b. acting as facilitator, recorder, leader, listener, or mediator;
- c. evaluating the effectiveness of participant's performance (ELA-4-H6);

#### G. Information Resources. Standard Five

1. GLE 36 **C**identify and use organizational features to locate relevant information for research projects using a variety of resources, including:

- a. print resources (e.g., prefaces, appendices, annotations, citations, bibliographic references);
- b. electronic texts (e.g., database keyword searches, search engines, e-mail addresses) (ELA-5-H1);

2. GLE 37 **C**locate, analyze, and synthesize information from a variety of grade-appropriate resources, including:

- a. multiple printed texts (e.g., encyclopedias, atlases, library catalogs; specialized dictionaries, almanacs, technical encyclopedias; and periodicals);
- b. electronic sources (e.g., Web sites, databases);
- c. other media sources (e.g., community and government data, television and radio resources, and other audio and visual materials) (ELA-5-H2);

3. GLE 38 **C**analyze the usefulness and accuracy of sources by determining their validity (e.g., authority, accuracy, objectivity, publication date, and coverage) (ELA-5-H2);

4. GLE 39 **C**access information and conduct research using various grade-appropriate, data-gathering strategies/tools, including:

- a. formulating clear research questions;
- b. gathering evidence from primary and secondary sources;
- c. using graphic organizers (e.g., outlining, charts, timelines, webs);
- d. compiling and organizing information to support the central ideas, concepts, and themes of formal papers or presentations (ELA-5-H3);

5. GLE 40 **C**write a variety of research reports, which include the following:

- a. research supporting the main ideas;
- b. facts, details, examples, and explanations from sources;
- c. graphics when appropriate;
- d. complete documentation (e.g., endnotes, parenthetical citations, works cited lists or bibliographies) (ELA-5-H3);

6. GLE 41 **C**use word processing and/or other technology (e.g., illustration, page-layout, Web-design programs) to draft, revise, and publish various works,

including research reports documented with parenthetical citations and bibliographies or works cited lists (ELA-5-H4);

7. GLE 42 **C**give credit for borrowed information in grade-appropriate research reports following acceptable use policy, including:

- a. using parenthetical documentation to integrate quotes and citations;
- b. preparing bibliographies and/or works cited list (ELA-5-H5);

8. GLE 43 **C**analyze information found in a variety of complex graphic organizers, including detailed maps, comparative charts, extended tables, graphs, diagrams, cutaways, overlays, and sidebars to determine usefulness for research (ELA-5-H6).

NOTE: These foundation skills are listed numerically in parentheses at the end of each benchmark.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6; R.S. 17: 24.4; R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:306 (March 2003), LR 31:

### §1723. Tenth Grade

#### A. Reading and Responding. Standard One

1. GLE 1. Extend basic and technical vocabulary using a variety of strategies, including:

- a. use of context clues;
- b. use of knowledge of Greek and Latin roots and affixes;
- c. use of denotative and connotative meanings;
- d. tracing etymology (ELA-1-H1);

2. GLE 2 **C**analyze the development of story elements, including:

- a. characterization;
- b. plot and subplot(s);
- c. theme;
- d. mood/atmosphere (ELA-1-H2);

3. GLE 3 **C**analyze the significance within a context of literary devices, including:

- a. imagery;
- b. symbolism;
- c. flashback;
- d. foreshadowing;
- e. irony, ambiguity, contradiction;
- f. allegory;
- g. tone;
- h. dead metaphor;
- i. personification, including pathetic fallacy (ELA-1-H2);

4. GLE 4 **C**draw conclusions and make inferences about ideas and information in grade-appropriate texts in oral and written responses, including:

- a. short stories/novels;
- b. nonfiction works;
- c. five-act plays;
- d. poetry/epics;
- e. film/visual texts;
- f. consumer/instructional materials;
- g. public documents (ELA-1-H3);

5. GLE 5 **C**analyze ways in which ideas and information in texts, such as almanacs, microfiche, news sources, technical documents, Internet sources, and literary texts, connect to real-life situations and other texts or represent a view or comment on life (ELA-1-H4);

B. Reading and Responding. Standard Six

1. GLE 6 **C**compare and/or contrast cultural elements including a group's history, perspectives, and language found in multicultural texts in oral and written responses (ELA-6-H1);

2. GLE 7 **C**analyze connections between historical contexts and the works of authors, including Sophocles and Shakespeare (ELA-6-H2);

3. GLE 8 **C**analyze recurrent themes in world literature (ELA-6-H2);

4. GLE 9 **C**analyze, in oral and written responses, distinctive elements, including theme and structure, of literary forms and types, including:

- a. essays by early and modern writers;
- b. lyric, narrative, and dramatic poetry;
- c. drama, including ancient, Renaissance, and modern;
- d. short stories, novellas, and novels;
- e. biographies and autobiographies;
- f. speeches (ELA-6-H3);

5. GLE 10 **C**identify and explain in oral and written responses the ways in which particular genres reflect life experiences, for example:

- a. an essay expresses a point of view;
- b. a legend chronicles the life of a cultural hero;
- c. a short story or novel provides a vicarious life experience (ELA-6-H4);

C. Reading and Responding. Standard Seven

1. GLE 11 **C**demonstrate understanding of information in grade-appropriate texts using a variety of reasoning strategies, including:

- a. summarizing and paraphrasing information and story elements;
- b. comparing and contrasting information in various texts (e.g., televised news, news magazines, documentaries, online information);
- c. comparing and contrasting complex literary elements, devices, and ideas within and across texts;
- d. examining the sequence of information and procedures in order to critique the logic or development of ideas in texts;
- e. making inferences and drawing conclusions;
- f. making predictions and generalizations (ELA-7-H1);

2. GLE 12 **C**solve problems using reasoning skills, including:

- a. using supporting evidence to verify solutions;
- b. analyzing the relationships between prior knowledge and life experiences and information in texts;
- c. using technical information in specialized software programs, manuals, interviews, surveys, and access guides to Web sites (ELA-7-H2);

3. GLE 13 **C**use knowledge of an author's background, culture, and philosophical assumptions to analyze the relationship of his/her works to the themes and issues of the historical period in which he/she lived (ELA-7-H3);

4. GLE 14 **C**evaluate the effects of an author's life in order to interpret universal themes and messages across different works by the same author (ELA-7-H3);

5. GLE 15 **C**analyze information within and across grade-appropriate texts using various reasoning skills, including:

- a. identifying cause-effect relationships;
- b. raising questions;
- c. reasoning inductively and deductively;
- d. generating a theory or hypothesis;
- e. distinguishing facts from opinions and probability (ELA-7-H4);

D. Writing. Standard Two

1. GLE 16 **C**develop organized, coherent paragraphs that include the following:

- a. topic sentences;
- b. logical sequence;
- c. transitional words and phrases;
- d. appropriate closing sentences;
- e. parallel construction where appropriate (ELA-2-H1);

2. GLE 17 **C**develop multiparagraph compositions organized with the following:

- a. a clearly stated central idea/thesis statement;
- b. a clear, overall structure that includes an introduction, a body, and an appropriate conclusion;
- c. supporting paragraphs appropriate to the topic organized in a logical sequence (e.g., spatial order, order of importance, ascending/descending order, chronological order, parallel construction);
- d. transitional words and phrases that unify throughout (ELA-2-H1);

3. GLE 18 **C**develop complex compositions on student- or teacher-selected topics that are suited to an identified audience and purpose and that include the following:

- a. word choices appropriate to the identified audience and/or purpose;
- b. vocabulary selected to clarify meaning, create images, and set a tone;
- c. information/ideas selected to engage the interest of the reader;
- d. clear voice (individual personality) (ELA-2-H2);

4. GLE 19 **C**develop complex compositions using writing processes, including:

- a. selecting topic and form;
- b. determining purpose and audience;
- c. prewriting (e.g., brainstorming, clustering, outlining, generating main ideas/thesis statements);
- d. drafting;
- e. conferencing (e.g., with peers and teachers);
- f. revising for content and structure based on feedback;
- g. proofreading/editing to improve conventions of language;
- h. publishing using technology (ELA-2-H3);

5. GLE 20 **C**develop complex paragraphs and multiparagraph compositions using all modes of writing, emphasizing exposition and persuasion (ELA-2-H4);

6. GLE 21 **C**use all modes to write complex compositions, including:

- a. comparison/contrast of ideas and information in reading materials or current issues;

b. literary analyses that compare and contrast multiple texts;

c. editorials on current affairs (ELA-2-H4);

7. LE 22 **C**develop writing using a variety of complex literary and rhetorical devices, including imagery and the rhetorical question (ELA-2-H5);

8. GLE 23 **C**develop individual writing style that includes the following:

a. a variety of sentence structures (e.g., parallel or repetitive) and lengths;

b. diction selected to create a tone and set a mood;

c. selected vocabulary and phrasing that reflect the character and temperament (voice) of the writer (ELA-2-H5);

9. GLE 24 **C**write for various purposes, including:

a. formal and business letters, such as letters of complaint and requests for information;

b. letters to the editor;

c. job applications;

d. text-supported interpretations that connect life experiences to works of literature (ELA-2-H6);

#### E. Writing/Proofreading. Standard Three

1. GLE 25 **C**apply standard rules of sentence formation, avoiding common errors, such as:

a. fragments;

b. run-on sentences;

c. syntax problems (ELA-3-H2);

2. GLE 26 **C**apply standard rules of usage, including:

a. making subjects and verbs agree;

b. using verbs in appropriate tenses;

c. making pronouns agree with antecedents;

d. using pronouns in appropriate cases (e.g., nominative and objective);

e. using adjectives in comparative and superlative degrees;

f. using adverbs correctly;

g. avoiding double negatives (ELA-3-H2);

3. GLE 27 **C**apply standard rules of mechanics, including:

a. using commas to set off appositives or parenthetical phrases;

b. using quotation marks to set off titles of short works;

c. using colons preceding a list and after a salutation in a business letter;

d. using appropriate capitalization, including names of political and ethnic groups, religions, and continents (ELA-3-H2);

4. GLE 28 **C**use correct spelling conventions when writing and editing (ELA-3-H3);

5. GLE 29 **C**use a variety of resources, such as dictionaries, thesauruses, glossaries, technology, and textual features (e.g., definitional footnotes, sidebars), to verify word spellings (ELA-3-H3);

#### F. Speaking and Listening. Standard Four

1. GLE 30 **C**use standard English grammar, diction, and syntax when speaking in formal presentations and informal group discussions (ELA-4-H1);

2. GLE 31 **C**select language appropriate to specific purposes and audiences, including:

a. delivering informational/book reports in class;

b. conducting interviews/surveys of classmates or the general public;

c. participating in class discussions (ELA-4-H1);

3. GLE 32 **C**listen to detailed oral instructions and presentations and carry out complex procedures, including:

a. taking accurate notes;

b. writing summaries or responses;

c. forming groups (ELA-4-H2);

4. GLE 33 **C**organize and use precise language to deliver oral directions and instructions about general, technical, or scientific topics (ELA-4-H2);

5. GLE 34 **C**deliver oral presentations that include the following:

a. volume, phrasing, enunciation, voice modulation, and inflection adjusted to stress important ideas and impact audience response;

b. language choices adjusted to suit the content and context;

c. an organization that includes an introduction, selected details, and a conclusion arranged to impact an audience (ELA-4-H3);

6. GLE 35 **C**use active listening strategies, including:

a. monitoring message for clarity;

b. selecting and organizing essential information;

c. noting cues such as changes in pace;

d. generating and asking questions concerning a speaker's content, delivery, and attitude toward the subject (ELA-4-H4);

7. GLE 36 **C**deliver clear, coherent, and concise oral presentations and responses about information and ideas in a variety of texts (ELA-4-H4);

8. GLE 37 **C**analyze media information in oral and written responses, including:

a. comparing and contrasting the ways in which print and broadcast media cover the same event;

b. evaluating media messages for clarity, quality, effectiveness, motive, and coherence;

c. listening to and critiquing audio/video presentations (ELA-4-H5);

9. GLE 38 **C**participate in group and panel discussions, including:

a. identifying the strengths and talents of other participants;

b. acting as facilitator, recorder, leader, listener, or mediator;

c. evaluating the effectiveness of participants' performances (ELA-4-H6);

#### G. Information Resources. Standard Five

1. GLE 39 **C**select and evaluate relevant information for a research project using the organizational features of a variety of resources, including:

a. print texts, such as prefaces, appendices, annotations, citations, bibliographic references, and endnotes;

b. electronic texts such as database keyword searches, search engines, and e-mail addresses (ELA-5-H1);

2. GLE 40 **C**locate, analyze, and synthesize information from grade-appropriate resources, including:

a. multiple printed texts (e.g., encyclopedias, atlases, library catalogs, specialized dictionaries, almanacs, technical encyclopedias, and periodicals);



- b. electronic sources (e.g., Web sites and databases);
- c. other media sources (e.g., community and government data, television and radio resources, and other audio and visual materials) (ELA-5-H2);

3. GLE 41 **C**analyze the usefulness and accuracy of sources by determining their validity (e.g., authority, accuracy, objectivity, publication date, coverage) (ELA-5-H2);

4. GLE 42 **C**access information and conduct research using various grade-appropriate data-gathering strategies/tools, including:

- a. formulating clear research questions;
- b. using research methods to gather evidence from primary and secondary sources;
- c. using graphic organizers (e.g., outlining, charts, timelines, webs);

d. compiling and organizing information to support the central ideas, concepts, and themes of a formal paper or presentation (ELA-5-H3);

5. GLE 43 **C**write a variety of research reports, which include the following:

- a. research that supports the main ideas;
- b. facts, details, examples, and explanations from multiple sources;
- c. graphics when appropriate;
- d. complete documentation (e.g., endnotes, parenthetical citations and bibliographies or works cited lists, or bibliographies) (ELA-5-H3);

6. GLE 44 **C**use word processing and/or technology to draft, revise, and publish various works, including research reports documented with parenthetical citations and bibliographies or works cited lists (ELA-5-H4);

7. GLE 45 **C**follow acceptable use policy to document sources in research reports using various formats, including:

- a. preparing extended bibliographies of reference materials;
- b. integrating quotations and citations while maintaining flow of ideas;
- c. using standard formatting for source acknowledgement according to a specified style guide;
- d. using parenthetical documentation following *MLA Guide* within a literature-based research report (ELA-5-H5);

8. GLE 46 **C**analyze information found in complex graphic organizers, including detailed maps, comparative charts, extended tables, graphs, diagrams, cutaways, overlays, and sidebars to determine usefulness for research (ELA-5-H6).

NOTE: These foundation skills are listed numerically in parentheses at the end of each benchmark.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6; R.S. 17: 24.4; R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:306 (March 2003), LR 31:

## §1725. Eleventh and Twelfth Grade

### A. Reading and Responding. Standard One

1. GLE 1 **C**extend basic and technical vocabulary using a variety of strategies, including:

- a. analysis of an author's word choice;
- b. use of related forms of words;
- c. analysis of analogous statements (ELA-1-H1);

2. GLE 2 **C**analyze the significance of complex literary and rhetorical devices in American, British, or world texts, including:

- a. apostrophes;
- b. rhetorical questions;
- c. metaphysical conceits;
- d. implicit metaphors (metonymy and synecdoche)

(ELA-1-H2);

3. GLE 3 **C**draw conclusions and make inferences about ideas and information in complex texts in oral and written responses, including:

- a. fiction/nonfiction;
- b. drama/poetry;
- c. public documents;
- d. film/visual texts;
- e. debates/speeches (ELA-1-H3);

4. LE 4 **C**evaluate ways in which the main idea, rational or thesis, and information in complex texts, including consumer, workplace, public, and historical documents, represent a view or comment on life (ELA-1-H4);

### B. Reading and Responding. Standard Six

1. GLE 5 **C**analyze and critique the impact of historical periods, diverse ethnic groups, and major influences (e.g., philosophical, political, religious, ethical, social) on American, British, or world literature in oral and written responses (ELA-6-H1);

2. GLE 6 **C**analyze and explain the significance of literary forms, techniques, characteristics, and recurrent themes of major literary periods in ancient, American, British, or world literature (ELA-8-H2);

3. GLE 7 **C**analyze and synthesize in oral and written responses distinctive elements (e.g., structure) of a variety of literary forms and types, including:

- a. essays and memoirs by early and modern essay writers;
- b. epic poetry such as *Beowulf*;
- c. forms of lyric and narrative poetry such as the ballad, sonnets, pastorals, elegies, and the dramatic monologue;
- d. drama, including ancient, Renaissance, and modern comedies and tragedies;
- e. short stories, novellas, and novels;
- f. biographies and autobiographies;
- g. speeches (ELA-6-H3);

4. GLE 8 **C**analyze in oral and written responses the ways in which works of ancient, American, British, or world literature represent views or comments on life, for example:

- a. an autobiography/diary gives insight into a particular time and place;
- b. the pastoral idealizes life in the country;
- c. the parody mocks people and institutions;
- d. an allegory uses fictional figures to express truths about human experiences (ELA-6-H4);

### C. Reading and Responding. Standard Seven

1. GLE 9 **C**demonstrate understanding of information in American, British, and world literature using a variety of strategies, for example:

- a. interpreting and evaluating presentation of events and information;
- b. evaluating the credibility of arguments in nonfiction works;

- c. making inferences and drawing conclusions;
- d. evaluating the author's use of complex literary elements (e.g., symbolism, themes, characterization, ideas);
- e. making predictions and generalizations about ideas and information;
- f. critiquing the strengths and weaknesses of ideas and information;
- g. synthesizing (ELA-7-H1);

2. GLE 10 **C** identify, gather, and evaluate appropriate sources and relevant information to solve problems using multiple sources, including:

- a. school library catalogs;
- b. online databases;
- c. electronic resources;
- d. internet-based resources (ELA-7-H2);

3. GLE 11 **C** analyze and evaluate the philosophical arguments presented in literary works, including American, British, or world literature (ELA-7-H2);

4. GLE 12 **C** analyze and evaluate works of American, British, or world literature in terms of an author's life, culture, and philosophical assumptions (ELA-7-H2);

5. GLE 13 **C** analyze information within and across grade-appropriate print and nonprint texts using various reasoning skills, including:

- a. identifying cause-effect relationships;
- b. raising questions;
- c. reasoning inductively and deductively;
- d. generating a theory or hypothesis;
- e. skimming/scanning;
- f. distinguishing facts from opinions and probability (ELA-7-H4);

#### D. Writing Standard Two

1. GLE 14 **C** develop complex compositions, essays, and reports that include the following:

- a. a clearly stated central idea/thesis statement;
- b. a clear, overall structure (e.g., introduction, body, appropriate conclusion);
- c. supporting paragraphs organized in a logical sequence (e.g., spatial order, order of importance, ascending/descending order, chronological order, parallel construction);
- d. transitional words, phrases, and devices that unify throughout (ELA-2-H1);

2. GLE 15 **C** develop complex compositions on student- or teacher-selected topics that are suited to an identified audience and purpose and that include the following:

- a. word choices appropriate to the identified audience and/or purpose;
- b. vocabulary selected to clarify meaning, create images, and set a tone;
- c. information/ideas selected to engage the interest of the reader;
- d. clear voice (individual personality) (ELA-2-H2);

3. GLE 16 **C** develop complex compositions using writing processes such as the following:

- a. electing topic and form (e.g., determining a purpose and audience);
- b. prewriting (e.g., brainstorming, clustering, outlining, generating main ideas/thesis statements);
- c. drafting;
- d. conferencing with peers and teachers;

- e. revising for content and structure based on feedback;
- f. proofreading/editing to improve conventions of language;
- g. publishing using available technology (ELA-2-H3);

4. GLE 17 **C** use the various modes to write complex compositions, including:

- a. definition essay;
- b. problem/solution essay;
- c. research project;
- d. literary analyses that incorporate research;
- e. cause-effect essay;
- f. process and analyses;
- g. persuasive essays (ELA-2-H4);

5. GLE 18 **C** develop writing/compositions using a variety of complex literary and rhetorical devices (ELA-2-H5);

6. GLE 19 **C** extend development of individual style to include the following:

- a. avoidance of overused words, clichés, and jargon;
- b. a variety of sentence structures and patterns;
- c. diction that sets tone and mood;
- d. vocabulary and phrasing that reflect the character and temperament (voice) of the writer (ELA-2-H5);

7. GLE 20 **C** write for various purposes, including:

- a. interpretations/explanations that connect life experiences to works of American, British, and world literature;
- b. functional documents (e.g., resumes, memos, proposals) (ELA-2-H6);

#### E. Writing/Proofreading Standard Three

1. LE 21 **C** apply standard rules of sentence formation, including parallel structure (ELA-3-H2);

2. GLE 22 **C** apply standard rules of usage, for example:

- a. avoid splitting infinitives;
- b. use the subjunctive mood appropriately (ELA-3-H2);

3. GLE 23 **C** apply standard rules of mechanics and punctuation, including:

- a. parentheses;
- b. brackets;
- c. dashes;
- d. commas after introductory adverb clauses and long introductory phrases;
- e. quotation marks for secondary quotations;
- f. internal capitalization;
- g. manuscript form (ELA-3-H2);

4. GLE 24 **C** use a variety of resources (e.g., dictionaries, thesauruses, glossaries, technology) and textual features (e.g., definitional footnotes, sidebars) to verify word spellings (ELA-3-H3);

#### F. Speaking and Listening Standard Four

1. GLE 25 **C** use standard English grammar, diction, and syntax when speaking in formal presentations and informal group discussions (ELA-4-H1);

2. GLE 26 **C** select language appropriate to specific purposes and audiences for speaking, including:

- a. delivering informational/book reports in class;

- b. conducting interviews/surveys of classmates or the general public;
- c. participating in class discussions (ELA-4-H1);
- 3. GLE 27 **C**listen to detailed oral instructions and presentations and carry out complex procedures, including:
  - a. reading and questioning;
  - b. writing responses;
  - c. forming groups;
  - d. taking accurate, detailed notes (ELA-4-H2);
- 4. GLE 28 **C**organize and use precise language to deliver complex oral directions or instructions about general, technical, or scientific topics (ELA-4-H2);
- 5. GLE 29 **C**deliver presentations that include the following:
  - a. language, diction, and syntax selected to suit a purpose and impact an audience;
  - b. delivery techniques including repetition, eye contact, and appeal to emotion suited to a purpose and audience;
  - c. an organization that includes an introduction, relevant examples, and/or anecdotes, and a conclusion arranged to impact an audience (ELA-4-H3);
- 6. GLE 30 **C**use active listening strategies, including:
  - a. monitoring messages for clarity;
  - b. selecting and organizing information;
  - c. noting cues such as changes in pace (ELA-4-H4);
- 7. GLE 31 **C**deliver oral presentations, including:
  - a. speeches that use appropriate rhetorical strategies;
  - b. responses that analyze information in texts and media;
  - c. persuasive arguments that clarify or defend positions (ELA-4-H4);
- 8. GLE 32 **C**give oral and written analyses of media information, including:
  - a. identifying logical fallacies (e.g., attack *ad hominem*, false causality, overgeneralization, bandwagon effect) used in oral addresses;
  - b. analyzing the techniques used in media messages for a particular audience;
  - c. critiquing a speaker's diction and syntax in relation to the purpose of an oral presentation;
  - d. critiquing strategies (e.g., advertisements, propaganda techniques, visual representations, special effects) used by the media to inform, persuade, entertain, and transmit culture (ELA-4-H5);
- 9. GLE 33 **C**participate in group and panel discussions, including:
  - a. identifying the strengths and talents of other participants;
  - b. acting as facilitator, recorder, leader, listener, or mediator;
  - c. evaluating the effectiveness of participants' performance (ELA-4-H6);

G. Information Resources. Standard Five

- 1. GLE 34 **C**select and critique relevant information for a research project using the organizational features of a variety of resources, including:
  - a. print texts (e.g., prefaces, appendices, annotations, citations, bibliographic references);
  - b. electronic texts (e.g., database keyword searches, search engines, e-mail addresses) (ELA-5-H1);

- 2. GLE 35 **C**locate, analyze, and synthesize information from a variety of complex resources, including:
  - a. multiple print texts (e.g., encyclopedias, atlases, library catalogs, specialized dictionaries, almanacs, technical encyclopedias, and periodicals);
  - b. electronic sources (e.g., Web sites or databases);
  - c. other media (e.g., community and government data, television and radio resources, and audio and visual materials) (ELA-5-H2);
- 3. GLE 36 **C**analyze the usefulness and accuracy of sources by determining their validity (e.g., authority, accuracy, objectivity, publication date, coverage) (ELA-5-H2);
- 4. GLE 37 **C**access information and conduct research using various grade-appropriate data-gathering strategies/tools, including:
  - a. formulating clear research questions;
  - b. evaluating the validity and/or reliability of primary and/or secondary sources;
  - c. using graphic organizers (e.g., outlining, charts, timelines, webs);
  - d. compiling and organizing information to support the central ideas, concepts, and themes of a formal paper or presentation;
  - e. preparing annotated bibliographies and anecdotal scripts (ELA-5-H3);
- 5. GLE 38 **C**write extended research reports (e.g., historical investigations, reports about high interest and library subjects) which include the following:
  - a. researched information that supports main ideas;
  - b. facts, details, examples, and explanations from sources;
  - c. graphics when appropriate;
  - d. complete documentation (e.g., endnotes or parenthetical citations, works cited lists or bibliographies) consistent with a specified style guide (ELA-5-H3);
- 6. GLE 39 **C**use word processing and/or technology to draft, revise, and publish various works, including:
  - a. functional documents (e.g., requests for information, resumes, letters of complaint, memos, proposals), using formatting techniques that make the document user friendly;
  - b. analytical reports that include databases, graphics, and spreadsheets;
  - c. research reports on high-interest and literary topics (ELA-5-H4);
- 7. GLE 40 **C**use selected style guides to produce complex reports that include the following:
  - a. credit for sources (e.g., appropriate parenthetical documentation and notes);
  - b. standard formatting for source acknowledgement (ELA-5-H5);
- 8. GLE 41 **C**analyze and synthesize information found in various complex graphic organizers, including detailed maps, comparative charts, extended tables, graphs, diagrams, cutaways, overlays, and sidebars (ELA-5-H6).

NOTE: These foundation skills are listed numerically in parentheses at the end of each benchmark.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6; R.S. 17: 24.4; R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:306 (March 2003), LR 31:

## Chapter 19. Glossary and References

### §1901. Definitions

*Benchmark*—a broad statement of process and/or content that is used as a reference to develop curriculum and to assess student progress.

*Communication*—the meaningful exchange of ideas or information between a speaker and a listener (or a reader and a writer, etc.). Throughout these standards, communication is understood as an interactive process, in which both speaker and listener participate in the construction of meaning.

*Content Standard*—a description of what students should know and be able to do through subject matter, knowledge, proficiencies, etc., gained as a result of their education.

*Convention*—an accepted practice in a spoken or written language.

*e.g.*—examples of, but not limited to.

*Emergent Literacy*—development of the association of print with meaning that begins early in a child's life and continues until the child reaches the stage of conventional reading and writing.

*Figurative Language*—any language, whether in a literary or a nonliterary text, using figures of speech, such as simile and metaphor, to create multiple or intensified meaning.

*Fluency*—the clear, easy, written or spoken expression of ideas.

*Foundation Skills*—processes that are common to all areas and levels of education and are intended to suggest methods and objectives of instructional strategies.

*Graphic Organizer*—a means of arranging ideas/information in a visual pattern (e.g., charts, graphs, maps, Venn diagrams).

*Graphophonics*—the relationship between oral and written language.

*Hypertext*—in computer use, a sophisticated branching that allows the user to move among or relate text, graphics, and sound data in new patterns in any desired order.

*Intelligible*—capable of being understood.

*Log*—an ongoing student-kept record of books read during a specified period, of learning activities that help students evaluate their progress, and of student responses to various topics.

*Media*—the various physical and electronic means through which information may be communicated.

*Reading Process*—an act of reading taken as a whole; what happens when a person processes text to obtain meaning.

*Recursive*—characterized by moving back and forth among the planning, drafting, and revising phases of writing.

*Response*—a written or spoken answer to a question.

*Self-Monitoring*—the conscious awareness of the progress of text.

*Semantics*—the study of meaning in language.

*Standard English*—that variety of English in which most educational texts and government and media publications are written in the United States.

*Strategy*—a practiced but flexible way of responding to recognizable contexts, situations, or demands.

*Syntax*—the study of how sentences are formed and of the grammatical rules that govern their formation.

*Text*—printed communications in their varied forms: oral communication, including conversations, speeches, etc., and

visual communications such as film, video, and computer displays.

*Viewing*—attending to communication conveyed by visually representing. Students with visual impairments might view tactile drawings, charts, or diagrams.

*Visually Representing*—conveying information or expressing oneself using nonverbal means, such as drawing, computer graphics (maps, charts, artwork), photography, or physical performance. For students with visual impairments, this language art might also include communicating by means of tactile drawings or diagrams, as well as by gesture and performance.

*Writing Process*—the many aspects of the complex act of producing a written communication. Specifically, planning, drafting, revising, editing, and publishing.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 17:6; R.S. 17:24.4; R.S. 17:154.

**HISTORICAL NOTE:** Promulgated by the Board of Elementary and Secondary Education, LR 29:306 (March 2003), LR 31:

Interested persons may submit written comments until 4:30 p.m., September 8, 2005, to Nina A. Ford, Board of Elementary and Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA 70804-9064.

### Family Impact Statement

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

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

### FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

#### RULE TITLE: **Bulletin 1965—Louisiana Content Standards, Benchmarks, and Grade Level Expectations for English Language Arts**

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

This revision of the Louisiana English language arts content standards includes Grade-Level Expectations (GLEs) for all grades pre-kindergarten through 12<sup>th</sup>. Grade-Level Expectations are statements of knowledge and skills that students should master at the end of each grade. The cost for printing GLE materials for English language arts and for providing training to school and district staff totaled \$205,750. These costs were paid by federal Title VI funds in the '04-'05 fiscal year.

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

There will be no 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)

There will be no costs or economic benefits to persons or nongovernmental groups.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There will be no effect on competition and employment.

Marlyn J. Langley  
Deputy Superintendent  
Management and Finance  
0507#041

H. Gordon Monk  
Acting Fiscal Officer  
Legislative Fiscal Office

**NOTICE OF INTENT**

**Department of Environmental Quality  
Office of Environmental Assessment**

Laboratory Accreditation Exemption for Analyses  
of Target Volatile Organic Compounds  
(LAC 33:I.4719)(OS064)

Under the authority of the Environmental Quality Act, R.S. 30:2001 et seq., and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the secretary gives notice that rulemaking procedures have been initiated to amend the Office of the Secretary regulations, LAC 33:I.4719 (Log #OS064).

This Rule will allow the department to accept data generated by laboratories that are not accredited, provided that specific conditions are met. The department recently issued a number of administrative orders to certain facilities requiring monitoring and testing of ozone precursors. There are an insufficient number of laboratories accredited for Compendium Methods TO-14A and TO-15, as described in *The Compendium of Methods for the Determination of Toxic Organic Compounds in Air, Second Edition* (EPA 625/R-96/010b), existing at this time that are capable of performing the volume of sample analyses within the timeframe required by the department. Pursuant to all administrative orders to facilities requiring monitoring and testing of ozone precursors, this Rule will allow the department to accept, until December 31, 2007, data generated by laboratories that have supporting documentation showing the quality assurance and quality control program used in generating the analytical data. The basis and rationale for this Rule are to allow the department to accept data pursuant to the administrative orders generated by laboratories that are not accredited while allowing time for a sufficient number of laboratories to become accredited for these specific methods. This Rule promulgates Emergency Rule OS064E1, which is published in the July 20, 2005, issue of the *Louisiana Register*.

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

**Title 33**

**ENVIRONMENTAL QUALITY**

**Part I. Office of the Secretary**

**Subpart 3. Laboratory Accreditation**

**Chapter 47. Program Requirements**

**§4719. Implementation**

A. All commercial laboratories analyzing data as of the effective date of these regulations that are directly or indirectly submitting data to the department must submit an application for accreditation as required in LAC 33:I.4701.A.1, including the review fee, by July 1, 2000. The department shall not accept laboratory data generated by laboratories that do not comply with this deadline until such laboratories receive accreditation and fully comply with the requirements of this Section. Except as provided in Subsection E of this Section, the department shall not accept environmental data submitted to the department either directly or indirectly until the laboratory has applied for accreditation under these regulations.

B. All laboratories subject to these regulations must receive accreditation from the department, as provided in these regulations, undergo an on-site inspection as specified in LAC 33:I.4701.A.2, and successfully participate in proficiency evaluations as required in LAC 33:I.4701.A.3 by December 31, 2000, or as otherwise agreed to by the department and the applicant, not to exceed one year from December 31, 2000. Except as provided in Subsection E of this Section, the department shall not accept data generated by laboratories that do not comply with these deadlines until such laboratories receive accreditation and fully comply with the requirements of this Section.

C. - D. ...

E. The department shall accept, until December 31, 2007, analytical data generated by a laboratory that is not accredited under these regulations, provided that:

1. the laboratory has supporting documentation showing the quality assurance and quality control programs used in generating analytical data by the laboratory and that the laboratory follows all requirements established by the EPA-approved analytical method employed;

2. the laboratory is submitting analytical data pursuant to a departmental administrative order to a facility requiring monitoring and testing of ozone precursors; and

3. the laboratory is submitting analytical data for any of the target volatile organic compounds listed in Table 1 of this Section using Compendium Method TO-14A or Compendium Method TO-15, as described in *The Compendium of Methods for the Determination of Toxic Organic Compounds in Air, Second Edition* (EPA 625/R-96/010b), with modifications as specified below:

a. a flame ionization detector (FID) must be used for the detector;

b. a 1-point calibration with propane must be used;

c. a reporting limit of at least 10 parts per billion (ppb) must be used;

d. any analytical result below the method detection limit (MDL) must be reported and flagged as an estimated value;

e. any analytical result at the instrument detection limit (IDL) must be reported and flagged as an estimated value.

<b>Table 1</b>
<b>Target Volatile Organic Compounds</b>
Acetylene
Benzene
1,3-Butadiene
n-Butane
1-Butene
cis-2-Butene
trans-2-Butene
Cyclohexane
Cyclopentane
2,2-Dimethylbutane
2,3-Dimethylbutane
2,3-Dimethylpentane
2,4-Dimethylpentane
Ethane
Ethylene
Ethylbenzene
n-Heptane
n-Hexane
1-Hexene
Isobutane
Isopentane
Isoprene (2-methyl-1,3-butadiene)
Methylcyclohexane
Methylcyclopentane
2-Methylheptane
3-Methylheptane
2-Methylhexane
3-Methylhexane
2-Methylpentane
3-Methylpentane
n-Octane
1-Pentane
n-Pentane
cis-2-Pentene
trans-2-Pentene
Propane
Propylene
Styrene
Toluene
2,2,4-Trimethylpentane (isooctane)
2,3,4-Trimethylpentane
m/p-Xylene
o-Xylene

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2011.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, LR 24:922 (May 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:1436 (July 2000), LR 29:312 (March 2003), amended by the Office of Environmental Assessment, LR 31:

A public hearing will be held on August 25, 2005, at 1:30 p.m. in the Galvez Building, Oliver Pollock Conference Room, 602 N. Fifth Street, Baton Rouge, LA 70802. Interested persons are invited to attend and submit oral comments on the proposed amendments. Should individuals with a disability need an accommodation in order to participate, contact Judith A. Schuerman, Ph.D., at the address given below or at (225) 219-3550. Free parking is available across the street in the Galvez parking garage when the parking ticket is validated by department personnel at the hearing.

All interested persons are invited to submit written comments on the proposed regulation. Persons commenting should reference this proposed regulation by OS064. Such comments must be received no later than September 1, 2005,

at 4:30 p.m., and should be sent to Judith A. Schuerman, Ph.D., Office of the Secretary, Legal Affairs and Regulation Development Division, Box 4302, Baton Rouge, LA 70821-4302 or to FAX (225) 219-3582 or by e-mail to judith.schuerman@la.gov. Copies of this proposed regulation can be purchased by contacting the DEQ Public Records Center at (225) 219-3168. Check or money order is required in advance for each copy of OS064. This regulation is available on the Internet at www.deq.louisiana.gov under Rules and Regulations.

This proposed regulation is available for inspection at the following DEQ office locations from 8 a.m. until 4:30 p.m.: 602 N. Fifth Street, Baton Rouge, LA 70802; 1823 Highway 546, West Monroe, LA 71292; State Office Building, 1525 Fairfield Avenue, Shreveport, LA 71101; 1301 Gadwall Street, Lake Charles, LA 70615; 201 Evans Road, Building 4, Suite 420, New Orleans, LA 70123; 111 New Center Drive, Lafayette, LA 70508; 110 Barataria Street, Lockport, LA 70374.

Wilbert F. Jordan, Jr.  
Assistant Secretary

**FISCAL AND ECONOMIC IMPACT STATEMENT  
FOR ADMINISTRATIVE RULES**  
**RULE TITLE: Laboratory Accreditation Exemption for  
Analyses of Target Volatile Organic Compounds**

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

There are no estimated implementation costs or savings to state or local governmental units by the proposed rule.

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

The proposed rule would have no impact on local governmental revenue collections, and is anticipated to have a negligible, if any, impact on state revenue collections. Estimations, based on the limited number of canister samples collected to date, indicate that the number of analyses that will be subject to this exemption should not be significant and should not have a significant impact on state revenue collections.

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

The rule allows the department to accept data from any laboratory without having the laboratory meet the accreditation requirements. The non-accredited laboratories would experience a slight economic benefit by being allowed to perform analyses on samples without being required to pay application fees, annual fees, assessment costs, or meeting some specific department accreditation requirements. These laboratories would have to follow all requirements established by the analytical method employed. Currently, the department has one laboratory accredited to perform the analyses required. The proposed rule would neither preclude this laboratory from performing the analyses nor would it require other accredited laboratories to entail additional costs to enable them to perform the analyses.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

No significant effect on competition is anticipated. No net effect on employment is anticipated. Laboratories that have incurred the cost of accreditation would be at a slight disadvantage due to their costs in meeting department accreditation requirements and the payment of fees; however,

the estimated number of canister samples to be collected is anticipated to be too few to have a significant negative competitive impact on these businesses.

Karen K. Gautreaux  
Deputy Secretary  
0507#019

Robert E. Hosse  
General Government Section Director  
Legislative Fiscal Office

## NOTICE OF INTENT

### Department of Environmental Quality Office of Environmental Assessment

Organizational Changes Under New Administration  
(LAC 33:I, III, V, VI, VII, IX, XI, and XV)(OS065)

Under the authority of the Environmental Quality Act, R.S. 30:2001 et seq., and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the secretary gives notice that rulemaking procedures have been initiated to amend the Environmental Quality regulations, LAC 33:Parts I, III, V, VI, VII, IX, XI, and XV (Log #OS065). The sections amended in this Rule are as follows:

LAC 33:I.501, 907, 1109, 1111, 1113, 1117, 1307, 1505, 1701, 2005, 3917, 3919, 3923, 3925, 4701, 4703, 4705, 4711, 5707, and 6921;

LAC 33:III.211, 501, 504, 505, 507, 509, 510, 613, 918, 919, 1105, 1107, 1410, 1507, 2103, 2108, 2113, 2116, 2121, 2122, 2123, 2132, 2153, 2201, 2301, 2303, 2307, 2511, 2521, 2531, 2701, 2719, 2723, 2735, 2799, 2805, 2807, 2809, 2811, 3003, 5107, 5111, 5113, 5116, 5122, 5151, 5307, 5311, and 5911;

LAC 33:V.105, 109, 303, 309, 321, 323, 501, 520, 537, 565, 590, 708, 1105, 1504, 1505, 1513, 1527, 1715, 1737, 1739, 1745, 1747, 1913, 2227, 2231, 2237, 2239, 2241, 2245, 2246, 2247, 2253, 2271, 2273, 2508, 2707, 2711, 2719, 2803, 2805, 2903, 2906, 3005, 3007, 3009, 3103, 3115, 3317, 3319, 3321, 3503, 3505, 3511, 3513, 3517, 3523, 3525, 3527, 3707, 3711, 3715, 3717, 3719, 3841, 4029, 4043, 4045, 4065, 4083, 4107, 4201, 4301, 4320, 4381, 4387, 4391, 4393, 4395, 4403, 4407, 4411, 4413, 4437, 4449, 4451, 4462, 4472, 4474, 4489, 4512, 4522, 4534, and 5309;

LAC 33:VI.201, 303, 911, and 913;

LAC 33:VII.113, 301, 303, 305, 307, 311, 315, 503, 505, 509, 511, 513, 515, 517, 701, 709, 711, 713, 715, 717, 719, 721, 723, 725, 727, 909, 1109, 1303, 1305, 3001, 10307, 10513, 10515, 10517, 10519, 10523, 10525, 10531, 10533, 10535, and 10536;

LAC 33:IX.301, 303, 307, 309, 311, 315, 708, 905, 1117, 1121, 1507, 2109, 2111, 2115, 2119, 2123, 2125, 2501, 2511, 2515, 2521, 2523, 2525, 2529, 2701, 2703, 2709, 3115, 3117, 4505, 5709, 6113, 6117, 6121, 6123, 6125, 6135, 6507, 6703, 6901, 6905, 6907, and 7135;

LAC 33:XI.301, 303, 903, 1111, 1113, 1123, 1129, 1131, 1139, 1205, 1305, and 1309; and

LAC 33:XV.204, 205, 209, 211, 212, 213, 320, 321, 322, 324, 326, 328, 331, 332, 361, 390, 399. Appendix B, 430, 436, 438, 442, 461, 488, 490, 496, 499. Appendix D, 575, 577, 578, 579, 603, 608, 609, 704, 719, 737, 761, 803, 907, 911, 1016, 1017, 1103, 1104, 1303, 1309, 1314, 1325, 1331, 1332, 1333, 1407, 1408, 1410, 1417, 1418, 1420, 1515,

1516, 1707, 1711, 1755, 2014, 2017, 2022, 2506, 2507, and 2508.

There was a reorganization of the department under the new administration. This proposed Rule revises references to the department's divisions in the regulations to reflect the new organizational structure of the department. The Rule also makes minor grammatical corrections and format changes to internal regulation references. This change is necessary to keep the regulations current in order to provide accurate information for the regulated community. The basis and rationale for this proposed Rule are to correct the division names cited in the regulations to correspond to the new or renamed divisions created when the department was reorganized.

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

## Title 33

### ENVIRONMENTAL QUALITY

#### Part I. Office of the Secretary

##### Subpart 1. Departmental Administrative Procedures

##### Chapter 5. Confidential Information Regulations

##### §501. Scope

A. Department of Environmental Quality information and records obtained under the Louisiana Environmental Quality Act, or by any rule, regulation, order, license, registration, or permit term or condition adopted or issued thereunder, or by any investigation authorized thereby, shall be available to the public, unless confidentiality is requested in writing to the Office of the Secretary, Legal Affairs and Regulation Development Division, and the information or records are determined by the department to require confidentiality.

B. - B.6. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2030.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, LR 22:342 (May 1996), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2439 (November 2000), LR 30:742 (April 2004), amended by the Office of Environmental Assessment, LR 31:

##### Chapter 9. Petition for Rulemaking

##### §907. Content of a Rulemaking Petition

A. ...

B. The petition shall be addressed to the Office of the Secretary, Legal Affairs and Regulation Development Division.

C. - E.2. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, LR 23:297 (March 1997), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2439 (November 2000), amended by the Office of Environmental Assessment, LR 31:

##### Chapter 11. Declaratory Rulings

##### §1109. Declaratory Rulings Officer

A. - B. ...

C. The declaratory rulings officer shall have the authority to regulate all matters concerning a request for declaratory ruling and to issue the declaratory ruling after concurrence as to legal sufficiency by the Office of the Secretary, Legal Affairs and Regulation Development Division.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2050.10.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, LR 23:1141 (September 1997), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2440 (November 2000), amended by the Office of Environmental Assessment, LR 31:

#### **§1111. Duty to Maintain List**

A. The secretary shall maintain, in a place accessible to the public in the Office of the Secretary, Legal Affairs and Regulation Development Division, a list of all petitions for declaratory rulings and declaratory rulings and an index to the list. The list shall identify the petitioner, the matter to be decided, and when applicable, the location of the activity or facility that is the subject of the petition. The list shall also include the date on which the petition is received, the date the secretary decides whether a declaratory ruling will be issued, the date the secretary sets for issuance of the ruling, the date the ruling issues, and the date of any request for modification or appeal.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2050.10.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, LR 23:1141 (September 1997), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2440 (November 2000), amended by the Office of Environmental Assessment, LR 31:

#### **§1113. Declaratory Rulings Clerk**

A. The administrative authority shall designate a person in the Office of the Secretary, Legal Affairs and Regulation Development Division, to serve as the declaratory rulings clerk, who shall be the official custodian of declaratory rulings records. The clerk shall maintain these records separately from other records of the department.

B. - B.5. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2050.10.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, LR 23:1142 (September 1997), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2440 (November 2000), amended by the Office of Environmental Assessment, LR 31:

#### **§1117. Petition Contents and Form**

A. - A.9. ...

B. A petition for declaratory ruling shall be filed with the Office of the Secretary, Legal Affairs and Regulation Development Division, by either of the following methods:

1. ...

2. United States Mail as certified mail, return receipt requested to Declaratory Rulings Clerk, Office of the Secretary, Legal Affairs and Regulation Development Division.

C. - D. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2050.10.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, LR 23:1142 (September 1997), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2440 (November 2000), amended by the Office of Environmental Assessment, LR 31:

### **Chapter 13. Risk Evaluation/Corrective Action Program**

#### **§1307. Adoption by Reference**

A. The document entitled, "Louisiana Department of Environmental Quality Risk Evaluation/Corrective Action Program (RECAP)," dated October 20, 2003, is hereby adopted and incorporated herein in its entirety. The RECAP document is available for purchase or inspection from 8 a.m. until 4:30 p.m., Monday through Friday, from the department's Office of the Secretary, Legal Affairs and Regulation Development Division. For RECAP document availability at other locations, contact the department's Regulation Development Section. The RECAP document may also be reviewed on the Internet through the department's website.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2272.1.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, LR 24:2244 (December 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:1264 (June 2000), LR 26:2441 (November 2000), LR 29:2057 (October 2003), amended by the Office of Environmental Assessment, LR 30:2020 (September 2004), LR 31:

### **Chapter 15. Permit Review**

#### **§1505. Review of Permit Applications for New Facilities and Substantial Permit Modifications**

A. - A.3.b. ...

4. Within 30 days after receipt of a letter of completeness, the applicant shall publish a notice, provided by the department, of the completeness determination in a major local newspaper of general circulation and submit proof of publication to the Office of Environmental Services, Air Permits Division or Water and Waste Permits Division.

A.5. - E. ...

F. Withdrawal of Permit Application

1. An applicant may voluntarily withdraw an application during the review process, without prejudice, provided notice of withdrawal is submitted to the Office of Environmental Services, Air Permits Division or Water and Waste Permits Division, in writing with the appropriate signatory authority, and:

1.a. - 3. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2022(B).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Legal Affairs and Enforcement, Enforcement and Regulatory Compliance Division, LR 19:487 (April 1993), repromulgated LR 19:742 (June 1993), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2441 (November 2000), amended by the Office of Environmental Assessment, LR 31:

### **Chapter 17. Permit Qualifications and Requirements**

#### **§1701. Requirements for Obtaining a Permit**

A. - B.2. ...

C. The applicant shall provide to the Office of Environmental Services, Air Permits Division or Water and Waste Permits Division, a list of the state(s) where he or she



has federal or state environmental permits identical to, or of a similar nature to, the permit for which application is being made. This information shall be provided for all individuals, partnerships, corporations, or other entities who own a controlling interest (50 percent or more) in the company or who participate in the environmental management of the facility for an entity applying for a permit or an ownership interest.

D. In addition to providing the information required in Subsection C of this Section, the applicant shall submit a written statement to the Office of Environmental Services, Air Permits Division or Water and Waste Permits Division, as part of the permit application, to certify that:

D.1. - E. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2014.2 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, LR 25:660 (April 1999), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2441 (November 2000), amended by the Office of Environmental Assessment, LR 31:

## **Chapter 20. Records of Decision for Judicial Review**

### **§2005. Responsibility for Assembly of Record of Decision**

A. When the department is served with notice of an appeal or other request for judicial review, such notice shall be immediately forwarded to the department's Office of the Secretary, Legal Affairs and Regulation Development Division, which shall be responsible for assembling a complete and legible copy of the record of decision and transmitting it to the court.

B. Upon receipt of such notice, the Legal Affairs and Regulation Development Division shall promptly notify the decision maker and other appropriate agency personnel, each of whom shall be responsible for promptly transmitting to the Legal Affairs and Regulation Development Division, complete and legible copies of any portions of the record of decision that may be in his/her possession or control.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular, 2050.20.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, LR 25:858 (May 1999), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2441 (November 2000), amended by the Office of Environmental Assessment, LR 31:

#### **Subpart 2. Notification**

## **Chapter 39. Notification Regulations and Procedures for Unauthorized Discharges**

### **Subchapter C. Requirements for Prompt Notification**

#### **§3917. Notification Requirements for Unauthorized Discharges That Do Not Cause an Emergency Condition**

A. In the event of an unauthorized discharge that exceeds a reportable quantity specified in Subchapter E of this Chapter but that does not cause an emergency condition, the discharger shall promptly notify the department within 24 hours after learning of the discharge. Notification should be made to the Office of Environmental Compliance, Emergency and Radiological Services Division, Single Point of Contact (SPOC), in accordance with LAC 33:I.3923.

B. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2025(J), 2060(H), 2076(D), 2183(I), 2194(C) and 2204(A).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, LR 11:770 (August 1985), amended LR 19:1022 (August 1993), repromulgated LR 20:182 (February 1994), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2443 (November 2000), repromulgated LR 27:38 (January 2001), amended LR 30:1668 (August 2004), amended by the Office of Environmental Assessment, LR 31:

#### **§3919. Notification Requirements for Unauthorized Discharges with Groundwater Contamination Impact**

A. In the event that any unauthorized discharge results in the contamination of the groundwaters of the state or otherwise moves in, into, within, or on any saturated subsurface strata, the discharger shall promptly notify the Office of Environmental Compliance, Emergency and Radiological Services Division, SPOC, in accordance with LAC 33:I.3923.

B. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2025(J), 2076(D), 2183(I), and 2204(A).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, LR 11:770 (August 1985), repealed LR 19:1022 (August 1993), repromulgated and amended LR 20:182 (February 1994), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2443 (November 2000), LR 30:1668 (August 2004), amended by the Office of Environmental Assessment, LR 31:

### **Subchapter D. Notification Procedures**

#### **§3923. Prompt Notification Procedures**

A. Prompt notification shall be provided within a time frame not to exceed 24 hours and shall be given to the Office of Environmental Compliance, Emergency and Radiological Services Division, SPOC, as follows:

A.1. - C.7.d. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2025(J), 2060(H), 2076(D), 2183(I), 2194(C), and 2204(A).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, LR 11:770 (August 1985), amended LR 19:1022 (August 1993), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 30:1668 (August 2004), amended by the Office of Environmental Assessment, LR 31:

#### **§3925. Written Notification Procedures**

A. Written reports for any unauthorized discharge that requires notification under LAC 33:I.3915.A, 3917, or 3919 shall be submitted by the discharger to the Office of Environmental Compliance, Emergency and Radiological Services Division, SPOC, in accordance with this Section within seven calendar days after the notification required by LAC 33:I.3915.A, 3917, or 3919, unless otherwise provided for in a valid permit or other department regulation.

A.1. - B.16. ...

C. Written notification reports shall be submitted to the Office of Environmental Compliance, Emergency and Radiological Services Division, SPOC, by mail or fax. The transmittal envelope and report or fax cover page and report should be clearly marked "UNAUTHORIZED DISCHARGE NOTIFICATION REPORT."

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2025(J), 2060(H), 2076(D), 2183(I), 2194(C) and 2204(A).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, LR 11:770 (August 1985), amended LR 19:1022 (August 1993), LR 20:182 (February 1994), amended by the Office of Environmental Assessment,

Environmental Planning Division, LR 26:2443 (November 2000), LR 30:1669 (August 2004), amended by the Office of Environmental Assessment, LR 31:

### **Subpart 3. Laboratory Accreditation**

#### **Chapter 47. Program Requirements**

##### **§4701. Accreditation Process**

A. ...

1. the submittal to the department's Office of Environmental Assessment, Laboratory Services Division, of a written request from the laboratory in the form of an application provided by the department, along with payment of all applicable fees;

A.2. - B. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2011.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, LR 24:919 (May 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:1435 (July 2000), amended by the Office of Environmental Assessment, LR 31:

##### **§4703. Application for Accreditation**

A. ...

B. An application for environmental laboratory accreditation shall be made in writing to the Office of Environmental Assessment, Laboratory Services Division. This application shall provide all requested information and be accompanied by the appropriate application fee. Information will include at least one satisfactory round of the most recent department-specified proficiency evaluation test results or an analytical data package for test categories where no accessible proficiency tests exist. Supplemental information may be required.

C. - E. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2011.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, LR 24:919 (May 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:1435 (July 2000), amended by the Office of Environmental Assessment, LR 31:

##### **§4705. Categories of Accreditation**

A. At the time of application each applicant must clearly identify both the fields of testing and the test categories for which accreditation is sought. A copy of the relevant test method documentation and the requisite equipment for the method must be available at the laboratory. A current list of approved methodologies for each parameter/analyte will be maintained by the Office of Environmental Assessment, Laboratory Services Division, and a copy of the list will become a part of the application package. In cases where the methodology used by the laboratory is not listed, the laboratory shall submit documentation that will verify that the results obtained from the method in use are equal to or better than those results obtained from the approved methodology. The department will review the data submitted by the laboratory and will notify the laboratory in writing within 60 calendar days if the method is acceptable or unacceptable as an alternate method of analysis.

B. - B.11. ...

C. An accredited laboratory may request the addition of field(s) of testing and test category(ies) to its scope of accreditation at any time. Such a request must be submitted in writing to the Office of Environmental Assessment, Laboratory Services Division. Unless the previous on-site

inspection can verify the competence of the laboratory to perform the additional tests, another on-site inspection may be required.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2011.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, LR 24:919 (May 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:1435 (July 2000), LR 26:2443 (November 2000), repromulgated LR 27:38 (January 2001), amended by the Office of Environmental Assessment, LR 31:1570 (July 2005), LR 31:

##### **§4711. Proficiency Testing Participation**

A. - E. ...

F. Each participating laboratory shall authorize the proficiency test provider to release the results of the proficiency evaluation (PE) test to the Office of Environmental Assessment, Laboratory Services Division, at the same time that they are submitted to the laboratory. Every laboratory that receives test results that are "unacceptable" for a specific analyte must investigate and identify likely causes for these results, resolve any problems, and report such activity to the Office of Environmental Assessment, Laboratory Services Division, along with the submittal of corrective action proficiency sample test results. The laboratory shall report only the analytes for which corrective action was required.

G. - J. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2011.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, LR 24:921 (May 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:1436 (July 2000), amended by the Office of Environmental Assessment, LR 31:

#### **Chapter 57. Maintenance of Accreditation**

##### **§5707. Changes in Laboratory Operation**

A. Changes in laboratory name, ownership, location, personnel, facilities, methodology, or any factors significantly affecting the performance of analyses for which the laboratory was originally accredited shall be reported to the Office of Environmental Assessment, Laboratory Services Division, within 30 days.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2011.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, LR 24:933 (May 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2444 (November 2000), amended by the Office of Environmental Assessment, LR 31:

### **Subpart 4. Emergency Response Regulations**

#### **Chapter 69. Emergency Response Regulations**

##### **§6921. Reporting Requirements**

A. No later than 30 days after material from the cleanup and/or abatement of an off-site emergency condition is removed from an emergency response storage facility, the owner or operator of the facility shall submit a written report detailing the ultimate disposition of the material, by mail or fax to the Office of Environmental Compliance, Emergency and Radiological Services Division, Single Point of Contact (SPOC). The report shall be clearly marked "WASTE DISPOSITION REPORT." The report shall reference the department-issued incident number. Other information in the report may include location and date of the emergency

incident, name and address of the company transporting the pollutant that resulted from the emergency incident, name and location of the facility where the pollutant is/was stored, and name and location of the facility accepting the pollutant for disposal, recycling, or reuse.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2011(D)(1), (14), and (15).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, LR 22:979 (October 1996), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2444 (November 2000), amended by the Office of Environmental Assessment, LR 31:

### Part III. Air

## Chapter 2. Rules and Regulations for the Fee System of the Air Quality Control Programs

### §211. Methodology

A. - B.9. ...

10. When a permanent shutdown occurs and a company properly notifies the Office of Environmental Services, Air Permits Division, by official change in the Emission Inventory Questionnaire (EIQ) and permit, then the maintenance fee would be dropped for that shutdown portion of the process/plant. This fee reduction or cancellation shall apply only in the fiscal years in which the shutdown portion of the plant or process did not operate at all. The EIQ and permit shall also need to be changed to delete the emissions from the shutdown portion of the plant or process before the start of the fiscal year in which the fee would have been charged.

11. - 15.b. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Nuclear Energy, Air Quality Division, LR 13:741 (December 1987), amended LR 14:611 (September 1988), amended by the Office of Air Quality and Radiation Protection, Air Quality Division, LR 17:1205 (December 1991), LR 18:706 (July 1992), LR 19:1419 (November 1993), amended by the Office of Management and Finance, Fiscal Services Division, LR 22:17 (January 1996), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:264 (February 2000), LR 26:2444 (November 2000), LR 29:2776 (December 2003), amended by the Office of Environmental Assessment, LR 31:

## Chapter 5. Permit Procedures

### §501. Scope and Applicability

A. - B.7. ...

C. Scope

1. For each source to which this Chapter applies, the owner or operator shall submit a timely and complete permit application to the Office of Environmental Services, Air Permits Division, as required in accordance with the procedures delineated herein. Permit applications shall be submitted prior to construction, reconstruction, or modification unless otherwise provided in this Chapter.

2. - 10. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2011 and 2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Nuclear Energy, Air Quality Division, LR 13:741 (December 1987), amended by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 16:613 (July 1990), LR 17:478 (May 1991), LR 19:1420 (November 1993), LR

20:1281 (November 1994), LR 20:1375 (December 1994), LR 23:1677 (December 1997), amended by the Office of the Secretary, LR 25:660 (April 1999), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2445 (November 2000), LR 28:997 (May 2002), amended by the Office of Environmental Assessment, LR 31:1063 (May 2005), LR 31:

### §504. Nonattainment New Source Review Procedures

A. - B.5. ...

C. Source Information. The owner or operator of a proposed major stationary source or major modification shall submit all information necessary to the Office of Environmental Services, Air Permits Division, in order to perform any analysis or make any determination required under this regulation. Information shall include, but is not limited to:

C.1. - F.6. ...

7. The owner or operator desiring to utilize emission reductions as an offset shall submit to the Office of Environmental Services, Air Permits Division, the following information:

F.7.a. - Table 1, Footnote PM<sub>10</sub>. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 19:176 (February 1993), repromulgated LR 19:486 (April 1993), amended LR 19:1420 (November 1993), LR 21:1332 (December 1995), LR 23:197 (February 1997), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2445 (November 2000), LR 27:2225 (December 2001), LR 30:752 (April 2004), amended by the Office of Environmental Assessment, LR 30:2801 (December 2004), LR 31:

### §505. Acid Rain Program Permitting Requirements

A. - B.1. ...

2. Exemption. The designated representative, authorized in accordance with 40 CFR Part 72, Subpart B, of a source that includes a unit under Paragraph B.1 of this Section may petition the Office of Environmental Services, Air Permits Division, for a written exemption or to renew a written exemption for the unit from certain requirements of the Acid Rain Program. The petition shall contain the following elements:

2.a. - 4.c. ...

i. notwithstanding Paragraphs D.2 and 3, the designated representative of the source that includes the unit shall submit a complete acid rain permit application to the Office of Environmental Services, Air Permits Division, on the latter of January 1, 1998, or the date the unit is no longer exempted under this Section; and

B.4.c.ii. - C.2.a. ...

b. A petition under this Subsection shall be submitted to the Office of Environmental Services, Air Permits Division, on or before:

2.b.i. - 4.c. ...

D. Requirement to Apply

1. Duty to Apply. The designated representative of any source with an affected unit shall submit a complete acid rain permit application to the Office of Environmental Services, Air Permits Division, by the applicable deadline in Paragraphs D.2 and 3 of this Section and the owners and operators shall not operate the source without a permit that states its Acid Rain Program requirements

2. - 2.h. ...

3. Duty to Reapply. The designated representative shall submit a complete acid rain permit application to the Office of Environmental Services, Air Permits Division, for each source with an affected unit at least six months prior to the expiration of an existing acid rain permit governing the unit during Phase II, or such longer time as may be approved under 40 CFR Part 70 that ensures that the term of the existing permit will not expire before the effective date of the permit for which the application is submitted.

4. Four copies of all permit applications shall be submitted to the Office of Environmental Services, Air Permits Division.

D.5. - G.3. ...

a. To activate a conditionally-approved acid rain compliance option, the designated representative shall notify the Office of Environmental Services, Air Permits Division, in writing that the conditionally-approved compliance option will actually be pursued beginning January 1 of a specified year. If the conditionally-approved compliance option includes a plan described in Subparagraph G.2.a of this Section, the designated representative of each source governed by the plan shall sign and certify the notification. Such notification shall be subject to the limitations on activation under Subsections G and H of this Section and regulations implementing Section 407 of the Clean Air Act.

b. - d. ...

#### 4. Termination of Compliance Option

a. The designated representative for a unit may terminate an acid rain compliance option by notifying the Office of Environmental Services, Air Permits Division, in writing that an approved compliance option will be terminated beginning January 1 of a specified year. If the compliance option includes a plan described in Subparagraph G.2.a of this Section, the designated representative for each source governed by the plan shall sign and certify the notification. Such notification shall be subject to the limitations on termination under Subsection H of this Section and regulations implementing Section 407 of the Clean Air Act.

G.4.b. - S.6. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Nuclear Energy, Air Quality Division, LR 13:741 (December 1987), amended by the Office of Air Quality and Radiation Protection, Air Quality Division, LR 19:1420 (November 1993), LR 21:678 (July 1995), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2446 (November 2000), amended by the Office of Environmental Assessment, LR 31:

### **§507. Part 70 Operating Permits Program**

A. - C.2. ...

3. Newly Regulated Sources. The owner or operator of any source that becomes subject to the requirements of this Section after the effective date of the Louisiana Part 70 program due to regulations promulgated by the administrator or by the Department of Environmental Quality shall submit an application to the Office of Environmental Services, Air Permits Division, in accordance with the requirements established by the applicable regulation. In no case shall the required application be submitted later than one year from the date on which the source first becomes subject to this Section.

D. - H.3. ...

4. a requirement for progress reports to be submitted to the Office of Environmental Compliance, Enforcement Division, at least semiannually, or at a more frequent period if specified in the applicable requirement. Such progress reports shall contain the following:

4.a. - 5.c.v. ...

d. a requirement that all compliance certifications be submitted to the administrator as well as to the Office of Environmental Compliance, Enforcement Division; and

H.5.e. - J.5. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2011, 2023, 2024, and 2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Nuclear Energy, Air Quality Division, LR 13:741 (December 1987), amended by the Office of Air Quality and Radiation Protection, Air Quality Division, LR 19:1420 (November 1993), LR 20:1375 (December 1994), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2447 (November 2000), LR 27:2229 (December 2001), LR 28:994 (May 2002), LR 29:698 (May 2003), LR 30:1008 (May 2004), amended by the Office of Environmental Assessment, LR 31:1061 (May 2005), LR 31:1568 (July 2005), LR 31:

### **§509. Prevention of Significant Deterioration**

A. - O.2. ...

3. Where the air quality impact analysis required under this Section indicates that the issuance of a permit for any major stationary source or major modification would result in the consumption of more than 50 percent of any available annual increment or 80 percent of any available short term increment, the applicant may be required by the administrative authority to submit to the Office of Environmental Services, Air Permits Division, a report covering the following factors:

O.3.a. - S.4. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Nuclear Energy, Air Quality Division, LR 13:741 (December 1987), amended LR 14:348 (June 1988), LR 16:613 (July 1990), amended by the Office of Air Quality and Radiation Protection, Air Quality Division, LR 17:478 (May 1991), LR 21:170 (February 1995), LR 22:339 (May 1996), LR 23:1677 (December 1997), LR 24:654 (April 1998), LR 24:1284 (July 1998), repromulgated LR 25:259 (February 1999), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2447 (November 2000), LR 27:2234 (December 2001), amended by the Office of Environmental Assessment, LR 31:

### **§510. New Emissions Sources and Major Modifications in Specified Parishes**

A. - B.1.e. ...

2. Source Information. The owner or operator of an affected emissions unit, as identified in Subparagraph B.1.b of this Section, shall submit all information necessary to the Office of Environmental Services, Air Permits Division, in order to perform any analysis or make any determination required under this regulation. Information shall include, but is not limited to:

B.2.a. - C.1.d. ...

2. Source Information. The owner or operator desiring to utilize emission reductions as an offset shall submit to the Office of Environmental Services, Air Permits Division, the following information:

C.2.a. - Table 1, Footnote NO<sub>x</sub>. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Environmental Assessment, Environmental Planning Division, LR 27:2234 (December 2001), amended by the Office of Environmental Assessment, LR 31:

**Chapter 6. Regulations on Control of Emissions through the Use of Emission Reduction Credits Banking**

**§613. ERC Bank Recordkeeping and Reporting Requirements**

A. - B.1. ...

2. An annual report summarizing all records required by Subsection A of this Section shall be submitted to the department by March 31 of each year. This submittal shall be certified as specified in Subsection C of this Section and submitted to the Office of Environmental Services, Air Permits Division, in a format specified by the department.

B.3. - C. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 20:877 (August 1994), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 25:1622 (September 1999), LR 26:486 (March 2000), LR 26:2449 (November 2000), LR 28:303 (February 2002), amended by the Office of Environmental Assessment, LR 31:

**Chapter 9. General Regulations on Control of Emissions and Emission Standards**

**§918. Recordkeeping and Annual Reporting**

A. Data for emissions reports shall be collected annually. These reports are to be submitted to the Office of Environmental Assessment, Air Quality Assessment Division, by March 31 of each year (for the period January 1 to December 31 of the previous year) unless otherwise directed by the department. The report shall include all data applicable to the emissions source or sources as required under LAC 33:III.919.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Nuclear Energy, Air Quality Division, LR 13:741 (December 1987), amended by the Office of Air Quality and Radiation Protection, Air Quality Division, LR 22:339 (May 1996), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2450 (November 2000), LR 29:2776 (December 2003), amended by the Office of Environmental Assessment, LR 31:

**§919. Emissions Inventory**

Emissions inventory data shall be submitted to the department on magnetic media in the format specified by the Office of Environmental Assessment, Air Quality Assessment Division. *Facilities* are defined as all emissions points under common control on contiguous property. *Emissions point* is defined as the source of emissions that should have a Source Classification Code (SCC). Detailed instructions are provided, on an annual basis, for completing and submitting emissions inventories. The state point source emissions inventory will be compiled from the emissions inventories submitted in accordance with this Section from the facilities that meet the criteria for applicability in

Subsection A of this Section. The state area source, non-road and on-road mobile source, and biogenic emissions inventories are compiled by the department from data that may be requested from other federal, state, or local agencies or other private entities.

A. Applicability. The owner or operator of the following facilities shall submit annual emissions inventories to the Office of Environmental Assessment, Air Quality Assessment Division. The inventory shall include all air pollutants for which a National Ambient Air Quality Standard (NAAQS) has been issued and all NAAQS precursor pollutants.

A.1. - F. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Nuclear Energy, Air Quality Division, LR 13:741 (December 1987), repealed and repromulgated by the Office of Air Quality and Radiation Protection, Air Quality Division, LR 19:184 (February 1993), repromulgated LR 19:485 (April 1993), amended LR 19:1418 (November 1993), LR 20:1101 (October 1994), LR 22:339 (May 1996), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2450 (November 2000), LR 29:2776 (December 2003), amended by the Office of Environmental Assessment, LR 31:

**Chapter 11. Control of Emissions of Smoke**

**§1105. Smoke from Flaring Shall Not Exceed 20 Percent Opacity**

A. The emission of smoke from a flare or other similar device used for burning in connection with pressure valve releases for control over process upsets shall be controlled so that the shade or appearance of the emission does not exceed 20 percent opacity (LAC 33:III.1503.D.2, Table 4) for a combined total of six hours in any 10 consecutive days. If it appears the emergency cannot be controlled in six hours, the Office of Environmental Compliance, Emergency and Radiological Services Division, Single Point of Contact (SPOC), shall be notified by the emitter in accordance with LAC 33:I.3923 as soon as possible after the start of the upset period. Such notification does not imply the administrative authority will automatically grant an exemption to the source(s) of excessive emissions.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Nuclear Energy, Air Quality Division, LR 13:741 (December 1987), amended by the Office of Air Quality and Radiation Protection, Air Quality Division, LR 25:656 (April 1999), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2450 (November 2000), LR 30:1671 (August 2004), amended by the Office of Environmental Assessment, LR 31:

**§1107. Exemptions**

A. Exemptions from the provisions of LAC 33:III.1105 may be granted by the administrative authority during start-up and shutdown periods if the flaring was not the result of failure to maintain or repair equipment. A report in writing, explaining the conditions and duration of the start-up or shutdown and listing the steps necessary to remedy, prevent and limit the excess emission, shall be submitted to the Office of Environmental Compliance, Emergency and Radiological Services Division, SPOC, within seven calendar days of the occurrence. In addition, the flaring must

be minimized and no ambient air quality standard may be jeopardized.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Nuclear Energy, Air Quality Division, LR 13:741 (December 1987), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2451 (November 2000), amended by the Office of Environmental Assessment, LR 31:

## **Chapter 14. Conformity**

### **Subchapter A. Determining Conformity of General Federal Actions to State or Federal Implementation Plans**

#### **§1410. Criteria for Determining Conformity of General Federal Actions**

A. - A.5.a. ...

i. the total of direct and indirect emissions from the action (or portion thereof) is determined and documented by the department to result in a level of emissions that, together with all other emissions in the nonattainment or maintenance area, would not exceed the emissions budgets specified in the applicable SIP. As a matter of policy, should the department make such determination or commitment, the federal agency must provide to the Office of Environmental Assessment, Air Quality Assessment Division, information on all known projects or other actions that may affect air quality or emissions in any area to which this rule is applicable, regardless of whether such project or action is determined to be subject to this rule under LAC 33:III.1405. The department may charge the federal agency requesting such determination a reasonable fee based on the number of manhours required to perform and document the determination; or

A.5.a.ii. - D. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 20:1274 (November 1994), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2451 (November 2000), amended by the Office of Environmental Assessment, LR 31:

## **Chapter 15. Emission Standards for Sulfur Dioxide**

### **§1507. Exceptions**

A. Start-Up Provisions

1. A four-hour (continuous) start-up exemption from the emission limitations of LAC 33:III.1503.A may be authorized by the administrative authority for plants not subject to 40 CFR 60.82 and 60.83, as incorporated by reference in LAC 33:III.Chapter 30, that have been shut down. A report in writing explaining the conditions and duration of the start-up and listing the steps necessary to remedy, prevent, and limit the excess emission shall be submitted to the Office of Environmental Compliance, Emergency and Radiological Services Division, Single Point of Contact (SPOC), within seven calendar days of the occurrence.

2. ...

B. On-Line Operating Adjustments

1. A four-hour (continuous) exemption from emission limitations of LAC 33:III.1503.A may be extended by the administrative authority to plants not subject to 40 CFR

60.82 and 60.83, as incorporated by reference in LAC 33:III.Chapter 30, where upsets have caused excessive emissions and on-line operating changes will eliminate a temporary condition. A report, in writing, explaining the conditions and duration of the upset and listing the steps necessary to remedy, prevent, and limit the excess emission shall be submitted to the Office of Environmental Compliance, Emergency and Radiological Services Division, SPOC, within seven calendar days of the occurrence.

B.2. - C. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Nuclear Energy, Air Quality Division, LR 13:741 (December 1987), amended by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 18:375 (April 1992), LR 23:1678 (December 1997), LR 24:1284 (July 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2451 (November 2000), amended by the Office of Environmental Assessment, LR 31:

## **Chapter 21. Control of Emission of Organic Compounds**

### **Subchapter A. General**

#### **§2103. Storage of Volatile Organic Compounds**

A. - D.4. ...

a. Controls for nonslotted guide poles and stilling wells shall include pole wiper and gasketing between the well and sliding cover. Controls for slotted guide poles shall include a float with wiper, pole wiper, and gasketing between the well and sliding cover. The description of the method of control and supporting calculations based upon the Addendum to American Petroleum Institute Publication Number 2517 Evaporative Loss from External Floating Roof Tanks, (dated May 1994) shall be submitted to the Office of Environmental Assessment, Air Quality Assessment Division, for approval prior to installation.

D.4.b. - J. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Nuclear Energy, Air Quality Division, LR 13:741 (December 1987), amended LR 15:1065 (December 1989), repromulgated LR 16:27 (January 1990), amended by the Office of Air Quality and Radiation Protection, Air Quality Division, LR 17:360 (April 1991), LR 18:1121 (October 1992), LR 20:1376 (December 1994), LR 21:1223 (November 1995), repromulgated LR 21:1333 (December 1995), amended LR 22:453 (June 1996), LR 22:1212 (December 1996), LR 24:20 (January 1998), LR 24:2242 (December 1998), LR 25:657 (April 1999), LR 25:852 (May 1999), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2452 (November 2000), LR 28:1763 (August 2002), LR 30:1671 (August 2004), amended by the Office of Environmental Assessment, LR 31:

#### **§2108. Marine Vapor Recovery**

A. - E.5. ...

F. Reporting and Recordkeeping

1. The results of any testing done in accordance with LAC 33:III.2108.E shall be reported to the Office of Environmental Assessment, Air Quality Assessment Division, within 45 days of the test.

F.2. - H.2. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Nuclear Energy, Air Quality Division, LR 14:704 (October 1988), amended by the Office of Air Quality and Radiation Protection, Air Quality Division, LR 16:959 (November 1990), LR 22:1212 (December 1996), LR 23:1678 (December 1997), LR 24:20 (January 1998), LR 24:1285 (July 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2452 (November 2000), LR 30:745 (April 2004), amended by the Office of Environmental Assessment, LR 31:

### **§2113. Housekeeping**

A. - A.3. ...

4. Each facility shall develop a written plan for housekeeping and maintenance that places emphasis on the prevention or reduction of volatile organic compound emissions from the facility. This plan shall be submitted to the Office of Environmental Services, Air Permits Division, upon request. A copy shall be kept at the facility, if practical, or at an alternate site approved by the department.

5. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Nuclear Energy, Air Quality Division, LR 13:741 (December 1987), amended LR 16:118 (February 1990), amended by the Office of Air Quality and Radiation Protection, Air Quality Division, LR 17:361 (April 1991), LR 25:852 (May 1999), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2452 (November 2000), amended by the Office of Environmental Assessment, LR 31:

### **§2116. Glycol Dehydrators**

A. - F.4.b. ...

G. Reporting Requirements

1. The owner or operator of a facility shall submit to the Office of Environmental Services, Air Permits Division, a permit application after installation of controls unless exempt from permitting pursuant to LAC 33:III.Chapter 5.

2. If no permit is required pursuant to LAC 33:III.Chapter 5, the owner or operator of a facility shall submit to the Office of Environmental Services, Air Permits Division, a new or updated emission inventory questionnaire after installation of controls.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 20:1107 (October 1994), repromulgated, LR 20:1279 (November 1994), amended LR 21:941 (September 1995), LR 22:1212 (December 1996), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2452 (November 2000), amended by the Office of Environmental Assessment, LR 31:

### **§2121. Fugitive Emission Control**

A. - E.3. ...

F. Reporting Requirements. The operator of the affected facility shall submit to the Office of Environmental Assessment, Air Quality Assessment Division, a report semiannually containing the information below for each calendar quarter during the reporting period. The reports are due by the last day of the month (January and July) following the monitoring period or by a date approved by the department. The reports shall include the following information for each quarter of the reporting period:

F.1. - G.Liquid Service. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Nuclear Energy, Air Quality Division, LR 13:741 (December 1987), amended by the Office of Air Quality and Radiation Protection, Air Quality Division, LR 16:959 (November 1990), LR 17:654 (July 1991), LR 21:1330 (December 1995), LR 22:1128 (November 1996), LR 22:1212 (December 1996), LR 24:22 (January 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:1433 (July 2000), LR 26:2452 (November 2000), LR 30:1659 (August 2004), amended by the Office of Environmental Assessment, LR 31:

### **§2122. Fugitive Emission Control for Ozone**

#### **Nonattainment Areas and Specified Parishes**

A. - F.3. ...

G. Reporting Requirements. The operator of the affected facility shall submit a report semiannually to the Office of Environmental Assessment, Air Quality Assessment Division, containing the information below for each calendar quarter during the reporting period. The reports are due by the last day of the month (January and July) following the monitoring period or by a date approved by the department. The reports shall include the following information for each quarter of the reporting period:

I. - 6. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 20:1102 (October 1994), repromulgated LR 20:1279 (November 1994), amended LR 22:1129 (November 1996), LR 22:1212 (December 1996), repromulgated LR 23:197 (February 1997), amended LR 23:1678 (December 1997), LR 24:22 (January 1998), LR 24:1285 (July 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2453 (November 2000), LR 28:1764 (August 2002), LR 30:1660 (August 2004), repromulgated by the Office of Environmental Assessment, LR 30:2030 (September 2004), amended LR 31:

#### **Subchapter B. Organic Solvents**

### **§2123. Organic Solvents**

A. - C, Table. ...

D. Control Techniques

1. If add-on controls such as incinerators or vapor recovery systems are used to comply with the emission limitation requirements, in terms of pounds per gallon of solids as applied (determined in accordance with Paragraph D.8 of this Section), the volatile organic compound capture and abatement system shall be at least 80 percent efficient overall. All surface coating facilities shall submit to the Office of Environmental Services, Air Permits Division, for approval, design data for each capture system and emission control device that is proposed for use. The effectiveness of the capture system (i.e., capture efficiency) shall be determined using the procedure specified in Paragraph E.6 of this Section.

D.2. - H. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Nuclear Energy, Air Quality Division, LR 13:741 (December 1987), amended LR



16:119 (February 1990), amended by the Office of Air Quality and Radiation Protection, Air Quality Division, LR 17:654 (July 1991), LR 18:1122 (October 1992), LR 22:340 (May 1996), LR 22:1212 (December 1996), LR 23:1678 (December 1997), LR 24:23 (January 1998), LR 24:1285 (July 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 25:1240 (July 1999), LR 26:2453 (November 2000), LR 28:1765 (August 2002), LR 30:746 (April 2004), amended by the Office of Environmental Assessment, LR 31:

#### **Subchapter F. Gasoline Handling**

#### **§2132. Stage II Vapor Recovery Systems for Control of Vehicle Refueling Emissions at Gasoline Dispensing Facilities**

A. - B.5. ...

6. The regulated facility shall submit the following application information to the Office of Environmental Compliance, Surveillance Division, prior to installation of the Stage II Vapor Recovery System:

6.a. - 7. ...

8. Upon request by the Department of Environmental Quality, the owner or operator of a facility that claims to be exempt from the requirements of this Section shall submit supporting records to the Office of Environmental Compliance, Surveillance Division, within 30 calendar days from the date of the request. The Department of Environmental Quality shall make a final determination regarding the exemption status of a facility.

C. - C.2. ...

D. Testing

1. The owner/operator of the facility shall have the installed vapor recovery equipment tested prior to the start-up of the facility. The owner or operator shall notify the Office of Environmental Compliance, Surveillance Division, at least five calendar days in advance of the scheduled date of testing. Testing must be performed by a contractor that is certified with the Department of Environmental Quality. Compliance with the emission specification for Stage II equipment shall be demonstrated by passing the following required tests or equivalent for each type of system:

1.a. - 2. ...

3. The department reserves the right to confirm the results of the aforementioned testing at its discretion and at any time. Within 30 days after installation or major system modification of a vapor recovery system, the owner or operator of the facility shall submit to the Office of Environmental Compliance, Surveillance Division, the date of completion of the installation or major system modification of a vapor recovery system and the results of all functional testing requirements.

E. - I. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 18:1254 (November 1992), repromulgated LR 19:46 (January 1993), amended LR 23:1682 (December 1997), LR 24:25 (January 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2453 (November 2000), LR 29:558 (April 2003), amended by the Office of Environmental Assessment, LR 31:

#### **Subchapter M. Limiting Volatile Organic Compound (VOC) Emissions From Industrial Wastewater**

#### **§2153. Limiting VOC Emissions from Industrial Wastewater**

A. - G.4.a. ...

b. in order to maintain exemption status under this Subsection, the owner or operator shall submit an annual report no later than March 31 of each year, starting in 1997, to the Office of Environmental Assessment, Air Quality Assessment Division, which demonstrates that the overall control of VOC emissions at the affected source category from which wastewater is generated during the preceding calendar year is at least 90 percent less than the 1990 baseline emissions inventory. At a minimum, the report shall include the EPN; the PIN; the throughput of wastewater from affected source categories; a plot plan showing the location, EPN, and PIN associated with a wastewater storage, handling, transfer, or treatment facility; and the VOC emission rates for the preceding calendar year. The emission rates for the preceding calendar year shall be calculated in a manner consistent with the 1990 baseline emissions inventory; and

c. all representations in initial control plans and annual reports become enforceable conditions. It shall be unlawful for any person to vary from such representations if the variation will cause a change in the identity of the specific emission sources being controlled or the method of control of emissions, unless the owner or operator of the wastewater component submits a revised control plan to the Office of Environmental Assessment, Air Quality Assessment Division, within 30 days of the change. All control plans and reports shall include documentation that the overall reduction of VOC emissions from wastewater at the affected source categories continues to be at least 90 percent less than the 1990 baseline emissions inventory. The emission rates shall be calculated in a manner consistent with the 1990 baseline emissions inventory.

5. ...

a. each request for an exemption determination shall be submitted to the Office of Environmental Assessment, Air Quality Assessment Division. Each request shall demonstrate that the overall control of VOC emissions from wastewater at the affected source categories will be at least 80 percent less than the 1990 baseline emissions inventory. The request shall include the applicable EPN; the PIN; the calendar year throughput of wastewater from affected source categories; the VOC emission rates; and a plot plan showing the location, EPN, and PIN associated with a wastewater storage, handling, transfer, or treatment facility. The emission rates shall be calculated in a manner consistent with the 1990 baseline emissions inventory;

b. ...

c. all representations in initial control plans and annual reports become enforceable conditions. It shall be unlawful for any person to vary from such representations if the variation will cause a change in the identity of the specific emission sources being controlled or the method of control of emissions unless the owner or operator of the



wastewater component submits a revised control plan to the Office of Environmental Assessment, Air Quality Assessment Division, within 30 days of the change. All control plans and reports shall include documentation that the overall reduction of VOC emissions at the plant from wastewater affected source categories continues to be at least 80 percent less than the 1990 baseline emissions inventory.

G.6. - I. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 21:936 (September 1995), amended LR 22:1212 (December 1996), LR 24:26 (January 1998), LR 25:850 (May 1999), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2453 (November 2000), LR 28:1765 (August 2002), LR 30:747 (April 2004), amended by the Office of Environmental Assessment, LR 31:

## **Chapter 22. Control of Emissions of Nitrogen Oxides (NO<sub>x</sub>)**

### **§2201. Affected Facilities in the Baton Rouge Nonattainment Area and the Region of Influence**

A. - F.7. ...

a. the facility designation, as indicated by the identification number, submitted to the Office of Environmental Services, Air Permits Division;

F.7.b. - J.2....

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Environmental Assessment, Environmental Planning Division, LR 28:290 (February 2002), repromulgated LR 28:451 (March 2002), amended LR 28:1578 (July 2002), LR 30:1170 (June 2004), amended by the Office of Environmental Assessment, LR 31:

## **Chapter 23. Control of Emissions for Specific Industries<sup>1</sup>**

<sup>1</sup> Regulation of emissions of volatile organic compounds for certain industries are presented in Chapter 21.

### **Subchapter A. Chemical Woodpulping Industry**

#### **§2301. Control of Emissions from the Chemical Woodpulping Industry**

A. - D.4. ...

a. Compliance. Owner or operators shall conduct source tests of recovery furnaces pursuant to the provisions in LAC 33:III.1503.D.2, Table 4, to confirm particulate emissions are less than that specified in Paragraph D.1 of this Section. The results shall be submitted to the Office of Environmental Assessment, Air Quality Assessment Division, as specified in LAC 33:III.919 and 918. The testing should be conducted as follows:

i. - ii. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Nuclear Energy, Air Quality Division, LR 13:741 (December 1987), amended by the Office of Air Quality and Radiation Protection, Air Quality Division, LR 19:1564 (December 1993), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2454 (November 2000), amended by the Office of Environmental Assessment, LR 31:

### **Subchapter B. Aluminum Plants**

#### **§2303. Standards for Horizontal Stud Soderberg Primary Aluminum Plants and Prebake Primary Aluminum Plants**

A. - D.4. ...

E. Monitoring. Each horizontal stud Soderberg process primary aluminum plant and prebake process primary aluminum plant shall submit a detailed monitoring program subject to revision and approval by the Office of Environmental Assessment, Air Quality Assessment Division. The program shall include regularly scheduled monitoring for emissions of total particulates as well as ambient air sampling for suspended particulates.

[NOTE: Measurement of Concentrations. The methods listed in LAC 33:III.711.C, Table 2 and LAC 33:III.1503.D.2, Table 4, or such equivalent methods as may be approved by the department, shall be utilized to determine these particulate concentrations.]

F. - F.1.d. ...

2. Every horizontal stud Soderberg process primary aluminum plant and prebake process primary aluminum plant shall furnish, upon request to the department, such other data as the administrative authority may require to evaluate the plant's emission control program. Such plants shall immediately report any unauthorized emissions of any air contaminants to the Office of Environmental Compliance, Emergency and Radiological Services Division, Single Point of Contact (SPOC), in accordance with LAC 33:I.3923.

G. - G.3. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Nuclear Energy, Air Quality Division, LR 13:741 (December 1987), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2455 (November 2000), LR 30:1672 (August 2004), amended by the Office of Environmental Assessment, LR 31:

### **Subchapter D. Nitric Acid Industry**

#### **§2307. Emission Standards for the Nitric Acid Industry**

A. - B. ...

C. Exceptions

1. Start-up Provisions

a. A four-hour start-up exemption from emission regulations may be authorized by the administrative authority for plants not subject to 40 CFR Part 60, Subpart G, as incorporated by reference in LAC 33:III.Chapter 30, which have been shut down. It is recognized that existing nitrogen oxide abatement equipment is effective only at normal operating temperatures. This provision allows the necessary time to bring up a facility from a cold start to near steady state condition. A report, in writing, explaining the conditions and duration of the start-up and listing the steps necessary to remedy, prevent, and limit the excess emissions, shall be submitted to the Office of Environmental Compliance, Emergency and Radiological Services Division, SPOC, within seven calendar days of the occurrence using the procedures provided in LAC 33:I.3925.

b. ...

2. On-Line Operating Adjustments

a. A four-hour exemption from emission regulations may be extended by the administrative authority to plants not subject to 40 CFR Part 60, Subpart G, as incorporated by reference in LAC 33:III.Chapter 30, where upsets have caused excessive emissions and on-line operating changes will eliminate a temporary condition. A report, in writing, explaining the conditions and duration of the upset and listing the steps necessary to remedy, prevent, and limit the excess emissions shall be submitted to the Office of Environmental Compliance, Emergency and Radiological Services Division, SPOC, within seven calendar days of the occurrence using the procedures provided in LAC 33:I.3925.

C.2.b. - H.2. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Nuclear Energy, Air Quality Division, LR 13:741 (December 1987), amended by the Office of Air Quality and Radiation Protection, Air Quality Division, LR 23:1680 (December 1997), LR 24:1286 (July 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2455 (November 2000), LR 30:1672 (August 2004), amended by the Office of Environmental Assessment, LR 31:

## **Chapter 25. Miscellaneous Incineration Rules**

### **Subchapter B. Biomedical Waste Incinerators**

#### **§2511. Standards of Performance for Biomedical Waste Incinerators**

A. - B.Type IV Waste. ...

C. Registration

1. Within 90 days after adoption of these regulations, all facilities operating incinerators designed or operated for the purpose of burning potentially infectious medical waste, shall submit a supplemental incinerator data form (SID-1) to the Office of Environmental Compliance, Emergency and Radiological Services Division, Single Point of Contact (SPOC).

C.2. - E.6.e. ...

7. A copy of all monitoring and tests results shall be submitted to the Office of Environmental Assessment, Air Quality Assessment Division, for review and approval within 45 days of completion of testing.

F. - K. ...

L. Recordkeeping/Reporting. The owner or operator of any BWI shall keep a daily record of the hours the unit was in operation and the amount of waste incinerated. A separate record shall be kept of all chemotherapeutic waste incinerated that is not listed under the Resource Conservation and Recovery Act, 40 CFR 261.33(f). This record shall show the name of the material, date and time incinerated, and amount burned. Records shall be submitted to the Office of Environmental Compliance, Surveillance Division, by March 31 for the previous calendar year.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 20:1098 (October 1994), amended LR 21:1081 (October 1995), LR 22:1212 (December 1996), LR 23:1680 (December 1997), LR 24:1286 (July 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2455 (November 2000), amended by the Office of Environmental Assessment, LR 31:

## **Subchapter C. Refuse Incinerators**

### **§2521. Refuse Incinerators**

A. - F.9.e. ...

10. A copy of all monitoring and tests results shall be submitted to the Department of Environmental Quality, Office of Environmental Assessment, Air Quality Assessment Division, for review and approval within 45 days of completion of testing.

G. - H. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 20:1100 (October 1994), amended LR 22:1212 (December 1996), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2456 (November 2000), amended by the Office of Environmental Assessment, LR 31:

## **Subchapter D. Crematories**

### **§2531. Standards of Performance for Crematories**

A. - I.1.f. ...

2. A copy of all test results shall be submitted to the Department of Environmental Quality, Office of Environmental Assessment, Air Quality Assessment Division, for review and approval within 45 days of completion of testing.

J. - J.1.d. ...

2. The owner/operator shall provide the Office of Environmental Assessment, Air Quality Assessment Division, at least 30 days prior notice of any emission test to afford the department the opportunity to conduct a pretest conference and to have an observer present. The department has the authority to invalidate any testing where such notice is not provided.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 20:1107 (October 1994), amended LR 22:1127 (November 1996), LR 22:1212 (December 1996), LR 23:1509 (November 1997), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2456 (November 2000), amended by the Office of Environmental Assessment, LR 31:

## **Chapter 27. Asbestos-Containing Materials in Schools and State Buildings Regulation**

### **§2701. Asbestos-Containing Materials in Schools and State Buildings**

A. - B.3.b. ...

i. a copy of the inspection report must be submitted to the Office of Environmental Services, Air Permits Division, within 90 days of the inspection; and

b.ii. - c. ...

C. Scope

1. This regulation requires local education agencies and the state government to identify friable and nonfriable asbestos-containing material (ACM) in schools and state buildings by visually inspecting schools and state buildings for such materials, sampling such materials if they are not assumed to be ACM, and having samples analyzed by appropriate techniques referred to in this rule. The regulation requires local education agencies and the state government to submit management plans to the Office of Environmental

Services, Air Permits Division, on or before 90 days after promulgation of this regulation, to begin to implement the plans 180 days after promulgation of this regulation, and to complete implementation of the plans in a timely fashion. If an exemption is requested for a state building that contains no asbestos, an inspection report supporting that exemption should be submitted in accordance with Clause B.3.b.i of this Section. Management plans submitted to and approved by the Department of Environmental Quality prior to the promulgation of this regulation shall meet the inspection and assessment requirements of this Chapter. In addition, local education agencies and the state government are required to employ persons who have been accredited to conduct inspections, reinspections, develop management plans, or perform response actions. The regulation also includes recordkeeping requirements. Local education agencies and the state government may contractually delegate their duties under this rule, but they remain responsible for the proper performance of those duties. Local education agencies and the state government are encouraged to consult with the Office of Environmental Compliance, Surveillance Division, of the Department of Environmental Quality for assistance in complying with this Rule.

2. ...

D. Reserved.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2344 and 40:1749.1.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Nuclear Energy, Air Quality Division, LR 15:735 (September 1989), amended LR 16:1056 (December 1990), amended by the Office of Air Quality and Radiation Protection, Air Quality Division, LR 20:649 (June 1994), LR 22:698 (August 1996), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2456 (November 2000), amended by the Office of Environmental Assessment, LR 31:

### **§2719. Operations and Maintenance**

A. - F.2.b. ...

c. Provide a prompt notification to the Office of Environmental Compliance, Emergency and Radiological Services Division, Single Point of Contact (SPOC), of the major fiber release episode in accordance with LAC 33:I.3923 within 24 hours of the discovery of such an episode, and in writing as specified in LAC 33:I.3925 within seven calendar days after the initial notification.

d. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2344 and 40:1749.1.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Nuclear Energy, Air Quality Division, LR 15:735 (September 1989), amended by the Office of Air Quality and Radiation Protection, Air Quality Division, LR 20:649 (June 1994), LR 22:699 (August 1996), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2456 (November 2000), LR 30:1672 (August 2004), amended by the Office of Environmental Assessment, LR 31:

### **§2723. Management Plans**

A. ...

1. Each local education agency or the state government shall develop an asbestos management plan for each school, including all buildings that are leased, owned, or otherwise used as school or state buildings, and submit the plan to the Office of Environmental Services, Air Permits

Division. After June 20, 1994, each plan must include Form AAC-8, Required Elements for Management Plans (latest revised form can be obtained from the Office of Environmental Services, Air Permits Division, or through the department's website). The plan may be submitted in stages that cover portions of the school or state building under the authority of the local education agency or the state government before the deadline specified in LAC 33:III.2701.C.

2. If a building to be used as part of a school or state building is leased or otherwise acquired more than 90 days after promulgation of this regulation, the local education agency or the state government shall include the new building in the management plan for the school or state building prior to its use as a school or state building. The revised portions of the management plan shall be submitted to the Office of Environmental Services, Air Permits Division.

3. If a local education agency or the state government begins to use a building as a school or state building more than 90 days after promulgation of this regulation, the local education agency or the state government shall submit a management plan for the school or state building to the Office of Environmental Services, Air Permits Division, prior to its use as a school or state building. Each plan developed or modified after June 20, 1994 must include Form AAC-8, Required Elements for Management Plans.

B. - H. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2344 and 40:1749.1.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Nuclear Energy, Air Quality Division, LR 15:735 (September 1989), amended by the Office of Air Quality and Radiation Protection, Air Quality Division, LR 20:649 (June 1994), LR 22:700 (August 1996), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2457 (November 2000), amended by the Office of Environmental Assessment, LR 30:2021 (September 2004), LR 31:

### **§2735. Exclusions**

A. - A.3.a. ...

b. Within 30 days after the inspector's determination, the local education agency or the state government shall submit a copy of the inspector's statement to the Office of Environmental Services, Air Permits Division, and shall include the statement in the management plan for that school or state building.

4. - 5. ...

6. Based on inspection records and contractor and clearance records, an accredited inspector has determined that no ACBM is present in the homogeneous or sampling area where asbestos removal operations have been conducted before December 14, 1987, and shall sign and date a statement to that effect and include his or her accreditation number. The local education agency or the state government shall submit a copy of the statement to the Office of Environmental Services, Air Permits Division, and shall include the statement in the management plan for that school or state building.

7. An architect or project engineer responsible for the construction of a new school building built after October 12, 1988, or an accredited inspector signs a statement that no ACBM was specified as a building material in any

construction document for the building or, to the best of his or her knowledge, no ACBM was used as a building material in the building. The local education agency or the state government shall submit a copy of the signed statement of the architect, project engineer, or accredited inspector to the Office of Environmental Services, Air Permits Division, and shall include the statement in the management plan for that school or state building.

B. - C. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2344 and 40:1749.1.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Nuclear Energy, Air Quality Division, LR 15:735 (September 1989), amended by the Office of Air Quality and Radiation Protection, Air Quality Division, LR 20:649 (June 1994), LR 22:700 (August 1996), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2457 (November 2000), amended by the Office of Environmental Assessment, LR 31:

### §2799. Appendix A—Agent Accreditation Plan

#### Appendix A—Agent Accreditation Plan

The duration of initial and refresher training courses is specified in numbers of days. A day of training equals eight consecutive hours, including breaks and lunch.

In several instances, initial training courses for a specific discipline (e.g., workers, inspectors) require hands-on training. For asbestos abatement supervisors and workers, hands-on training should include working with asbestos-substitute materials, fitting and using respirators, use of glove-bags, donning protective clothing, constructing a decontamination unit, as well as other abatement work activities. Hands-on training must permit all supervisors and workers to have actual experience performing tasks associated with asbestos abatement. For inspectors, hands-on training should include conducting a simulated building walk-through inspection and respirator fit testing.

Training requirements for each of the five accredited disciplines are outlined below. Persons in each discipline perform a different job function and distinct role. Inspectors identify and assess the condition of ACBM, or suspect ACBM. Management planners use data gathered by inspectors to assess the degree of hazard posed by ACBM in schools to determine the scope and timing of appropriate response actions needed for schools. Project designers determine how asbestos abatement work should be conducted. Lastly, workers and contractor/supervisors carry out and oversee abatement work. Each accredited discipline and training curriculum is separate and distinct from the others. A person seeking accreditation in any of the five accredited MAP disciplines cannot attend two or more courses concurrently, but may attend such courses sequentially. All courses, both initial and refresher, shall be completed within 14 days of the commencement of the course.

A. - E.2. ...

a. A completed Asbestos Accreditation Affidavit, Form AAC-1 (which may be obtained from the Office of Environmental Services, Air Permits Division, or through the department's website) that contains:

a.i. - e. ...

3. The completed application with applicable fees (LAC 33:III.223) is to be sent to the Office of Environmental Services, Air Permits Division.

4. - 8.a. ...

b. for failure to notify the Office of Environmental Services, Air Permits Division, of changes in status;

E.8.c. - F. ...

1. Submit the latest revision of the Asbestos Training Organization Recognition Application, Form AAC-3, (which may be obtained from the Office of Environmental Services, Air Permits Division, or through the department's website) requesting approval to train asbestos agents.

2. - 2.g. ...

3. The completed application with applicable fees for organization and trainer recognition (LAC 33:III.223) are to be sent to the Office of Environmental Services, Air Permits Division.

4. - 5.a. ...

b. The recognized training organization must keep the Office of Environmental Services, Air Permits Division, informed of any change in status of the training organization, such as pending fines, notices of violation, changes in instructor status, etc.

c. A notification of which courses will be taught, including where, when, and who will conduct the class, must be submitted to the Office of Environmental Services, Air Permits Division.

i. The notification must be received in writing by the Office of Environmental Services, Air Permits Division, at least five days prior to class commencement. (Notification must be made at least three days prior to a course when only the state regulations are to be taught.)

ii. Cancellation of classes must be received by the Office of Environmental Services, Air Permits Division, before the class should have commenced.

d. Within 10 days of the completion of a class a complete roster of trainees, their driver's license or state identification numbers and the issuing states, and their examination grades, with a 1" x 1 ¼" photograph of the face of each trainee, must be submitted to the Office of Environmental Services, Air Permits Division, on a form approved by the department.

e. The Office of Environmental Services, Air Permits Division, must be notified by phone or in writing of changes in class schedules prior to the date when the course was to have commenced.

f. The organization and its instructors must comply with and direct others to comply with LAC 33:III.Chapters 27 and 51 and other applicable federal, state, and local regulations.

g. - k.v. ...

6. Applications for trainer recognition shall be completed using the latest revision of the Asbestos Trainer Recognition Form, AAC-4 (latest revision of the form may be obtained from the Office of Environmental Services, Air Permits Division, or through the department's website). A resume indicating proof of experience as described in Clause F.2.d.ii of this Appendix must be attached. The completed application with applicable fees (LAC 33:III.223) is to be sent to the Office of Environmental Services, Air Permits Division.

7. - 9.e.ii. ...

iii. If a training provider ceases to conduct training, the training provider shall notify the Office of Environmental Services, Air Permits Division, and give it

the opportunity to take possession of that providers asbestos training records.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2344 and 40:1749.1.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Nuclear Energy, Air Quality Division, LR 15:735 (September 1989), amended LR 16:397 (May 1990), LR 16:1057 (December 1990), amended by the Office of Air Quality and Radiation Protection, Air Quality Division, LR 20:649 (June 1994), LR 22:700 (August 1996), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2458 (November 2000), amended by the Office of Environmental Assessment, LR 30:2022 (September 2004), LR 30:2803 (December 2004), LR 31:

## **Chapter 28. Lead-Based Paint**

### **Activities—Recognition, Accreditation, Licensure, and Standards for Conducting Lead-Based Paint Activities**

#### **§2805. Recognition and Standards for Training Providers**

A. - A.1. ...

2. A training provider seeking recognition shall submit to the Office of Environmental Services, Air Permits Division, the appropriate fees, as required in LAC 33:III.223, a completed LPF-4 form, and a completed LPF-5 form for each trainer to be recognized, containing the following information:

A.2.a. - B.8.g. ...

9. the training provider shall submit rosters, including photographs of participants, to the Office of Environmental Services, Air Permits Division, within 10 working days of course completion. For each course, the training provider shall provide three photographs of each student:

B.9.a. - C.5.h. ...

D. Renewal of Training Provider's Recognition

1. A training provider seeking renewal of its recognition shall submit, along with the appropriate fees as required in LAC 33:III.223, a completed LPF-4 Form and a completed LPF-5 Form for each trainer to be recognized to the Office of Environmental Services, Air Permits Division, 60 days prior to its expiration date. If a training provider does not submit its renewal application by that date, the department cannot guarantee the application will be reviewed and acted upon before the end of the one-year period.

2. - 3. ...

E. Notification Requirements. A training provider scheduling lead-based paint activities courses shall notify the Office of Environmental Services, Air Permits Division, in writing as follows:

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

4. The training provider shall notify the Office of Environmental Services, Air Permits Division, 30 days prior to relocating its business or transferring its records.

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 23:1666 (December 1997), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2459 (November 2000), LR 28:2337 (November 2002), amended by the Office of Environmental Assessment, LR 30:2804 (December 2004), LR 31:

#### **§2807. Accreditation of Individuals**

A. - C.1. ...

a. submit a completed and signed application form to the Office of Environmental Services, Air Permits Division;

1.b. - 2. ...

D. Reaccreditation

1. To maintain accreditation individuals must be annually recertified by the Office of Environmental Services, Air Permits Division.

2. - 2.a. ...

b. submit a copy of the refresher course completion certificate to the Office of Environmental Services, Air Permits Division;

D.2.c. - E.2. ...

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 23:1669 (December 1997), amended LR 24:2240 (December 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2459 (November 2000), LR 28:2337 (November 2002), amended by the Office of Environmental Assessment, LR 31:

#### **§2809. Licensure of Lead Contractors**

A. Licensure Requirements

1. In order to bid and/or perform abatement activities, lead contractors must obtain a lead-based paint abatement and removal license from the State of Louisiana Licensing Board for Contractors. As of November 1, 1998, prior to obtaining an initial or renewal license, the lead contractor must submit an application for approval, along with the appropriate fees as required in LAC 33:III.223, to the Office of Environmental Services, Air Permits Division, and certify to the department that the following criteria have been met:

A.1.a. - B.2. ...

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 23:1671 (December 1997), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2459 (November 2000), LR 28:2338 (November 2002), amended by the Office of Environmental Assessment, LR 31:

#### **§2811. Work Practice Standards for Conducting Lead-Based Paint Activities for Target Housing and Child-Occupied Facilities**

A. - E.3. ...

4. The lead contractor shall notify the Office of Environmental Services, Air Permits Division, in writing of abatement activities.

a. ...

b. The project shall not start before the start date noted on the LPN. The Office of Environmental Services, Air Permits Division, shall be notified if the operation will stop for a day or more during the project time noted on the LPN or if the project has been canceled or postponed. The firm shall also give notice 24 hours before the completion of a project. Notice should be submitted to the department with written follow-up and fax notification to the appropriate regional office.

4.c. - 13. ...

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 23:1672 (December 1997), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2459 (November 2000), repromulgated LR 27:39 (January 2001), amended LR 28:2338 (November 2002), amended by the Office of Environmental Assessment, LR 31:

**Chapter 30. Standards of Performance for New Stationary Sources (NSPS)**

**Subchapter A. Incorporation by Reference**

**§3003. Incorporation by Reference of 40 Code of Federal Regulations (CFR) Part 60**

A. - B.8, Table....

C. Copies of documents incorporated by reference in this Chapter may be obtained from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20242 or their website, [www.gpoaccess.gov/cfr/index.html](http://www.gpoaccess.gov/cfr/index.html), from the Department of Environmental Quality, Office of Environmental Services, Air Permits Division, or from a public library.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 22:1212 (December 1996), amended LR 23:1681 (December 1997), LR 24:1287 (July 1998), LR 24:2238 (December 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 25:1239 (July 1999), LR 25:1797 (October 1999), LR 26:1607 (August 2000), LR 26:2460, 2608 (November 2000), LR 27:2229 (December 2001), LR 28:994 (May 2002), LR 28:2179 (October 2002), LR 29:316 (March 2003), LR 29:698 (May 2003), LR 30:1009 (May 2004), amended by the Office of Environmental Assessment, LR 31:1568 (July 2005), LR 31:

**Chapter 51. Comprehensive Toxic Air Pollutant Emission Control Program**

**Subchapter A. Applicability, Definitions, and General Provisions**

**§5107. Reporting Requirements, Availability of Information, and Public Notice Provisions**

A. Annual Emissions Reporting. The owner or operator of any stationary source that emits any toxic air pollutant listed in LAC 33:III.5112, Table 51.1 or 51.3, shall submit a completed annual emissions report to the Office of Environmental Assessment, Air Quality Assessment Division, in a format specified by the department. The owner or operator shall identify on the emissions report the quantity of emissions in the previous calendar year for any such toxic air pollutant emitted.

1. ...

2. Subsequent Annual Emissions Reports. After the initial annual emissions report, the owner or operator of any stationary source subject to the requirements in Subsection A of this Section shall submit a completed annual emissions report to the Office of Environmental Assessment, Air Quality Assessment Division, on or before July 1 of each year. Each subsequent report shall identify the quantity of emissions of all toxic air pollutants listed in LAC 33:III.5112, Table 51.1 or 51.3.

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

2. Emission Control Bypasses. Except as provided in Paragraph B.6 of this Section, for any unauthorized

discharge into the atmosphere of a toxic air pollutant as a result of bypassing an emission control device, when the emission control bypass was not the result of an upset, and the quantity of the unauthorized bypass is greater than or equal to the lower of the Minimum Emission Rate (MER) in LAC 33:III.5112, Table 51.1, or a reportable quantity (RQ) in LAC 33:I.3931, or the quantity of the unauthorized bypass is greater than one pound and there is no MER or RQ for the substance in question, the owner or operator of the source shall provide prompt notification to the Office of Environmental Compliance, Emergency and Radiological Services Division, Single Point of Contact (SPOC), of the bypass no later than 24 hours after the beginning of the bypass in the manner provided in LAC 33:I.3923. Where the emission control bypass was the result of an upset, the owner or operator shall comply with Paragraph B.3 of this Section.

3. Nonemergency Conditions. Except as provided in Paragraph B.6 of this Section, for any unauthorized discharge of a toxic air pollutant into the atmosphere that does not cause an emergency condition, the rate or quantity of which is in excess of that allowed by permit, compliance schedule, or variance, or for upset events that exceed the reportable quantity in LAC 33:I.3931, the owner or operator of the source shall immediately, but in no case later than 24 hours, provide prompt notification to the Office of Environmental Compliance, Emergency and Radiological Services Division, SPOC, in the manner provided in LAC 33:I.3923.

4. Written Reports. For every such discharge or equipment bypass as referred to in Paragraphs B.1, 2, and 3 of this Section, the owner or operator shall submit to the Office of Environmental Compliance, Emergency and Radiological Services Division, SPOC, a written report by certified mail within seven calendar days of learning of the discharge.

B.4.a. - D.2. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2060 and 2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 17:1204 (December 1991), amended LR 18:1363 (December 1992), LR 19:890 (July 1993), amended by the Office of the Secretary, LR 19:1022 (August 1993), repromulgated LR 19:1142 (September 1993), amended by the Office of Air Quality and Radiation Protection, Air Quality Division, LR 23:58 (January 1997), LR 24:1276 (July 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2004 (September 2000), LR 26:2460 (November 2000), LR 29:2778 (December 2003), LR 30:1673 (August 2004), amended by the Office of Environmental Assessment, LR 31:

**§5111. Permit Requirements, Application, and Review**

A. - A.2.a. ...

b. if the modification will not result in an increase in emissions of any toxic air pollutant and will not create a new point source, submit a letter requesting a permit modification to the Office of Environmental Services, Air Permits Division. The letter shall include those elements specified in Subparagraphs B.2.a, b, and c of this Section. The administrative authority shall notify the owner or operator of the determination to authorize or deny such modification within 30 days of receiving the request.

3. ...

a. submit a letter to the Office of Environmental Services, Air Permits Division, indicating that the necessary permit modification (or new permit if no existing permit is in place) will be applied for by a date specified in the compliance schedule and requesting written authorization to construct; or

b. submit a permit application to the Office of Environmental Services, Air Permits Division, in accordance with Subsection B of this Section.

4. - 6. ...

#### B. Contents of Application for a Louisiana Air Permit

1. An owner or operator may submit to the Office of Environmental Services, Air Permits Division, by certified mail, a written request for a determination of whether actions intended to be taken by the owner or operator constitute construction or modification, or the commencement thereof, of a stationary source. The administrative authority will notify the owner or operator of the determination within 30 days after receiving sufficient information to evaluate the request.

B.2. - C.5.b. ...

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 30:2001 and 2060 et seq.

**HISTORICAL NOTE:** Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 17:1204 (December 1991), amended LR 18:1363 (December 1992), LR 19:891 (July 1993), repromulgated LR 19:1314 (October 1993), amended LR 23:59 (January 1997), amended by the Office of the Secretary, LR 25:661 (April 1999), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2461 (November 2000), amended by the Office of Environmental Assessment, LR 31:

### §5113. Notification of Start-Up, Testing, and

#### Monitoring

A. Notification of Start-Up. Any owner or operator that has an initial start-up of a stationary source subject to MACT or Ambient Air Standard Requirements under this Subchapter shall furnish the Office of Environmental Compliance, Emergency and Radiological Services Division, SPOC, written notification as follows:

1. a notification to the Office of Environmental Compliance, Emergency and Radiological Services Division, SPOC, of the anticipated date of the initial start-up of the source not more than 60 days nor less than 30 days before that date; and

2. a notification to the Office of Environmental Compliance, Emergency and Radiological Services Division, SPOC, of the actual date of initial start-up of the source postmarked within 10 working days after such date.

#### B. Emission Tests and Waiver of Emission Tests

1. The department may require any owner or operator to conduct tests to determine the emission of toxic air pollutants from any source whenever the department has reason to believe that an emission in excess of those allowed by this Subchapter is occurring. The department may specify testing methods to be used in accordance with good professional practice. The department may observe the testing. All tests shall be conducted by qualified personnel. The Office of Environmental Assessment, Air Quality Assessment Division, shall be given a copy of the test results in writing signed by the person responsible for the tests within 45 days after completion of the test.

2. - 4.e. ...

5. Unless otherwise specified, samples shall be analyzed and emissions determined within 30 days after each emission test has been completed. The owner or operator shall report the determinations of the emission test to the Office of Environmental Assessment, Air Quality Assessment Division, by a certified letter sent before the close of business on the 45th day following the completion of the emission test.

6. ...

7. The owner or operator shall notify the Office of Environmental Assessment, Air Quality Assessment Division, of any emission test required to demonstrate compliance with this Subchapter at least 30 days before the emission test to allow the administrative authority the opportunity to have an observer present during the test.

C. - C.1. ...

2. When required at any other time requested by the administrative authority, the owner or operator of a source being monitored shall conduct a performance evaluation of the monitoring system and furnish the Office of Environmental Assessment, Air Quality Assessment Division, with a copy of a written report of the results within 60 days of the evaluation. The owner or operator of the source shall furnish the Office of Environmental Assessment, Air Quality Assessment Division, with written notification of the date of the performance evaluation at least 30 days before the evaluation is to begin.

3. - 4. ...

5. The administrative authority may require a continuous monitoring system where such systems are deemed feasible and necessary to demonstrate compliance with applicable standards. The owner or operator of a facility that the administrative authority has required to install a continuous monitoring system shall submit to the Office of Environmental Assessment, Air Quality Assessment Division, for approval a plan describing the affected sources and the methods for ensuring compliance with the continuous monitoring system. The plan for the continuous monitoring system must be submitted to the department within 90 days after the administrative authority requests either the initial plan or an updated plan.

5.a. - 7. ...

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 30:2001 and 2060 et seq.

**HISTORICAL NOTE:** Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 17:1204 (December 1991), amended LR 18:1364 (December 1992), LR 23:59 (January 1997), LR 23:1658 (December 1997), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2461 (November 2000), amended by the Office of Environmental Assessment, LR 31:

### Subchapter B. Incorporation by Reference of 40 CFR

#### Part 61 (National Emission Standards for Hazardous Air Pollutants)

### §5116. Incorporation by Reference of 40 CFR Part 61 (National Emission Standards for Hazardous Air Pollutants)

A. - B. ...

1. 40 CFR Part 61, Subpart A, Section 61.04(b)(T) is modified to read as follows: Louisiana Department of Environmental Quality, Office of Environmental Services, Air Permits Division.

2. Whenever the referenced regulations (i.e., 40 CFR Part 61) provide authority to "the Administrator," such authority, in accordance with these regulations, shall be exercised by the administrative authority or his designee, notwithstanding any authority exercised by the U.S. Environmental Protection Agency (EPA). Reports, notices, or other documentation required by the referenced regulations (i.e., 40 CFR Part 61) to be provided to "the Administrator" shall be provided to the Office of Environmental Services, Air Permits Division, where the state is designated authority by EPA as "the Administrator," or shall be provided to the Office of Environmental Services, Air Permits Division and EPA, where EPA retains authority as "the Administrator."

C. Copies of documents incorporated by reference in this Chapter may be obtained from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20242 or their website, [www.gpoaccess.gov/cfr/index.html](http://www.gpoaccess.gov/cfr/index.html), from the Department of Environmental Quality, Office of Environmental Services, Air Permits Division, or from a public library.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 23:61 (January 1997), amended LR 23:1658 (December 1997), LR 24:1278 (July 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 25:1464 (August 1999), LR 25:1797 (October 1999), LR 26:2271 (October 2000), LR 27:2230 (December 2001), LR 28:995 (May 2002), LR 28:2179 (October 2002), LR 29:699 (May 2003), LR 30:1009 (May 2004), amended by the Office of Environmental Assessment, LR 31:1569 (July 2005), LR 31:

**Subchapter C. Incorporation by Reference of 40 CFR Part 63 (National Emission Standards for Hazardous Air Pollutants for Source Categories) as It Applies to Major Sources**

**§5122. Incorporation by Reference of 40 CFR Part 63 (National Emission Standards for Hazardous Air Pollutants for Source Categories) as It Applies to Major Sources**

A. ...

B. Copies of documents incorporated by reference in this Chapter may be obtained from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20242 or their website, [www.gpoaccess.gov/cfr/index.html](http://www.gpoaccess.gov/cfr/index.html), from the Department of Environmental Quality, Office of Environmental Services, Air Permits Division, or from a public library.

C. ...

1. Whenever the referenced regulations (i.e., 40 CFR Part 63) provide authority to "the Administrator," such authority, in accordance with these regulations, shall be exercised by the administrative authority or his designee, notwithstanding any authority exercised by the U.S. Environmental Protection Agency (EPA). Reports, notices, or other documentation required by the referenced regulations (i.e., 40 CFR Part 63) to be provided to "the Administrator" shall be provided to the Office of Environmental Services, Air Permits Division, where the state is designated authority by EPA as "the Administrator,"

or shall be provided to the Office of Environmental Services, Air Permits Division and EPA, where EPA retains authority as "the Administrator."

2. - 3. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 23:61 (January 1997), amended LR 23:1659 (December 1997), LR 24:1278 (July 1998), LR 24:2240 (December 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 25:1464 (August 1999), LR 25:1798 (October 1999), LR 26:690 (April 2000), LR 26:2271 (October 2000), LR 27:2230 (December 2001), LR 28:995 (May 2002), LR 28:2180 (October 2002), LR 29:699 (May 2003), LR 29:1474 (August 2003), LR 30:1010 (May 2004), amended by the Office of Environmental Assessment, LR 31:1569 (July 2005), LR 31:

**Subchapter M. Asbestos**

**§5151. Emission Standard for Asbestos**

A. - F.2. ...

a. provide the Office of Environmental Services, Air Permits Division, with typed notice of intention to demolish or renovate using the latest version of Form AAC-2, Notification of Demolition and Renovation. This form is available from the Office of Environmental Services, Air Permits Division, or through the department's website. Delivery of the notice by U.S. Postal Service, commercial delivery service, or hand delivery is acceptable. The use of a prior version of the AAC-2 Form is acceptable unless the department has previously provided the owner or operator with a copy of the current version, or the owner or operator is aware of the latest version;

b. - c.iv.(a).(i). ...

(ii). provide the Office of Environmental Services, Air Permits Division, with a written notice of the new start date as soon as possible before, and no later than, the original start date. Delivery of the updated notice by U.S. Postal Service, commercial delivery service, or hand delivery is acceptable;

(b). ...

(i). provide the Office of Environmental Services, Air Permits Division, with a written notice of the new start date at least 10 working days before asbestos stripping or removal work begins;

(ii). for demolitions covered by Subparagraph F.1.b of this Section, provide the Office of Environmental Services, Air Permits Division, written notice of a new start date at least 10 working days before commencement of demolition. Delivery of the updated notice by U.S. Postal Service, commercial delivery service, or hand delivery is acceptable;

c.iv.(c). - f.i.(c). ...

ii. within five working days after the notification is made by phone, a typed notification as specified in Subparagraphs F.2.d and e shall be submitted to the Office of Environmental Services, Air Permits Division, in order to obtain an ADVF;

g. - g.iii. ...

iv. the completed ADVF from the transporter shall be verified and signed by the disposal site owner or operator and mailed to the Office of Environmental Services, Air Permits Division, within 30 working days. A copy is to be returned to the waste generator;



F.2.g.v. - G.2. ...

a. Notify the Office of Environmental Services, Air Permits Division, at least 20 days before beginning the spraying operation. Include the following information in the notice:

G.2.a.i. - I. ...

1. deposit all asbestos-containing waste material at a waste disposal site recognized by the department. A completed AAC-7 Form shall have been submitted to the Office of Environmental Services, Air Permits Division, by the disposal facility for prior recognition. Updated information will be required upon request. The latest AAC-7 Form may be obtained from the Office of Environmental Services, Air Permits Division, or through the department's website. The Office of Environmental Services, Air Permits Division, will maintain a current list of recognized asbestos waste disposal sites;

2. - 3.a.iii. ...

b. use an alternative emission control and waste treatment method that has received prior written approval by the administrative authority. To obtain approval for an alternative method, a written application must be submitted to the Office of Environmental Services, Air Permits Division, demonstrating that the following criteria are met:

3.b.i. - 5.b. ...

c. report in writing to the Office of Environmental Services, Air Permits Division, if a copy of the waste shipment record, signed by the owner or operator of the designated waste disposal site, is not received by the waste generator within 45 days of the date the waste was accepted by the initial transporter. Include in the report the following information:

I.5.c.i. - J.4.c. ...

d. report in writing to the Office of Environmental Services, Air Permits Division, if a copy of the waste shipment record, signed by the owner or operator of the designated waste disposal site, is not received by the waste generator within 45 days of the date the waste was accepted by the initial transporter. Include in the report the following information:

J.4.d.i. - K.2.b. ...

c. when requesting a determination on whether a natural barrier adequately deters public access, supply information enabling the Office of Environmental Services, Air Permits Division, to determine whether a fence or a natural barrier adequately deters access by the general public;

3. ...

4. notify the Office of Environmental Services, Air Permits Division, in writing at least 45 days prior to excavating or otherwise disturbing any asbestos-containing waste material that has been deposited at a waste disposal site under this Section, and follow the procedures specified in the notification. If the excavation will begin on a date other than the one contained in the original notice, notice of the new start date must be provided to the Office of Environmental Services, Air Permits Division, at least 10 working days before excavation begins and in no event shall excavation begin earlier than the date specified in the original notification. Include the following information in the notice:

K.4.a. - L.6.g. ...

7. submit the following reports to the Office of Environmental Services, Air Permits Division:

7.a. - 8. ...

M. Reporting and Recordkeeping. Any new source to which this Subchapter applies (with the exception of sources subject to Subsections D, F, G, and H of this Section), which has an initial start-up date preceding the effective date of this Subchapter, shall provide the following information to the administrative authority, postmarked or delivered, within 90 days of the effective date. In the case of a new source that does not have an initial start-up date preceding the effective date, the information shall be provided to the administrative authority, postmarked or delivered, within 90 days of the initial start-up date. Any owner or operator of an existing source shall provide the following information to the administrative authority within 90 days of the effective date of this Subchapter, unless the owner or operator of the existing source has previously provided this information to the administrative authority. Any changes in the information provided by any existing source shall be provided to the administrative authority, postmarked or delivered, within 30 days after the change. The owner or operator of any existing source to which this Section is applicable shall, within 90 days after the effective date, provide the following information to the Office of Environmental Services, Air Permits Division:

M.1. - N.5.a.v. ...

b. as soon as possible and no longer than 30 days after receipt of the waste, send a copy of the signed ADVF to the waste generator and to the Office of Environmental Services, Air Permits Division;

c. upon discovering a discrepancy between the quantity of waste designated on the ADVF and the quantity actually received, attempt to reconcile the discrepancy with the waste generator. If the discrepancy is not resolved within 15 days after receiving the waste, immediately report in writing to the Office of Environmental Services, Air Permits Division. Describe the discrepancy and attempts to reconcile it, and submit a copy of the ADVF with the report;

5.d. - 7. ...

8. Submit to the Office of Environmental Services, Air Permits Division, upon closure of the facility, a copy of records of asbestos waste disposal locations and quantities.

9. ...

10. Notify the Office of Environmental Services, Air Permits Division, in writing at least 45 days prior to excavating or otherwise disturbing any asbestos-containing waste material that has been deposited at a waste disposal site and is covered. If the excavation will begin on a date other than the one contained in the original notice, notice of the new start date shall be provided to the administrative authority at least 10 working days before excavation begins and in no event shall excavation begin earlier than the date specified in the original notification. Include the following information in the notice:

N.10.a. - P.2.b. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 17:1204 (December 1991), repealed and repromulgated LR 18:1121 (October 1992), amended LR 20:1277 (November 1994), LR 24:27 (January 1998), amended

by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2462 (November 2000), LR 30:1673 (August 2004), amended by the Office of Environmental Assessment, LR 30:2022 (September 2004), LR 31:1570 (July 2005), LR 31:

**Chapter 53. Area Sources of Toxic Air Pollutants**  
**Subchapter A. Toxic Emissions Reporting Requirements**  
**§5307. Reporting Requirements**

A. - A.7. ...

B. Subsequent reports will be due on or before July 1 of each year. The report shall be submitted to the Department of Environmental Quality, Office of Environmental Services, Air Permits Division, and include the information requested in Subsection A of this Section for the preceding calendar year.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 20:431 (April 1994), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2464 (November 2000), amended by the Office of Environmental Assessment, LR 31:

**Subchapter B. Incorporation by Reference of 40 CFR**  
**Part 63 (National Emission Standards for**  
**Hazardous Air Pollutants for Source**  
**Categories) as It Applies to Area Sources**

**§5311. Incorporation by Reference of 40 CFR Part 63**  
**(National Emission Standards for Hazardous Air**  
**Pollutants for Source Categories) as It Applies to**  
**Area Sources**

A. - A, Table. ...

B. Copies of documents incorporated by reference in this Chapter may be obtained from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20242 or their website, [www.gpoaccess.gov/cfr/index.html](http://www.gpoaccess.gov/cfr/index.html), from the Department of Environmental Quality, Office of Environmental Services, Air Permits Division, or from a public library.

C. Modifications or Exceptions. Whenever the referenced regulations (i.e., 40 CFR Part 63) provide authority to "the Administrator," such authority, in accordance with these regulations, shall be exercised by the administrative authority or his designee, notwithstanding any authority exercised by the U.S. Environmental Protection Agency (EPA). Reports, notices, or other documentation required by the referenced regulations (i.e., 40 CFR Part 63) to be provided to "the Administrator" shall be provided to the Office of Environmental Services, Air Permits Division, where the state is designated authority by EPA as "the Administrator," or shall be provided to the Office of Environmental Services, Air Permits Division and EPA, where EPA retains authority as "the Administrator."

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 23:63 (January 1997), amended LR 23:1660 (December 1997), LR 24:1279 (July 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 25:1464 (August 1999), LR 27:2230 (December 2001), LR 28:995 (May 2002), LR 28:2180 (October 2002), LR 29:699 (May 2003), LR 30:1010 (May 2004), amended by the Office of Environmental Assessment, LR 31:1569 (July 2005), LR 31:

**Chapter 59. Chemical Accident Prevention and**  
**Minimization of Consequences**  
**Subchapter B. Risk Management Program**  
**Requirements**

**§5911. Registration for Stationary Sources**

A. The owner or operator of each stationary source that has a covered process as defined by 40 CFR 68.3 shall register with the Department of Environmental Quality, Office of Environmental Compliance, Emergency and Radiological Services Division, by the latest of the following dates:

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

C. If at any time after the submission of the registration, information in the registration is no longer accurate, the owner or operator shall submit an amended registration within 60 days to the Department of Environmental Quality, Office of Environmental Compliance, Emergency and Radiological Services Division.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054 and 2063.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 20:426 (April 1994), amended LR 22:1125 (November 1996), LR 23:1496 (November 1997), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2464 (November 2000), amended by the Office of Environmental Assessment, LR 31:

**Part V. Hazardous Waste and Hazardous Materials**  
**Subpart 1. Department of Environmental**  
**Quality—Hazardous Waste**

**Chapter 1. General Provisions and Definitions**

**§105. Program Scope**

These rules and regulations apply to owners and operators of all facilities that generate, transport, treat, store, or dispose of hazardous waste, except as specifically provided otherwise herein. The procedures of these regulations also apply to the denial of a permit for the active life of a hazardous waste management facility or TSD unit under LAC 33:V.706. Definitions appropriate to these rules and regulations, including *solid waste* and *hazardous waste*, appear in LAC 33:V.109. Those wastes that are excluded from regulation are found in this Section.

A. Notification of Hazardous Waste Activity

1. Within 90 days after the promulgation of these regulations anyone subject to these regulations who has not previously notified the department on the Notification of Hazardous Waste Activity Form HW-1, or whose notification on Form HW-1 is not approved, must notify the Office of Environmental Services, Water and Waste Permits Division, using Form HW-1. Within 90 days after changes in waste characteristics or changes in these regulations that result in changes in the notification, interim status facilities must revise their notification form by resubmitting a corrected copy of Form HW-1.

A.2. - C.1.b. ...

2. The Office of Environmental Services, Water and Waste Permits Division, is responsible for nonhazardous solid wastes treated, stored and/or disposed of in public and private solid waste facilities.

C.3. - D.1.i.iii.(d). ...

(e). prior to operating pursuant to this exclusion, the plant owner or operator submits to the Office of Environmental Services, Water and Waste Permits Division,

a one-time notification stating that the plant intends to claim the exclusion, giving the date on which the plant intends to begin operating under the exclusion, and containing the following language:

"I have read the applicable regulation establishing an exclusion for wood preserving wastewaters and spent wood preserving solutions and understand it requires me to comply at all times with the conditions set out in the regulation."

The plant must maintain a copy of that document in its on-site records for a period of no less than three years from the date specified in the notice. The exclusion applies only so long as the plant meets all of the conditions. If the plant goes out of compliance with any condition, it may apply to the administrative authority for reinstatement. The administrative authority may reinstate the exclusion upon finding that the plant has returned to compliance with all conditions and that violations are not likely to recur;

j. - p.iv.(c)....

v. the owner or operator provides notice to the Office of Environmental Services, Water and Waste Permits Division, providing the following information: the types of materials to be recycled; the type and location of the storage units and recycling processes; and the annual quantities expected to be placed in land-based units. This notification must be updated when there is a change in the type of materials recycled or the location of the recycling process; and

p.vi. - t.ii. ...

(a). submit a one-time notice to the Office of Environmental Services, Water and Waste Permits Division, that contains the name, address, and EPA ID number of the generator or intermediate handler facility, provides a brief description of the secondary material that will be subject to the exclusion, and identifies when the manufacturer intends to begin managing excluded, zinc-bearing hazardous secondary materials under the conditions specified in this Subparagraph;

ii.(b). - iii.(a). ...

(b). submit a one-time notification to the Office of Environmental Services, Water and Waste Permits Division, that at a minimum, specifies the name, address, and EPA ID number of the manufacturing facility and identifies when the manufacturer intends to begin managing excluded, zinc-bearing hazardous secondary materials under the conditions specified in this Subparagraph;

(c). ...

(d). submit to the Office of Environmental Services, Water and Waste Permits Division, an annual report that identifies the total quantities of all excluded hazardous secondary materials that were used to manufacture zinc fertilizers or zinc fertilizer ingredients in the previous year, the name and address of each generating facility, and the industrial processes from which they were generated;

l.t.iv. - 5.c.ii....

iii. the additional quantities and time frames allowed in Clauses D.5.c.i and ii of this Section are subject to all the provisions in Subparagraph D.5.a and Clauses D.5.b.iii-vi of this Section. The generator or sample collector must apply to the Office of Environmental Services, Water

and Waste Permits Division, and provide in writing the following information:

5.c.iii.(a). - 6. ...

a. no less than 45 days before conducting treatability studies, the facility notifies the Office of Environmental Services, Water and Waste Permits Division, in writing that it intends to conduct treatability studies under this Subsection;

b. - h. ...

i. the facility prepares and submits a report to the Office of Environmental Services, Water and Waste Permits Division, by March 15 of each year that estimates the number of studies and the amount of waste expected to be used in treatability studies during the current year, and includes the following information for the previous calendar year:

i.i. - j. ...

k. the facility notifies the Office of Environmental Services, Water and Waste Permits Division, by letter when the facility is no longer planning to conduct any treatability studies at the site.

D.7. - J.1. ...

2. Non-Emergency Conditions. For any unauthorized discharge of a hazardous waste that does not cause an emergency condition, the discharger shall notify the Office of Environmental Compliance, Emergency and Radiological Services Division, Single of Point of Contact (SPOC), within 24 hours of learning of the discharge and in accordance with other provisions of LAC 33:I.Chapter 39.

K. - O.2.c.vi. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 10:496 (July 1984), LR 11:1139 (December 1985), LR 12:319 (May 1986), LR 13:84 (February 1987), LR 13:433 (August 1987), LR 13:651 (November 1987), LR 14:790 (November 1988), LR 15:181 (March 1989), LR 16:47 (January 1990), LR 16:217, LR 16:220 (March 1990), LR 16:398 (May 1990), LR 16:614 (July 1990), LR 17:362, 368 (April 1991), LR 17:478 (May 1991), LR 17:883 (September 1991), LR 18:723 (July 1992), LR 18:1256 (November 1992), LR 18:1375 (December 1992), amended by the Office of the Secretary, LR 19:1022 (August 1993), amended by the Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 20:1000 (September 1994), LR 21:266 (March 1995), LR 21:944 (September 1995), LR 22:813, 831 (September 1996), amended by the Office of the Secretary, LR 23:298 (March 1997), amended by the Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 23:564, 567 (May 1997), LR 23:721 (June 1997), amended by the Office of Waste Services, Hazardous Waste Division, LR 23:952 (August 1997), LR 23:1511 (November 1997), LR 24:298 (February 1998), LR 24:655 (April 1998), LR 24:1093 (June 1998), LR 24:1687, 1759 (September 1998), LR 25:431 (March 1999), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:268 (February 2000), LR 26:2464 (November 2000), LR 27:291 (March 2001), LR 27:706 (May 2001), LR 29:317 (March 2003), LR 30:1680 (August 2004), amended by the Office of Environmental Assessment, LR 30:2463 (November 2004), amended by the Office of Environmental Assessment, LR 31:

### §109. Definitions

For all purposes of these rules and regulations, the terms defined in this Chapter shall have the following meanings, unless the context of use clearly indicates otherwise.

\* \* \*

*Hazardous Waste*—a *solid waste*, as defined in this Section, is a hazardous waste if:

1. - 4.b.ii.(c).(i), Table B. ...

(ii). A one-time notification and certification must be placed in the facility's files and sent to the Office of Environmental Services, Water and Waste Permits Division, for K061, K062, or F006 HTMR residues that meet the generic exclusion levels for all constituents and do not exhibit any characteristics that are sent to Subtitle D units. The notification and certification that is placed in the generators' or treaters' files must be updated if the process or operation generating the waste changes and/or if the Subtitle D unit receiving the waste changes. However, the generator or treater needs only to notify the administrative authority on an annual basis if such changes occur. Such notification and certification should be sent to the EPA region or authorized state by the end of the calendar year, but no later than December 31. The notification must include the following information:

4.b.ii.(c).(ii).[a]. - 6.b. ...

\* \* \*

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 10:496 (July 1984), LR 11:1139 (December 1985), LR 12:319 (May 1986), LR 13:84 (February 1987), LR 13:433 (August 1987), LR 13:651 (November 1987), LR 14:790, 791 (November 1988), LR 15:378 (May 1989), LR 15:737 (September 1989), LR 16:218, 220 (March 1990), LR 16:399 (May 1990), LR 16:614 (July 1990), LR 16:683 (August 1990), LR 17:362 (April 1991), LR 17:478 (May 1991), LR 18:723 (July 1992), LR 18:1375 (December 1992), repromulgated by the Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 19:626 (May 1993), amended LR 20:1000 (September 1994), LR 20:1109 (October 1994), LR 21:266 (March 1995), LR 21:944 (September 1995), LR 22:814 (September 1996), LR 23:564 (May 1997), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:655 (April 1998), LR 24:1101 (June 1998), LR 24:1688 (September 1998), LR 25:433 (March 1999), repromulgated LR 25:853 (May 1999), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:269 (February 2000), LR 26:2465 (November 2000), LR 27:291 (March 2001), LR 27:708 (May 2001), LR 28:999 (May 2002), LR 28:1191 (June 2002), LR 29:318 (March 2003), amended by the Office of Environmental Assessment, LR 31:

### **Chapter 3. General Conditions for Treatment, Storage, and Disposal Facility Permits**

#### **§303. Overview of the Permit Program**

##### **A. General Application Requirements**

1. Permit Application. Any person who is required to have a permit (including new applicants and permittees with expiring permits) shall complete, sign, and submit an application to the Office of Environmental Services, Water and Waste Permits Division, as described in this Section and LAC 33:V.4301, 4303, and 4305. Persons currently authorized with interim status shall apply for permits when required by the administrative authority. Persons covered by permits by rule (LAC 33:V.305.D) need not apply. Procedures for applications, issuance, and administration of emergency permits are found exclusively in LAC 33:V.701 and 703. Procedures for application, issuance, and

administration of research, development, and demonstration permits are found exclusively in LAC 33:V.329.

2. No later than 90 days after the promulgation or revision of these regulations, all generators and transporters of hazardous waste, and all owners or operators of hazardous waste treatment, storage, or disposal facilities must file or have on file a notification of that activity using Notification Form HW-1, available from the Office of Environmental Services, Water and Waste Permits Division, or through the department's website. For generators of hazardous waste, the Notification Form HW-1 shall be deemed a registration upon acceptance and approval by the administrative authority.

A.3. - H.1. ...

2. An application for a permit for a new TSD facility (including both Parts I and II) may be filed any time after promulgation of these standards, applicable to such facility. The application shall be filed with the Office of Environmental Services, Water and Waste Permits Division.

3. ...

4. A new facility must obtain an EPA identification number. EPA identification numbers will be issued only by the EPA. However, application for an EPA Identification Number shall be made by completing the Hazardous Waste Notification form provided by the Office of Environmental Services, Water and Waste Permits Division.

I. - Q. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 10:496 (July 1984), LR 14:790 (November 1988), LR 16:220 (March 1990), LR 17:478 (May 1991), LR 17:658 (July 1991), LR 20:1000 (September 1994), LR 21:564 (June 1995), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2466 (November 2000), LR 27:708 (May 2001), amended by the Office of Environmental Assessment, LR 30:2023 (September 2004), amended by the Office of Environmental Assessment, LR 31:

#### **§309. Conditions Applicable to All Permits**

Each permit shall include permit conditions necessary to achieve compliance with the Act and these regulations, including each of the applicable requirements specified in LAC 33:V.Subpart 1. In satisfying this provision, the administrative authority may incorporate applicable requirements of LAC 33:V.Subpart 1 directly into the permit or establish other permit conditions that are based on LAC 33:V.Subpart 1. The following conditions apply to all hazardous waste permits. All conditions applicable to permits shall be incorporated into the permits either expressly or by reference. If incorporated by reference, a specific citation to these regulations must be given in the permit.

A. - K. ...

##### **L. Reporting Requirements**

1. Planned Changes. The permittee shall give notice to the Office of Environmental Services, Water and Waste Permits Division, as soon as possible, of any planned physical alterations or additions to the permitted facility.

2. Anticipated Noncompliance. The permittee shall give advance notice to the Office of Environmental Services, Water and Waste Permits Division, of any planned changes in the permitted facility or activity that may result in noncompliance with permit requirements.

3. - 11. ...

12. Other Information. If the permittee becomes aware that he failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application, or in any report to the administrative authority, he shall promptly submit such facts or information to the Office of Environmental Services, Water and Waste Permits Division.

M. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 10:496 (July 1984), LR 16:220 (March 1990), LR 16:614 (July 1990), LR 18:1256 (November 1992), LR 20:1000 (September 1994), LR 21:944 (September 1995), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:657 (April 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2466 (November 2000), amended by the Office of Environmental Assessment, LR 31:

### **§321. Modification of Permits**

A. Any proposed major modification of a facility or a site, any change in wastes handled in either volume or composition, any other change in the site, facility, or operations that materially deviates from a permit or materially increases danger to the public health or the environment, and any operator or ownership change must be reported in writing to the Office of Environmental Services, Water and Waste Permits Division, prior to such an occurrence and a permit modification must be obtained in accordance with the application, public notice, and permit requirements of this Chapter. The administrative authority may approve an ownership change (transfer of permit) based on the following factors:

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

2. Changes in the ownership or operational control of a facility may be made as a Class 1 modification with prior written approval of the administrative authority in accordance with Subsection C of this Section. The new owner or operator must submit a revised permit application to the Office of Environmental Services, Water and Waste Permits Division, no later than 90 days prior to the scheduled change. A written agreement containing a specific date for transfer of permit responsibility between the current and new permittees must also be submitted to the administrative authority. When a transfer of ownership or operational control occurs, the old owner or operator shall comply with the requirements of LAC 33:V.Chapter 37 (Financial Requirements) until the new owner or operator has demonstrated that he or she is complying with the requirements of LAC 33:V.Chapter 37. The new owner or operator must demonstrate compliance with LAC 33:V.Chapter 37 requirements within six months of the date of the change of ownership or operational control of the facility. Upon demonstration to the administrative authority by the new owner or operator of compliance with LAC 33:V.Chapter 37, the administrative authority shall notify the old owner or operator that he or she no longer needs to comply with LAC 33:V.Chapter 37 as of the date of demonstration.

C. - C.1.a. ...

i. The permittee must notify the Office of Environmental Services, Water and Waste Permits Division, concerning the modification by certified mail or other means that establish proof of delivery within seven calendar days after the change is put into effect. This notice must specify the changes being made to permit conditions or supporting documents referenced by the permit and must explain why they are necessary. Along with the notice, the permittee must provide the applicable information required by LAC 33:V.515-533, 2707, and 3115.

a.ii. - c. ...

### **2. Class 2 Modifications**

a. For Class 2 modifications, listed in LAC 33:V.322, the permittee must submit a modification request to the Office of Environmental Services, Water and Waste Permits Division, that:

2.a.i. - 10.b. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 13:433 (August 1987), LR 15:378 (May 1989), LR 16:614 (July 1990), LR 18:1375 (December 1992), LR 20:1000 (September 1994), LR 21:266 (March 1995), LR 21:944 (September 1995), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:1691 (September 1998), LR 25:435 (March 1999), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2466 (November 2000), LR 28:1000 (May 2002), LR 29:319 (March 2003), amended by the Office of Environmental Assessment, LR 31:

### **§323. Suspension, Modification or Revocation and Reissuance, and Termination of Permits**

A. ...

B. If the administrative authority decides the request is not justified, he or she shall send the requester a brief written response giving a reason for the decision. Denials of requests for modification, revocation and reissuance, or termination are not subject to public notice, comment, or hearings. Denials by the administrative authority may be appealed to the Department of Environmental Quality (DEQ), Legal Affairs and Regulation Development Division, in accordance with Act 97 of 1983.

1. - 4.e....

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 14:790 (November 1988), LR 16:220 (March 1990), LR 16:614 (July 1990), LR 18:1256 (November 1992), LR 20:1109 (October 1994), LR 21:944 (September 1995), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2467 (November 2000), amended by the Office of Environmental Assessment, LR 31:

## **Chapter 5. Permit Application Contents**

### **Subchapter A. General Requirements for Permit Applications**

#### **§501. Permit Application**

A. Any person who is required to have a permit (including new applicants and permittees with expiring permits) shall complete, sign, and submit a permit application to the Office of Environmental Services, Water and Waste Permits Division, as described in this Section and

LAC 33:V.4301, 4303, and 4305. Persons currently authorized with interim status shall apply for permits when required by the administrative authority. Persons covered by RCRA permits by rule (LAC 33:V.305.D) need not apply. Procedures for applications, issuance, and administration of emergency permits are found exclusively in LAC 33:V.701 and 703. Procedures for application, issuance, and administration of research, development, and demonstration permits are found exclusively in LAC 33:V.329.

B. - C.2. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 16:220 (March 1990), LR 20:1000 (September 1994), LR 20:1109 (October 1994), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:300 (February 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2467 (November 2000), amended by the Office of Environmental Assessment, LR 31:

#### **Subchapter E. Specific Information Requirements**

##### **§520. Specific Part II Information Requirements for Groundwater Protection**

The following additional information regarding protection of groundwater is required from owners or operators of hazardous waste facilities containing a regulated unit except as provided in LAC 33:V.3301.B and C:

A. - F.4. ...

G. if the presence of hazardous constituents has been detected in the groundwater at the point of compliance at the time of the permit application, the owner or operator must submit to the Office of Environmental Services, Water and Waste Permits Division, sufficient information, supporting data, and analyses to establish a compliance monitoring program that meets the requirements of LAC 33:V.3319. Except as provided in LAC 33:V.3317.H, the owner or operator must also submit to the Office of Environmental Services, Water and Waste Permits Division, an engineering feasibility plan for a corrective action program necessary to meet the requirements of LAC 33:V.3321, unless the owner or operator obtains written authorization in advance from the administrative authority to submit a proposed permit schedule for submittal of such a plan. To demonstrate compliance with LAC 33:V.3319, the owner or operator must address the following items:

G.1. - H.5. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 17:658 (July 1991), amended LR 18:1256 (November 1992), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2467 (November 2000), amended by the Office of Environmental Assessment, LR 31:

#### **Subchapter F. Special Forms of Permits**

##### **§537. Permits for Boiler and Industrial Furnaces Burning Hazardous Waste for Recycling Purposes Only (Boilers and industrial furnaces burning hazardous waste for destruction are subject to permit requirements for incinerators.)**

A. - B.2.h.x. ...

i. The applicant must submit to the Office of Environmental Services, Water and Waste Permits Division, a certification that the trial burn has been conducted in accordance with the approved trial burn plan and must submit the results of all the analyses and determinations required in Subparagraph B.2.h of this Section. This submission shall be made within 90 days of completion of the trial burn, or later if approved by the administrative authority.

B.2.j. - D. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 15:737 (September 1989), amended LR 18:1375 (December 1992), LR 21:266 (March 1995), LR 22:818, 832 (September 1996), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:657 (April 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2468 (November 2000), LR 27:292 (March 2001), LR 29:320 (March 2003), amended by the Office of Environmental Assessment, LR 31:

#### **Subchapter G. Remedial Action Plans (RAPs)—General Information**

##### **§565. How do I apply for a RAP?**

A. To apply for a RAP, you must complete an application, sign it, and submit it to the Office of Environmental Services, Water and Waste Permits Division, according to the requirements in this Subchapter.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Environmental Assessment, Environmental Planning Division, LR 26:272 (February 2000), amended LR 26:2468 (November 2000), amended by the Office of Environmental Assessment, LR 31:

##### **§590. To whom must I submit my RAP application?**

A. You must submit your application for a RAP to the Office of Environmental Services, Water and Waste Permits Division, for approval.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Environmental Assessment, Environmental Planning Division, LR 26:273 (February 2000), amended LR 26:2468 (November 2000), amended by the Office of Environmental Assessment, LR 31:

#### **Chapter 7. Administrative Procedures for Treatment, Storage, and Disposal Facility Permits**

##### **Subchapter B. Hearings**

##### **§708. Preapplication Public Meeting and Notice, Public Notice Requirements at the Application Stage, and Information Repository**

A. - A.4.a.iii. ...

iv. a notice to the department. The applicant shall send a copy of the newspaper notice to the Office of Environmental Services, Water and Waste Permits Division, and to the appropriate units of state and local government, in accordance with LAC 33:V.717.A.1.b.

A.4.b. - C.6. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Waste Services, Hazardous Waste Division, LR 24:659 (April 1998), amended by the Office of

Environmental Assessment, Environmental Planning Division, LR 26:2468 (November 2000), amended by the Office of Environmental Assessment, LR 31:

## **Chapter 11. Generators**

### **Subchapter A. General**

#### **§1105. EPA Identification Numbers**

A generator must not treat, store, dispose of, transport or offer for transportation hazardous waste without having received an active EPA identification number.

A. ...

B. A generator must notify the Office of Environmental Services, Environmental Assistance Division, within seven days if any of the information submitted in the application for the identification number changes. Because EPA identification numbers are site-specific, if a facility moves to another location, the owner/operator must obtain a new EPA identification number for the facility.

C. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 17:362 (April 1991), LR 18:1256 (November 1992), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2470 (November 2000), amended by the Office of Environmental Assessment, LR 31:

## **Chapter 15. Treatment, Storage, and Disposal Facilities**

### **§1504. Construction Quality Assurance Program**

A. - C.2. ...

D. Certification. Waste shall not be received in a unit subject to this Section until the owner or operator has submitted to the Office of Environmental Services, Water and Waste Permits Division, by certified mail or hand delivery a certification signed by the CQA officer that the approved CQA plan has been successfully carried out, that the unit meets the requirements of LAC 33:V.2903.J or K, 2303.C or D, or 2503.L or M, and the procedure in LAC 33:V.309.L.3.b has been completed. Documentation supporting the CQA officer's certification must be furnished to the administrative authority upon request.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 21:266 (March 1995), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2472 (November 2000), amended by the Office of Environmental Assessment, LR 31:

### **§1505. Discharges from the Site**

A. - A.1. ...

2. air emissions, if any, must be in conformity with air limitations of the Clean Air Act administered by the Office of Environmental Services, Water and Waste Permits Division, operating under an Air Quality Permit as required, and reported as required by that permit. The air permit must be applied for prior to the issuance of a hazardous waste permit.

B. - C.3. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR

18:1256 (November 1992), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2472 (November 2000), amended by the Office of Environmental Assessment, LR 31:

### **§1513. Contingency Plan and Emergency Procedures**

A. - A.1. ...

2. A contingency plan to be implemented in the event of an emergency shall be filed with the Office of Environmental Services, Water and Waste Permits Division, and, after approval, with the local fire and police departments (if any operate in the area), hospitals and emergency response teams operating in the area that are subject to call by the operator or the department.

A.3. - B.6. ...

C. Copies of Contingency Plan

1. The contingency plan must be submitted to the Office of Environmental Services, Water and Waste Permits Division, with the permit application and, after modification or approval, will become a condition of any permit issued.

C.2. - F.8.b. ...

9. The owner or operator must notify the Office of Environmental Compliance, Emergency and Radiological Services Division, Single Point of Contact (SPOC), and appropriate state and local authorities that the facility is in compliance with Paragraph F.8 of this Section before operations are resumed in the affected area(s) of the facility.

10. The owner or operator must note in the operating record the time, date, and details of any incident that requires implementation of the contingency plan. Within 15 days after the incident, he must submit a written report on the incident to the Office of Environmental Compliance, Emergency and Radiological Services Division, SPOC, that includes:

a. - g. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 10:496 (July 1984), LR 16:614 (July 1990), LR 18:1256 (November 1992), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2472 (November 2000), amended by the Office of Environmental Assessment, LR 31:

### **§1527. Receiving and Monitoring Incoming Waste**

A. - E. ...

F. Unmanifested Waste Reports. Any wastes presented for disposal that are not accompanied by a properly completed manifest shall be rejected. The TSD operator shall note the name of the driver, hauler, and the vehicle identification numbers. He shall notify the Office of Environmental Compliance, Emergency and Radiological Services Division, SPOC, by phone immediately and in writing within seven days of the refusal to accept the waste and provide the administrative authority with the required information.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2472 (November 2000), amended by the Office of Environmental Assessment, LR 31:



## **Chapter 17. Air Emission Standards**

### **§1715. Reporting Requirements**

A. A semiannual report shall be submitted by owners and operators subject to the requirements of this Subchapter to the Office of Environmental Services, Water and Waste Permits Division, by dates specified by the administrative authority. The report shall include the following information:

A.1. - B. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 17:658 (July 1991), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2473 (November 2000), amended by the Office of Environmental Assessment, LR 31:

### **Subchapter B. Equipment Leaks**

#### **§1737. Alternative Standards for Valves in Gas/Vapor Service or in Light Liquid Service: Percentage of Valves Allowed to Leak**

A. - B. ...

1. An owner or operator must notify the Office of Environmental Services, Water and Waste Permits Division, that the owner or operator has elected to comply with the requirements of this Section.

B.2. - C.3. ...

D. If an owner or operator decides to comply with this Section no longer, the owner or operator must notify the Office of Environmental Services, Water and Waste Permits Division, in writing that the work practice standard described in LAC 33:V.1729.A-E will be followed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 17:658 (July 1991), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2473 (November 2000), amended by the Office of Environmental Assessment, LR 31:

#### **§1739. Alternative Standards for Valves in Gas/Vapor Service or in Light Liquid Service: Skip Period Leak Detection and Repair**

A. - A.1. ...

2. An owner or operator must notify the Office of Environmental Services, Water and Waste Permits Division, before implementing one of the alternative work practices.

B. - B.4. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 17:658 (July 1991), amended by the Office of Waste Services, Hazardous Waste Division, LR 25:439 (March 1999), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2473 (November 2000), amended by the Office of Environmental Assessment, LR 31:

### **§1745. Reporting Requirements**

A. A semiannual report shall be submitted by owners and operators subject to the requirements of this Subchapter to the Office of Environmental Services, Water and Waste Permits Division, by dates specified by the administrative authority. The report shall include the following information.

A.1. - B. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 17:658 (July 1991), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2474 (November 2000), amended by the Office of Environmental Assessment, LR 31:

### **Subchapter C. Air Emission Standards for Tanks, Surface Impoundments, and Containers**

#### **§1747. Applicability**

A. - D.2. ...

3. the owner or operator notifies the Office of Environmental Services, Water and Waste Permits Division, in writing, that hazardous waste generated by an organic peroxide manufacturing process or processes meeting the conditions of Paragraph D.1 of this Section are managed at the facility in tanks or containers meeting the conditions of Paragraph D.2 of this Section. The notification shall state the name and address of the facility and be signed and dated by an authorized representative of the facility owner or operator.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Waste Services, Hazardous Waste Division, LR 24:1701 (September 1998), LR 25:440 (March 1999), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:279 (February 2000), LR 26:2474 (November 2000), amended by the Office of Environmental Assessment, LR 31:

## **Chapter 19. Tanks**

### **§1913. Response to Leaks or Spills and Disposition of Leaking or Unfit-for-Use Tank Systems**

A tank system or secondary containment system from which there has been a leak or spill, or that is unfit for use, must be removed from service immediately, and the owner or operator must satisfy the following requirements.

A. - D.2.b. ...

3. Within 30 days of detection of a release to the environment, a report containing the following information must be submitted to the Office of Environmental Compliance, Emergency and Radiological Services Division, Single Point of Contact (SPOC):

D.3.a. - F, Note. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 13:651 (November 1987), LR 16:614 (July 1990), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2475 (November 2000), LR 30:1673 (August 2004), amended by the Office of Environmental Assessment, LR 31:

## **Chapter 22. Prohibitions on Land Disposal**

### **Subchapter A. Land Disposal Restrictions**

#### **§2227. Treatment Standards Expressed as Specified Technologies**

A. ...

B. Any person may submit an application to the Office of Environmental Services, Water and Waste Permits Division, demonstrating that an alternative treatment method can achieve a measure of performance equivalent to that achieved by methods specified in Subsections A, C, and D of



this Section or specified in LAC 33:V.2299.Appendix, Table 8. The applicant must submit information demonstrating that his or her treatment method is in compliance with federal, state, and local requirements and is protective of human health and the environment. On the basis of such information and any other available information, the administrative authority may approve the use of the alternative treatment method if he or she finds that the alternative treatment method provides a measure of performance equivalent to those achieved by methods specified in Subsections A, C, and D of this Section or specified in LAC 33:V.2299.Appendix, Table 8. Any approval must be stated in writing and may contain such provisions and conditions as the administrative authority deems appropriate. The person to whom such approval is issued must comply with all limitations contained in such a determination.

C. - D. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 15:378 (May 1989), amended LR 16:1057 (December 1990), LR 17:658 (July 1991), LR 21:266 (March 1995), LR 22:22 (January 1996), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:300 (February 1998), LR 25:445 (March 1999), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2476 (November 2000), amended by the Office of Environmental Assessment, LR 31:

#### **§2231. Variance from a Treatment Standard**

A. - A.2.b. ...

B. Each petition must be submitted to the Office of Environmental Services, Water and Waste Permits Division, for consideration in accordance with the procedures in LAC 33:V.105.H.

C. - C.2. ...

D. The EPA administrator and/or the Office of Environmental Services, Water and Waste Permits Division, will give public notice of the intent to approve or deny a petition and will provide the person requesting the variance and the public, through a newspaper notice in the official state journal and the local newspaper in the affected area, the cost of which will be charged to the person requesting the variance, the opportunity to submit written comments on the request and the conditions of the variance, allowing a 30-day comment period. The notices referred to in this Section will be provided in the local newspaper in three separate issues; however, the 30-day comment or notice period shall begin with the notice in the official state journal. The administrative authority will also, in response to a request or at his or her own discretion, hold a public hearing whenever such a hearing might clarify one or more issues concerning the variance request. The administrative authority will give public notice of the hearing at least 30 days before it occurs. (Public notice of the hearing may be given at the same time as notice of the opportunity for the public to submit written comments.) The final decision on a variance from a treatment standard will also be published.

E. - M. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste,

Hazardous Waste Division, LR 15:378 (May 1989), amended LR 16:1057 (December 1990), LR 17:658 (July 1991), LR 21:266 (March 1995), LR 21:1334 (December 1995), LR 22:22 (January 1996), amended by the Office of Waste Services, Hazardous Waste Division, LR 25:445 (March 1999), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2476 (November 2000), LR 27:1015 (July 2001), amended by the Office of Environmental Assessment, LR 31:

#### **§2237. Exemption for Surface Impoundments Treating Hazardous Waste**

A. - A.3.c. ...

4. The owner or operator must submit to the Office of Environmental Services, Water and Waste Permits Division, a written certification that the requirements of Paragraph A.3 of this Section have been met and a copy of the waste analysis plan required under Paragraph A.2 of this Section. The following certification is required.

"I certify under penalty of law that the requirements of LAC 33:V.2237.A.3 have been met for all surface impoundments being used to treat prohibited wastes. I believe that the submitted information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment."

B. - C.3. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 15:378 (May 1989), amended LR 17:658 (July 1991), LR 21:266 (March 1995), LR 21:1334 (December 1995), LR 22:22 (January 1996), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:1727 (September 1998), LR 25:447 (March 1999), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2476 (November 2000), amended by the Office of Environmental Assessment, LR 31:

#### **§2239. Procedures for Case-by-Case Extensions of an Effective Date**

A. Any person who generates, treats, stores, or disposes of a hazardous waste may submit an application to the Office of Environmental Services, Water and Waste Permits Division, for an extension of the effective date of any applicable prohibition established under this Chapter. The applicant must provide the following, and in each case the burden of proof will be on the applicant:

A.1. - F. ...

G. Any person granted an extension under this Section must immediately notify the Office of Environmental Services, Water and Waste Permits Division, as soon as he or she has knowledge of any change in the conditions certified in the application.

H. Any person granted an extension under this Section shall submit written progress reports at intervals designated by the Office of Environmental Services, Water and Waste Permits Division, which may not exceed six months. Such reports must describe the overall progress made toward constructing or otherwise providing alternative treatment, recovery, or disposal capacity; must identify any event that may cause or has caused a delay in the development of the capacity, and must summarize the steps taken to mitigate the delay. The administrative authority can revoke the extension

at any time if the applicant does not make a good-faith effort to meet the schedule for completion, if the department denies or revokes any required permit, if conditions certified in the application change, or for any violation of the Louisiana Environmental Quality Act or regulations promulgated thereto.

I. - J. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 15:378 (May 1989), amended LR 16:1057 (December 1990), LR 17:658 (July 1991), LR 22:22 (January 1996), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:1727 (September 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2477 (November 2000), amended by the Office of Environmental Assessment, LR 31:

**§2241. Exemptions to Allow Land Disposal of a Prohibited Waste Except by Deep Well Injection**

A. Any person seeking an exemption to allow land disposal except by deep well injection of a prohibited hazardous waste in a particular unit or units must submit a petition to the Office of Environmental Services, Water and Waste Permits Division, that meets the following requirements.

A.1. - F.5.c. ...

G. Each petition must be submitted to the Office of Environmental Services, Water and Waste Permits Division.

H. ...

1. If the owner or operator plans to make changes to the unit design, construction, or operation, such changes must be proposed in writing, and the owner or operator shall submit a demonstration to the Office of Environmental Services, Water and Waste Permits Division, at least 30 days before making the changes. The administrative authority will determine whether the proposed changes invalidate the terms of the petition and will determine the appropriate response. Any changes must be approved by the administrative authority prior to being made.

2. If the owner or operator discovers that a condition at the site that was modeled or predicted in the petition does not occur as predicted, this change must be reported, in writing, to the Office of Environmental Services, Water and Waste Permits Division, within 10 days of discovery of the change. The administrative authority will determine whether the reported change from the terms of the petition requires further action, which may include termination of waste acceptance and revocation of the petition or petition modifications, or other responses.

I. ...

J. Each petition must include the following statement signed by the petitioner or a duly authorized representative and must be submitted to the Office of Environmental Services, Water and Waste Permits Division.

"I certify under penalty of law that I have personally examined and am familiar with the information submitted in this petition and all attached documents, and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate, and complete. I am aware that there are

significant penalties for submitting false information, including the possibility of fines and imprisonment."

K. - Q. ...

R. As a condition of the exemption, the petitioner must submit a report to the Office of Environmental Services, Water and Waste Permits Division, by March 1 of each calendar year during the term of the exemption that describes in detail the efforts undertaken during the preceding calendar year to reduce the volume and toxicity of the waste generated. The report shall provide data indicating the change in volume and toxicity of waste actually achieved during the year in comparison to previous years.

S. - T.3. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 15:378 (May 1989), amended LR 16:220 (March 1990), LR 16:1057 (December 1990), LR 17:658 (July 1991), LR 22:22 (January 1996), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:1727 (September 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2477 (November 2000), amended by the Office of Environmental Assessment, LR 31:

**§2245. Generators' Waste Analysis, Recordkeeping, and Notice Requirements**

A. - E.1. ...

2. Such plan must be filed with the Office of Environmental Services, Water and Waste Permits Division, a minimum of 30 days prior to the treatment activity, with delivery verified.

E.3. - K. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 15:378 (May 1989), amended LR 16:1057 (December 1990), LR 17:658 (July 1991), LR 21:266, 267 (March 1995), LR 21:1334 (December 1995), LR 22:22 (January 1996), LR 22:820 (September 1996), LR 22:1130 (November 1996), LR 23:565 (May 1997), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:669 (April 1998), LR 24:1728 (September 1998), LR 25:447 (March 1999), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:281 (February 2000), LR 26:2478 (November 2000), LR 27:295 (March 2001), LR 27:711 (May 2001), amended by the Office of Environmental Assessment, LR 31:

**§2246. Special Rules Regarding Wastes That Exhibit a Characteristic**

A. - C. ...

D. Wastes that exhibit a characteristic are also subject to the requirements of LAC 33:V.2245, except that once the waste is no longer hazardous, a one-time notification and certification must be placed in the generator or treaters files and sent to the Office of Environmental Services, Water and Waste Permits Division. The notification and certification must be updated if the process or operation generating the waste changes and/or if the solid waste disposal facility receiving the waste changes. However, the generator or treater need only notify the administrative authority on an annual basis if such changes occur. In such circumstances, a notification and certification must be sent to the

administrative authority by the end of the calendar year, but no later than December 31.

D.1. - E. ...

1. A one-time notification, including the following information, must be submitted to the Office of Environmental Services, Water and Waste Permits Division:

E.1.a. - F.2. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 16:1057 (December 1990), amended LR 17:658 (July 1991), LR 21:266 (March 1995), LR 22:22 (January 1996), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:669 (April 1998), LR 24:1730 (September 1998), LR 25:449 (March 1999), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:281 (February 2000), LR 26:2478 (November 2000), amended by the Office of Environmental Assessment, LR 31:

**§2247. Owners or Operators of Treatment or Disposal Facilities: Testing, Waste Minimization, Recordkeeping and Notice Requirements**

A. - D. ...

E. Where the wastes are recyclable materials used in a manner constituting disposal subject to the provisions in LAC 33:V.4139.A.2-4 regarding treatment standards and prohibition levels, the owner or operator of a treatment facility (i.e., the recycler) is not required to notify the receiving facility, in accordance with Subsection B of this Section. With each shipment of such wastes the owner or operator of the recycling facility must submit a certification described in Subsection C of this Section and a notice that includes the information listed in Subsection B of this Section (except the manifest number) to the Office of Environmental Services, Water and Waste Permits Division. The recycling facility also must keep records of the name and location of each entity receiving the hazardous waste-derived product.

F. - H. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 15:378 (May 1989), amended LR 16:1057 (December 1990), LR 17:658 (July 1991), LR 21:266, 267 (March 1995), LR 21:1334 (December 1995), LR 22:22 (January 1996), LR 22:820 (September 1996), LR 23:566 (May 1997), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:670 (April 1998), LR 24:1730 (September 1998), LR 25:449 (March 1999), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:282 (February 2000), LR 26:2478 (November 2000), amended by the Office of Environmental Assessment, LR 31:

**Subchapter B. Hazardous Waste Injection Restrictions**  
**§2253. Procedures for Case-by-Case Extensions to an Effective Date**

A. The owner or operator of a Class I hazardous waste injection well may submit an application to the Office of Environmental Services, Water and Waste Permits Division, for an extension of the effective date of any applicable prohibition established under LAC 33:V.Chapter 22.Subchapter A according to the procedures of LAC 33:V.2239.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 22:22 (January 1996), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2479 (November 2000), amended by the Office of Environmental Assessment, LR 31:

**§2271. Exemptions to Allow Land Disposal of a Prohibited Waste by Deep Well Injections**

A. Any person seeking an exemption to allow land disposal by deep well injection of a prohibited hazardous waste in a particular injection well or wells must submit a petition to the Office of Environmental Services, Water and Waste Permits Division, that does the following.

A.1. - G.2. ...

H. Any person who has been granted an exemption pursuant to this Section may submit a petition to the Office of Environmental Services, Water and Waste Permits Division, for reissuance of the exemption to include an additional prohibited waste or wastes or to modify any conditions placed on the exemption by the administrative authority. The administrative authority may reissue the exemption if the petitioner complies with the requirements of Subsections A-F of this Section.

I. Any person who has been granted an exemption pursuant to this Section may submit a petition to the Office of Environmental Services, Water and Waste Permits Division, to modify an exemption to include an additional nonprohibited hazardous waste or wastes. The administrative authority may grant the modification if he or she determines, to a reasonable degree of certainty, that the additional waste or wastes will behave hydraulically and chemically in a manner similar to previously included wastes and that it will not interfere with the containment capability of the injection zone.

J. - U.4.c. ...

5. The permittee shall submit a request to the Office of Environmental Services, Water and Waste Permits Division, for reissuance of the exemption at least 180 days prior to the end of the term. If the applicant submits a timely and technically complete application, and the administrative authority, through no fault of the applicant, fails to act on the application for reissuance on or before the expiration date of the existing exemption, the permittee may, with the written approval of the administrative authority, continue to operate under the terms and conditions of the existing exemption which shall remain in effect until final action on the application is taken by the administrative authority.

V. - Y. ...

Z. As a condition of the exemption, the petitioner must submit a report to the Office of Environmental Services, Water and Waste Permits Division, by March 1 of each calendar year during the term of the exemption, describing in detail the efforts undertaken during the preceding calendar year to reduce the volume and toxicity of the waste generated. The report shall provide data indicating the change in volume and toxicity of waste actually achieved during the year in comparison to previous years.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste,

Hazardous Waste Division, LR 22:22 (January 1996), amended LR 23:299 (March 1997), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2479 (November 2000), LR 30:1674 (August 2004), amended by the Office of Environmental Assessment, LR 31:

**§2273. Petition for Determinations Concerning No Alternatives to Land Disposal of a Prohibited Waste by Deep Well Injection**

A. - B. ...

C. Any person seeking a determination of no alternatives must submit a petition to the Office of Environmental Services, Water and Waste Permits Division, that does the following:

C.1. - D. ...

E. Except as otherwise provided in this Section, if a hazardous waste not subject to an existing determination is to be injected, a petition that addresses such hazardous waste must be submitted to the Office of Environmental Assessment, Environmental Technology Division, and a determination of no alternatives be made prior to this waste being injected. The provisions contained in Subsection J of this Section, shall apply with respect to such hazardous waste.

E.1. - L.1. ...

2. The petitioner shall submit a petition to the Office of Environmental Services, Water and Waste Permits Division, for reissuance of a determination at least 180 days prior to the end of the term. If the petitioner submits a timely and technically complete petition and the administrative authority, through no fault of the petitioner, fails to act on the petition for reissuance on or before the expiration date of the existing determination, the petitioner may, with the written approval of the administrative authority, continue to operate under the terms and conditions of the existing determination, which shall remain in effect until final action on the petition is taken by the administrative authority and all subsequent administrative and/or judicial appeal processes have been completed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Environmental Assessment, Environmental Planning Division, LR 25:1801 (October 1999), amended LR 26:2479 (November 2000), amended by the Office of Environmental Assessment, LR 31:

**Chapter 25. Landfills**

**§2508. Response Actions**

A. - B. ...

1. notify the Office of Environmental Services, Water and Waste Permits Division, in writing of the exceedence within seven days of the determination;

2. submit a preliminary written assessment to the Office of Environmental Services, Water and Waste Permits Division, within 14 days of the determination, as to the amount of liquids, likely sources of liquids, possible location, size, and cause of any leaks, and short-term actions taken and planned;

B.3. - C.4. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 21:266 (March 1995), amended by the Office of Environmental Assessment, Environmental Planning

Division, LR 26:2481 (November 2000), amended by the Office of Environmental Assessment, LR 31:

**Chapter 27. Land Treatment**

**§2707. Treatment Demonstration**

A. - D.2.b. ...

3. When the owner or operator who has been issued a two-phase permit has completed the treatment demonstration, he must submit to the Office of Environmental Services, Water and Waste Permits Division, a certification, signed by a person authorized to sign a permit application or report under LAC 33:V.507 and 509, that the field tests or laboratory analyses have been carried out in accordance with the conditions specified in phase one of the permit for conducting such tests or analyses. The owner or operator must also submit all data collected during the field tests or laboratory analyses within 90 days of completion of those tests or analyses unless the administrative authority approves a later date.

4. - 4.c. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 16:614 (July 1990), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2481 (November 2000), amended by the Office of Environmental Assessment, LR 31:

**§2711. Unsaturated Zone Monitoring**

An owner or operator subject to this Chapter must establish an unsaturated zone monitoring program to discharge the following responsibilities.

A. - G. ...

1. notify the Office of Environmental Services, Water and Waste Permits Division, of this finding in writing within seven days. The notification must indicate what constituents have shown statistically significant increases;

2. within 90 days, submit to the Office of Environmental Services, Water and Waste Permits Division, an application for a permit modification to modify the operating practices at the facility in order to maximize the success of degradation, transformation, or immobilization processes in the treatment zone.

H. ...

1. notify the Office of Environmental Services, Water and Waste Permits Division, in writing within seven days of determining a statistically significant increase below the treatment zone that he intends to make a determination under this Subsection;

2. within 90 days, submit a report to the Office of Environmental Services, Water and Waste Permits Division, demonstrating that a source other than the regulated units caused the increase or that the increase resulted from error in sampling, analysis, or evaluation;

3. within 90 days, submit to the Office of Environmental Services, Water and Waste Permits Division, an application for a permit modification to make any appropriate changes to the unsaturated zone monitoring program at the facility; and

4. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste,

Hazardous Waste Division, LR 10:200 (March 1984), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2481 (November 2000), amended by the Office of Environmental Assessment, LR 31:

#### **§2719. Closure and Post-Closure Care**

A. - A.8. ...

B. For the purpose of complying with LAC 33:V.3517, when closure is completed, the owner or operator may submit to the Office of Environmental Services, Water and Waste Permits Division, certification by an independent qualified soil scientist, in lieu of an independent registered professional engineer, that the facility has been closed in accordance with the specifications in the approved closure plan.

C. - C.7. ...

D. The owner or operator is not subject to regulation under Paragraph A.8 and Subsection C of this Section if the administrative authority finds that the level of hazardous constituents in the treatment zone soil does not exceed the background value of those constituents by an amount that is statistically significant when using the test specified in Paragraph D.3 of this Section. The owner or operator may submit such a demonstration to the Office of Environmental Services, Water and Waste Permits Division, at any time during the closure or post-closure care periods. For the purposes of this Subsection:

1. - 4. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 14:790 (November 1988), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2482 (November 2000), amended by the Office of Environmental Assessment, LR 31:

#### **Chapter 28. Drip Pads**

##### **§2803. Assessment of Existing Drip Pad Integrity**

A. ...

B. The owner or operator must develop a written plan for upgrading, repairing, and modifying the drip pad to meet the requirements of LAC 33:V.2805.C and submit the plan to the Office of Environmental Services, Water and Waste Permits Division, no later than two years before the date that all repairs, upgrades, and modifications will be complete. This written plan must describe all changes to be made to the drip pad in sufficient detail to document compliance with all the requirements of LAC 33:V.2805 and must document the age of the drip pad to the extent possible. The plan must be reviewed and certified by an independent qualified, registered professional engineer.

C. Upon completion of all upgrades, repairs, and modifications, the owner or operator must submit to the Office of Environmental Services, Water and Waste Permits Division, the as-built drawings for the drip pad together with a certification by an independent, qualified registered professional engineer attesting that the drip pad conforms to the drawings.

D. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 18:1375 (December 1992),

amended LR 21:944 (September 1995), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2482 (November 2000), amended by the Office of Environmental Assessment, LR 31:

#### **§2805. Design and Operating Requirements**

Owners and operators of drip pads must ensure that the pads are designed, installed, and operated in accordance with Subsection A or C of this Section.

A. - N.2. ...

3. Upon completing all repairs and cleanup, the owner or operator must notify the Office of Environmental Compliance, Emergency and Radiological Services Division, Single Point of Contact (SPOC), in writing and provide a certification, signed by an independent qualified, registered professional engineer, that the repairs and cleanup have been completed according to the written plan submitted in accordance with Subparagraph N.1.d of this Section.

O. - P. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 18:1375 (December 1992), amended LR 21:266 (March 1995), LR 21:944 (September 1995), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2482 (November 2000), LR 30:1674 (August 2004), amended by the Office of Environmental Assessment, LR 31:

#### **Chapter 29. Surface Impoundments**

##### **§2903. Design and Operating Requirements**

[Comment: The permit applicant must submit detailed plans and specifications accompanied by an engineering report that must collectively include the information itemized and address the following in addition to the design and operating requirements:

(1) a description of the proposed maintenance and repair procedures;

(2) a description of the operating procedures that will ensure compliance with this Section; and

(3) a certification by a qualified engineer that states that the facilities comply with the applicable design requirements in this Section. The owner or operator of a new facility must submit a statement by a qualified engineer that he will provide such a certification upon completion of construction in accordance with the plans and specifications.]

A. - I.4. ...

a. notify the Office of Environmental Services, Water and Waste Permits Division, of the leak in writing within seven days after detecting the leak; and

I.4.b. - L.2.b. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 10:496 (July 1984), LR 16:220 (March 1990), LR 17:658 (July 1991), LR 18:1256 (November 1992), LR 20:1000 (September 1994), LR 21:266, 267 (March 1995), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2482 (November 2000), amended by the Office of Environmental Assessment, LR 31:

##### **§2906. Response Actions**

A. - B. ...

1. notify the Office of Environmental Services, Water and Waste Permits Division, in writing of the exceedence within seven days of the determination;

2. submit a preliminary written assessment to the Office of Environmental Services, Water and Waste Permits

Division, within 14 days of the determination, as to the amount of liquids, likely sources of liquids, possible location, size, and cause of any leaks, and short-term actions taken and planned;

3. - 5. ...

6. within 30 days after the notification that the action leakage rate has been exceeded, submit to the Office of Environmental Services, Water and Waste Permits Division, the results of the analyses specified in Paragraphs B.3-5 of this Section, the results of actions taken, and remedial actions planned. Monthly thereafter, as long as the flow rate in the leak detection system exceeds the action leakage rate, the owner or operator must submit to the Office of Environmental Services, Water and Waste Permits Division, a report summarizing the results of any remedial actions taken and actions planned.

C. - C.4. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 21:266 (March 1995), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2483 (November 2000), amended by the Office of Environmental Assessment, LR 31:

### **Chapter 30. Hazardous Waste Burned in Boilers and Industrial Furnaces**

#### **§3005. Permit Standards for Burners**

A. - D.4.b. ...

c. For the period immediately following completion of the trial burn, and only for the minimum period sufficient to allow the owner or operator to analyze samples, compute data, and submit to the Office of Environmental Services, Water and Waste Permits Division, the trial burn results, and for the administrative authority to modify the facility permit to reflect the trial burn results, the administrative authority will specify the operating requirements most likely to ensure compliance with the emission standards of LAC 33:V.3009-3015, based on engineering judgment.

D.4.d. - I, Note. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 18:1375 (December 1992), amended LR 21:266 (March 1995), LR 21:944 (September 1995), LR 22:822 (September 1996), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2483 (November 2000), amended by the Office of Environmental Assessment, LR 31:

#### **§3007. Interim Status Standards for Burners**

A. - B.5.c. ...

6. Public Notice Requirements at Precompliance. On or before August 21, 1991, the owner or operator must submit a notice with the following information for publication in a major local newspaper of general circulation and send a copy of the notice to the appropriate units of state and local government. The owner or operator must provide to the Office of Environmental Services, Water and Waste Permits Division, with the certification of precompliance evidence of submitting the notice for publication. The notice, which shall be entitled "Notice of Certification of Precompliance with Hazardous Waste Burning Requirements of LAC 33:V.3007.B," must include:

B.6.a. - C.1.m. ...

2. Prior Notice of Compliance Testing. At least 30 days prior to the compliance testing required by Paragraph C.3 of this Section, the owner or operator shall notify the Office of Environmental Services, Water and Waste Permits Division, and submit the following information:

2.a. - 7.b.iii. ...

8. Revised Certification of Compliance. The owner or operator may submit at any time a revised certification of compliance (recertification of compliance) to the Office of Environmental Services, Water and Waste Permits Division, under the following procedures:

a. ...

b. at least 30 days prior to first burning hazardous waste under operating conditions that exceed those established under a current certification of compliance, the owner or operator shall notify the Office of Environmental Services, Water and Waste Permits Division, and submit the following information:

i. - iii. ...

iv. complete emissions testing protocol for any pretesting and for a new compliance test to determine compliance with the applicable emissions standards of LAC 33:V.3009-3015 when operating under revised operating conditions. The protocol shall include a schedule of pretesting and compliance testing. If the owner and operator revises the scheduled date for the compliance test, he/she shall notify the Office of Environmental Services, Water and Waste Permits Division, in writing at least 30 days prior to the revised date of the compliance test;

c. ...

d. submit to the Office of Environmental Services, Water and Waste Permits Division, a revised certification of compliance under Paragraph C.4 of this Section.

D. Periodic Recertifications. The owner or operator must conduct compliance testing and submit to the Office of Environmental Services, Water and Waste Permits Division, a recertification of compliance under provisions of Subsection C of this Section within three years from submitting the previous certification or recertification. If the owner or operator seeks to recertify compliance under new operating conditions, he/she must comply with the requirements of Paragraph C.8 of this Section.

E. - L, Note. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 18:1375 (December 1992), amended LR 21:266 (March 1995), LR 22:822 (September 1996), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:1740 (September 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2483 (November 2000), amended by the Office of Environmental Assessment, LR 31:

#### **§3009. Standards to Control Organic Emissions**

A boiler or industrial furnace burning hazardous waste must be designed, constructed, and maintained so that, when operated in accordance with operating requirements specified under LAC 33:V.3005.E, it will meet the following standards.

A. - A.2. ...

3. Dioxin-Listed Waste. A boiler or industrial furnace burning hazardous waste containing (or derived from) EPA Hazardous Waste Numbers F020, F021, F022, F023, F026, or F027 must achieve a DRE of 99.9999 percent for each POHC designated (under Subparagraph A.1.b of this Section) in its permit. This performance must be demonstrated on POHCs that are more difficult to burn than tetra-, penta-, and hexachlorodibenzo-p-dioxins and dibenzofurans. The DRE is determined for each POHC from the equation in Paragraph A.1 of this Section. In addition, the owner or operator of the boiler or industrial furnace must notify the Office of Environmental Services, Water and Waste Permits Division, of his intent to burn EPA Hazardous Waste Numbers F020, F021, F022, F023, F026, or F027.

A.4. - I. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 18:1375 (December 1992), amended LR 21:266 (March 1995), LR 22:823 (September 1996), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:1741 (September 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2484 (November 2000), amended by the Office of Environmental Assessment, LR 31:

### **Chapter 31. Incinerators**

#### **§3103. General Requirements**

A. The operator of a hazardous waste incinerator shall secure a permit from the Office of Environmental Services, Water and Waste Permits Division, of the department.

[Comment: The permit application must also include the information required in LAC 33:V.3115.]

B. - D. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2484 (November 2000), amended by the Office of Environmental Assessment, LR 31:

#### **§3115. Incinerator Permits for New or Modified Facilities**

A. - B.13.j. ...

14. the applicant must submit to the Office of Environmental Services, Water and Waste Permits Division, a certification that the trial burn has been carried out in accordance with the approved trial burn plan, and must submit the results of all the determinations required in Paragraph B.13 of this Section. This submission shall be made within 90 days of completion of the trial burn, or later if approved by the administrative authority;

15. all data collected during any trial burn must be submitted to the Office of Environmental Services, Water and Waste Permits Division, following the completion of the trial burn;

B.16. - C.2. ...

D. For the purposes of determining feasibility of compliance with the performance standards of LAC 33:V.3111 and of determining adequate operating conditions under LAC 33:V.3117, the applicant for a permit for an existing hazardous waste incinerator must prepare and submit to the Office of Environmental Services, Water and

Waste Permits Division, a trial burn plan and perform a trial burn in accordance with LAC 33:V.529.B and Paragraphs B.1-11 and 13-16 of this Section or, instead, submit other information as specified in LAC 33:V.529.C. The administrative authority must announce his or her intention to approve the trial burn plan in accordance with the timing and distribution requirements of Paragraph B.12 of this Section. The contents of the notice must include: the name and telephone number of a contact person at the facility; the name and telephone number of a contact office at the permitting agency; the location where the trial burn plan and any supporting documents can be reviewed and copied; and a schedule of the activities that are required prior to permit issuance, including the anticipated time schedule for agency approval of the plan and the time period during which the trial burn would be conducted. Applicants submitting information under LAC 33:V.529.A are exempt from compliance with LAC 33:V.3111 and 3117 and, therefore, are exempt from the requirements to conduct a trial burn. Applicants who submit trial burn plans and receive approval before submission of a permit application must complete the trial burn and submit the results, specified in Paragraph B.13 of this Section, with Part II of the permit application. If completion of this process conflicts with the date set for submission of the Part II application, the applicant must contact the administrative authority to establish a later date for submission of the Part II application or the trial burn results. Trial burn results must be submitted prior to issuance of a permit. When the applicant submits a trial burn plan with Part II of the permit application, the administrative authority will specify a time period prior to permit issuance in which the trial burn must be conducted and the results submitted.

E. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 10:496 (July 1984), LR 16:614 (July 1990), LR 18:1256 (November 1992), LR 22:828, 835 (September 1996), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:683 (April 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2484 (November 2000), LR 27:302 (March 2001), LR 29:324 (March 2003), amended by the Office of Environmental Assessment, LR 31:

### **Chapter 33. Ground Water Protection**

#### **§3317. Detection Monitoring Program**

An owner or operator required to establish a detection monitoring program under this Subpart must, at a minimum, discharge the following responsibilities.

A. - G.3. ...

4. Within 90 days, submit to the Office of Environmental Services, Water and Waste Permits Division, an application for a permit modification to establish a compliance monitoring program meeting the requirements of LAC 33:V.3319. The application must include the following information:

a. - d. ...

5. Within 180 days, submit to the Office of Environmental Services, Water and Waste Permits Division:

5.a. - 6....

a. notify the Office of Environmental Services, Water and Waste Permits Division, in writing within seven days of determining statistically significant evidence of contamination at the compliance point that he or she intends to make a demonstration under this Paragraph;

b. within 90 days, submit a report to the Office of Environmental Services, Water and Waste Permits Division, that demonstrates that a source other than a regulated unit caused the contamination or that the contamination resulted from error in sampling, analysis, or evaluation;

G.6.c. - H. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 10:280 (April 1984), LR 10:496 (July 1984), LR 16:399 (May 1990), LR 16:614 (July 1990), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2485 (November 2000), amended by the Office of Environmental Assessment, LR 31:

### **§3319. Compliance Monitoring Program**

An owner or operator required to establish a compliance monitoring program under this Chapter must, at a minimum, discharge the following responsibilities.

A. - H. ...

1. notify the Office of Environmental Services, Water and Waste Permits Division, of this finding in writing within seven days. The notification must indicate what concentration limits have been exceeded; and

2. submit, to the Office of Environmental Services, Water and Waste Permits Division, an application for a permit modification to establish a corrective action program meeting the requirements of LAC 33:V.3321 within 180 days, or within 90 days if an engineering feasibility study has been previously submitted to the administrative authority under LAC 33:V.3317.H.5. The application must at a minimum include the following information:

H.2.a. - I. ...

1. notify the Office of Environmental Services, Water and Waste Permits Division, in writing within seven days that he intends to make a demonstration under this Paragraph;

2. within 90 days, submit a report to the Office of Environmental Services, Water and Waste Permits Division, that demonstrates that a source other than a regulated unit caused the standard to be exceeded or that the apparent noncompliance with the standards resulted from error in sampling, analysis or evaluation;

3. within 90 days, submit to the Office of Environmental Services, Water and Waste Permits Division, an application for a permit modification to make any appropriate changes to the compliance monitoring program at the facility; and

4. ...

J. If the owner or operator determines that the compliance monitoring program no longer satisfies the requirements of this Section, he must, within 90 days, submit to the Office of Environmental Services, Water and Waste Permits Division, an application for a permit modification to make any appropriate changes to the program.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 16:399 (May 1990), LR 16:614 (July 1990), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2485 (November 2000), amended by the Office of Environmental Assessment, LR 31:

### **§3321. Corrective Action Program**

An owner or operator required to establish a corrective action program under this Subpart must, at a minimum, discharge the following responsibilities:

A. - G. ...

H. if the owner or operator determines that the corrective action program no longer satisfies the requirements of this Section, he must, within 90 days, submit to the Office of Environmental Services, Water and Waste Permits Division, an application for a permit modification to make any appropriate changes to the program.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 16:614 (July 1990), amended LR 17:658 (July 1991), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2485 (November 2000), amended by the Office of Environmental Assessment, LR 31:

## **Chapter 35. Closure and Post-Closure**

### **§3503. Notification of Intention to Close a Facility**

A. At least 180 days prior to closure, the operator must notify the Office of Environmental Services, Water and Waste Permits Division, of intention to close and supply the following information:

1. - 4. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2486 (November 2000), amended by the Office of Environmental Assessment, LR 31:

### **Subchapter A. Closure Requirements**

#### **§3505. Closure Procedures**

A. ...

B. If the request is made to change the closure plan, the operator will submit revisions to the plan to the Office of Environmental Services, Water and Waste Permits Division, supported by necessary scientific and engineering data to permit evaluation by the department, and the procedures established in permit process will be followed in evaluating and approving the requested changes.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2486 (November 2000), amended by the Office of Environmental Assessment, LR 31:

#### **§3511. Closure Plan; Amendment of Plan**

A. - B.8. ...



C. Amendment of Plan. The owner or operator must submit to the Office of Environmental Services, Water and Waste Permits Division, a written notification of or request for a permit modification to authorize a change in operating plans, facility design, or the approved closure plan in accordance with the applicable procedures in LAC 33:V.Chapters 3 and 7. The written notification or request must include a copy of the amended closure plan for review or approval by the administrative authority.

1. The owner or operator may submit a written notification or request to the Office of Environmental Services, Water and Waste Permits Division, for a permit modification to amend the closure plan at any time prior to the notification of partial or final closure of the facility.

2. - 2.c....

3. The owner or operator must submit to the Office of Environmental Services, Water and Waste Permits Division, a written request for a permit modification including a copy of the amended closure plan for approval at least 60 days prior to the proposed change in facility design or operation, or no later than 60 days after an unexpected event has occurred that has affected the closure plan. If an unexpected event occurs during the partial or final closure period, the owner or operator must request a permit modification no later than 30 days after the unexpected event. An owner or operator of a surface impoundment or waste pile that intends to remove all hazardous waste at closure and is not otherwise required to prepare a contingent closure plan under LAC 33:V.2911.D or 2315.D must submit an amended closure plan to the Office of Environmental Services, Water and Waste Permits Division, no later than 60 days from the date that the owner or operator or administrative authority determines that the hazardous waste management unit must be closed as a landfill, subject to the requirements of LAC 33:V.2521, or no later than 30 days from that date if the determination is made during partial closure or final closure. The administrative authority will approve, disapprove, or modify this amended plan in accordance with the procedures in LAC 33:V.Chapters 3 and 7. In accordance with LAC 33:V.311, the approved closure plan will become a condition of any hazardous waste permit issued.

4. - 5. ...

#### D. Notification of Partial Closure and Final Closure

1. The owner or operator must notify the Office of Environmental Services, Water and Waste Permits Division, in writing at least 60 days prior to the date on which he expects to begin closure of a surface impoundment, waste pile, land treatment or landfill unit, or final closure of a facility with such a unit. The owner or operator must notify the Office of Environmental Services, Water and Waste Permits Division, in writing at least 45 days prior to the date on which he expects to begin final closure of a facility with only treatment or storage tanks, container storage, or incinerator units to be closed. The owner or operator must notify the Office of Environmental Services, Water and Waste Permits Division, in writing at least 45 days prior to the date on which he expects to begin partial or final closure of a boiler or industrial furnace, whichever is earlier.

D.2. - E. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 13:433 (August 1987), LR 14:791 (November 1988), LR 16:399 (May 1990), LR 16:614 (July 1990), LR 17:478 (May 1991), LR 18:1256 (November 1992), LR 18:1375 (December 1992), LR 21:266 (March 1995), amended by the Office of Waste Services, Hazardous Waste Division, LR 25:480 (March 1999), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2486 (November 2000), amended by the Office of Environmental Assessment, LR 31:

#### §3513. Closure; Time Allowed for Closure

A. - E. ...

1. Submit to the Office of Environmental Services, Water and Waste Permits Division, with the request to modify the permit:

1.a. - 7.e. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 13:433 (August 1987), LR 17:478 (May 1991), LR 20:1000 (September 1994), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2486 (November 2000), amended by the Office of Environmental Assessment, LR 31:

#### §3517. Certification of Closure

A. Within 60 days of completion of closure of each hazardous waste surface impoundment, waste pile, land treatment, and landfill unit, and within 60 days of the completion of final closure, the owner or operator must submit to the Office of Environmental Services, Water and Waste Permits Division, by registered mail, a certification that the hazardous waste management unit or facility, as applicable, has been closed in accordance with the specifications in the approved closure plan. The certification must be signed by the owner or operator and by an independent registered professional engineer. Documentation supporting the independent registered professional engineer's certification must be furnished to the administrative authority upon request until he releases the owner or operator from the financial assurance requirements for closure under LAC 33:V.3707.

B. Survey Plat. No later than the submission of the certification of closure of each hazardous waste disposal unit, the owner or operator must submit to the local zoning authority, or the authority with jurisdiction over local land use, and to the Office of Environmental Services, Water and Waste Permits Division, a survey plat indicating the location and dimensions of landfills cells or other hazardous waste disposal units with respect to permanently surveyed benchmarks. This plat must be prepared and certified by a professional land surveyor. The plat filed with the local zoning authority, or the authority with jurisdiction over local land use, must contain a note, prominently displayed, that states the owner's or operator's obligation to restrict disturbance of the hazardous waste disposal unit in accordance with the applicable Chapter 35 regulations.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste,

Hazardous Waste Division, LR 10:200 (March 1984), amended LR 13:433 (August 1987), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2487 (November 2000), amended by the Office of Environmental Assessment, LR 31:

#### **Subchapter B. Post-Closure Requirements**

##### **§3523. Post-Closure Plan, Amendment of Plan**

A. Written Plan. The owner or operator of a hazardous waste disposal unit must have a written post-closure plan. In addition, certain surface impoundments and waste piles from which the owner or operator intends to remove or decontaminate the hazardous wastes at partial or final closure are required by LAC 33:V.2911.D and 2315.C to have contingent post-closure plans. Owners or operators of surface impoundments and waste piles not otherwise required to prepare contingent post-closure plans under LAC 33:V.2315.C and 2911.D must submit a post-closure plan to the Office of Environmental Services, Water and Waste Permits Division, within 90 days from the date that the owner or operator or administrative authority determines that the hazardous waste management unit must be closed as a landfill, subject to the requirements of LAC 33:V.3519-3527. The plan must be submitted with the permit application, in accordance with LAC 33:V.517.P, and approved by the administrative authority as part of the permit issuance procedures under these regulations. In accordance with LAC 33:V.311 the approved post-closure plan will become a condition of any hazardous waste permit issued.

B. - C. ...

D. Amendment of Plan. The owner or operator must submit to the Office of Environmental Services, Water and Waste Permits Division, a written notification of or request for a permit modification to authorize a change in the approved post-closure plan in accordance with the applicable requirements of LAC 33:V.Chapters 3 and 7. The written notification or request must include a copy of the amended post-closure plan for review or approval by the administrative authority.

1. The owner or operator may submit a written notification or request to the Office of Environmental Services, Water and Waste Permits Division, for a permit modification to amend the post-closure plan at any time during the active life of the facility or during the post-closure care period.

2. - 2.d. ...

3. The owner or operator must submit a written request for a permit modification at least 60 days prior to the proposed change in facility design or operation, or no later than 60 days after an unexpected event has occurred that has affected the post-closure plan. An owner or operator of a surface impoundment or waste pile that intends to remove all hazardous waste at a closure and is not otherwise required to submit a contingent post-closure plan under LAC 33:V.2911.D and 2315.C must submit a post-closure plan to the Office of Environmental Services, Water and Waste Permits Division, no later than 90 days after the date that the owner or operator or administrative authority determines that the hazardous waste management unit must be closed as a landfill, subject to the requirements of LAC 33:V.2521. The administrative authority will approve, disapprove, or modify this plan in accordance with the procedures in LAC 33:V.Chapters 3 and 7. In accordance with LAC 33:V.311,

the approved post-closure plan will become a permit condition.

4. ...

E. Certification of Completion of Post-Closure Care. No later than 60 days after completion of the established post-closure care period for each hazardous waste disposal unit, the owner or operator must submit to the Office of Environmental Services, Water and Waste Permits Division, by registered mail, a certification that the post-closure care period for the hazardous waste disposal unit was performed in accordance with the specifications in the approved post-closure plan. The certification must be signed by the owner or operator and an independent engineer. Documentation supporting the independent registered professional engineer's certification must be furnished to the administrative authority upon request until he releases the owner or operator from the financial assurance requirements for post-closure care under LAC 33:V.3711.I.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 13:433 (August 1987), LR 14:791 (November 1988), LR 16:399 (May 1990), LR 16:614 (July 1990), LR 18:1256 (November 1992), amended by the Office of Waste Services, Hazardous Waste Division, LR 25:480 (March 1999), repromulgated LR 25:856 (May 1999), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2487 (November 2000), amended by the Office of Environmental Assessment, LR 31:

##### **§3525. Post-Closure Notices**

A. No later than 60 days after certification of closure of each hazardous waste disposal unit, the owner or operator must submit to the local zoning authority, or the authority with jurisdiction over local land use, and to the Office of Environmental Services, Water and Waste Permits Division, a record of the type, location, and quantity of hazardous wastes disposed of within each cell or other disposal unit of the facility. For hazardous wastes disposed of before January 12, 1981, the owner or operator must identify the type, location, and quantity of the hazardous wastes to the best of his knowledge and in accordance with any records he has kept.

B. - C.2. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 13:433 (August 1987), LR 18:1256 (November 1992), LR 23:568 (May 1997), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2488 (November 2000), amended by the Office of Environmental Assessment, LR 31:

##### **§3527. Certification of Completion of Post-Closure Care**

A. No later than 60 days after completion of the established post-closure care period for each hazardous waste disposal unit, the owner or operator must submit to the Office of Environmental Services, Water and Waste Permits Division, by registered mail, a certification that the post-closure care period for the hazardous waste disposal unit was performed in accordance with the specifications in the approved post-closure plan. The certification must be signed by the owner or operator and an independent registered

professional engineer. Documentation supporting the independent registered professional engineer's certification must be furnished to the administrative authority upon request until he releases the owner or operator from the financial assurance requirements for post-closure care under LAC 33:V.3711.I.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 13:433 (August 1987), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2488 (November 2000), amended by the Office of Environmental Assessment, LR 31:

## **Chapter 37. Financial Requirements**

### **Subchapter A. Closure Requirements**

#### **§3707. Financial Assurance for Closure**

An owner or operator of each facility must establish financial assurance for closure of the facility. Under this Part, the owner or operator must choose from the options as specified in Subsections A-F of this Section, which choice the administrative authority must find acceptable based on the application and the circumstances.

##### **A. Closure Trust Fund**

1. An owner or operator may satisfy the requirements of this Part by establishing a closure trust fund that conforms to the requirements of this Subpart, and submitting an originally signed duplicate of the trust agreement to the Office of Environmental Services, Water and Waste Permits Division. An owner or operator of a new facility must submit the originally signed duplicate of the trust agreement to the administrative authority at least 60 days before the date on which hazardous waste is first received for treatment, storage, or disposal. The trustee must be an entity that has the authority to act as a trustee and whose trust operations are regulated and examined by a federal or state agency.

2. - 6. ...

7. If the value of the trust fund is greater than the total amount of the current closure cost estimate, the owner or operator may submit a written request to the Office of Environmental Services, Water and Waste Permits Division, for release of the amount in excess of the current closure cost estimate.

8. If an owner or operator substitutes other financial assurance as specified in this Part for all or part of the trust fund, he may submit a written request to the Office of Environmental Services, Water and Waste Permits Division, for release of the amount in excess of the current closure cost estimate covered by the trust fund.

9. - 11.b. ...

##### **B. Surety Bond Guaranteeing Payment Into a Closure Trust Fund**

1. An owner or operator may satisfy the requirements of this Part by obtaining a surety bond that conforms to the requirements of this Paragraph and submitting the bond to the Office of Environmental Services, Water and Waste Permits Division. An owner or operator of a new facility must submit the bond to the administrative authority at least 60 days before the date on which hazardous waste is first received for treatment, storage, or disposal. The bond must be effective before this initial receipt of hazardous waste.

The surety company issuing the bond must, at a minimum, be among those listed as acceptable sureties on federal bonds in Circular 570 of the U.S. Department of the Treasury, and approved by the administrative authority.

2. - 6. ...

7. Whenever the current closure cost estimate increases to an amount greater than the penal sum, the owner or operator, within 60 days after the increase, must either cause the penal sum to be increased to an amount at least equal to the current closure cost estimate and submit evidence of such increase to the Office of Environmental Services, Water and Waste Permits Division, or obtain other financial assurance as specified in this Part to cover the increase. Whenever the current closure cost estimate decreases, the penal sum may be reduced to the amount of the current closure cost estimate following written approval by the administrative authority.

8. - 9. ...

##### **C. Surety Bond Guaranteeing Performance of Closure**

1. An owner or operator may satisfy the requirements of this Section by obtaining a surety bond that conforms to the requirements of this Subsection and submitting the bond to the Office of Environmental Services, Water and Waste Permits Division. An owner or operator of a new facility must submit the bond to the administrative authority at least 60 days before the date on which hazardous waste is first received for treatment, storage, or disposal. The bond must be effective before this initial receipt of hazardous waste. The surety company issuing the bond must, at a minimum, be among those listed as acceptable sureties on federal bonds in Circular 570 of the U.S. Department of the Treasury, and approved by the administrative authority.

2. - 6. ...

7. Whenever the current closure cost estimate increases to an amount greater than the penal sum, the owner or operator, within 60 days after the increase, must either cause the penal sum to be increased to an amount at least equal to the current closure cost estimate and submit evidence of such increase to the Office of Environmental Services, Water and Waste Permits Division, or obtain other financial assurance as specified in this Part. Whenever the current closure cost estimate decreases, the penal sum may be reduced to the amount of the current closure cost estimate following written approval by the administrative authority.

8. - 10. ...

##### **D. Closure Letter of Credit**

1. An owner or operator may satisfy the requirements of this Section by obtaining an irrevocable standby letter of credit that conforms to the requirements of this Subsection and submitting the letter to the Office of Environmental Services, Water and Waste Permits Division. An owner or operator of a new facility must submit the letter of credit to the administrative authority at least 60 days before the date on which hazardous waste is first received for treatment, storage, or disposal. The letter of credit must be effective before the initial receipt of hazardous waste. The issuing institution must be an entity that has the authority to issue letters of credit and whose letter-of-credit operations are regulated and examined by a federal or state agency.

2. - 6. ...

7. Whenever the current closure cost estimate increases to an amount greater than the amount of the credit,

the owner or operator, within 60 days after the increase, must either cause the amount of the credit to be increased so that it at least equals the current closure cost estimate and submit evidence of such increase to the Office of Environmental Services, Water and Waste Permits Division, or obtain other financial assurance as specified in this Part to cover the increase. Whenever the current closure cost estimate decreases, the amount of the credit may be reduced to the amount of the current closure cost estimate following written approval by the administrative authority.

8. - 10.b. ...

E. Closure Insurance

1. An owner or operator may satisfy the requirements of this Part by obtaining closure insurance that conforms to the requirements of this Paragraph and submitting a certificate of such insurance to the Office of Environmental Services, Water and Waste Permits Division. An owner or operator of a new facility must submit the certificate of insurance to the administrative authority at least 60 days before the date on which hazardous waste is first received for treatment, storage, or disposal. The insurance must be effective before this initial receipt of hazardous waste. At a minimum, the insurer must be licensed to transact the business of insurance, or be eligible to provide insurance as an excess or surplus lines insurer, in one or more states, and authorized to transact business in Louisiana.

2. - 8.e. ...

9. Whenever the current closure cost estimate increases to an amount greater than the face amount of the policy, the owner or operator, within 60 days after the increase, must either cause the face amount to be increased to an amount at least equal to the current closure cost estimate, and submit evidence of such increase to the Office of Environmental Services, Water and Waste Permits Division, or obtain other financial assurance as specified in this Part to cover the increase. Whenever the current closure cost estimate decreases, the face amount may be reduced to the amount of the current closure cost estimate following written approval by the administrative authority.

D.10. - F.2. ...

3. To demonstrate that he meets this test, the owner or operator must submit the following items to the Office of Environmental Services, Water and Waste Permits Division:

a. - c.ii. ...

4. An owner or operator of a new facility must submit the items specified in Paragraph F.3 of this Section to the Office of Environmental Services, Water and Waste Permits Division, at least 60 days before the date on which hazardous waste is first received for treatment, storage, or disposal.

5. After the initial submission of items specified in Paragraph F.3 of this Section, the owner or operator must send updated information to the Office of Environmental Services, Water and Waste Permits Division, within 90 days after the close of each succeeding fiscal year. This information must consist of all three items specified in Paragraph F.3 of this Section.

6. If the owner or operator no longer meets the requirements of Paragraph F.1 of this Section, he must send notice to the Office of Environmental Services, Water and Waste Permits Division, of intent to establish alternate financial assurance as specified in this Part. The notice must

be sent by certified mail within 90 days after the end of the fiscal year for which the year-end financial data show that the owner or operator no longer meets the requirements. The owner or operator must provide the alternate financial assurance within 120 days after the end of such fiscal year.

F.7. - I. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 10:496 (July 1984), LR 13:433 (August 1987), LR 18:723 (July 1992), amended by the Office of Waste Services, Hazardous Waste Division, LR 23:1511 (November 1997), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2488 (November 2000), amended by the Office of Environmental Assessment, LR 31:

**Subchapter B. Post-Closure Requirements**

**§3711. Financial Assurance for Post-Closure Care**

The owner or operator of a hazardous waste management unit subject to the requirements of LAC 33:V.3709 must establish financial assurance for post-closure care in accordance with the approved post-closure plan for the facility 60 days prior to the initial receipt of hazardous waste or the effective date of the regulation, whichever is later. Under this Section, the owner or operator must choose from the options as specified in Subsections A-F of this Section, which choice the administrative authority must find acceptable based on the application and the circumstances.

A. Post-Closure Trust Fund

1. An owner or operator may satisfy the requirements of this Part by establishing a post-closure trust fund that conforms to the requirements of this Paragraph and submitting an originally signed duplicate of the trust agreement to the Office of Environmental Services, Water and Waste Permits Division. An owner or operator of a new facility must submit the originally signed duplicate of the trust agreement to the administrative authority at least 60 days before the date on which hazardous waste is first received for disposal. The trustee must be an entity that has the authority to act as a trustee and whose trust operations are regulated and examined by a federal or state agency.

2. - 6. ...

7. During the operating life of the facility, if the value of the trust fund is greater than the total amount of the current post-closure cost estimate, the owner or operator may submit a written request to the Office of Environmental Services, Water and Waste Permits Division, for release of the amount in excess of the current post-closure cost estimate.

8. If an owner or operator substitutes other financial assurance as specified in this Part for all or part of the trust fund, he may submit a written request to the Office of Environmental Services, Water and Waste Permits Division, for release of the amount in excess of the current post-closure cost estimate covered by the trust fund.

9. - 12.b. ...

B. Surety Bond Guaranteeing Payment Into a Post-Closure Trust Fund

1. An owner or operator may satisfy the requirements of this Section by obtaining a surety bond that conforms to the requirements of this Subsection and submitting the bond to the Office of Environmental Services, Water and Waste

Permits Division. An owner or operator of a new facility must submit the bond to the administrative authority at least 60 days before the date on which hazardous waste is first received for disposal. The bond must be effective before this initial receipt of hazardous waste. The surety company issuing the bond must, at a minimum, be among those listed as acceptable sureties on federal bonds in Circular 570 of the U.S. Department of the Treasury, and approved by the administrative authority.

2. - 6. ...

7. Whenever the current post-closure cost estimate increases to an amount greater than the penal sum, the owner or operator, within 60 days after the increase, must either cause the penal sum to be increased to an amount at least equal to the current post-closure cost estimate and submit evidence of such increase to the Office of Environmental Services, Water and Waste Permits Division, or obtain other financial assurance as specified in this Part to cover the increase. Whenever the current post-closure cost estimate decreases, the penal sum may be reduced to the amount of the current post-closure cost estimate following written approval by the administrative authority.

8. Under the terms of the bond, the surety may cancel the bond by sending notice of cancellation by certified mail to the owner or operator, and to the Office of Environmental Services, Water and Waste Permits Division. Cancellation may not occur, however, during the 120 days beginning on the date of receipt of the notice of cancellation by both the owner or operator and the administrative authority, as evidenced by the return receipts.

9. ...

#### C. Surety Bond Guaranteeing Performance of Post-Closure Care

1. An owner or operator of a facility that has been issued a standard permit may satisfy the requirements of this Section by obtaining a surety bond that conforms to the requirements of this Subsection and by submitting the bond to the Office of Environmental Services, Water and Waste Permits Division. An owner or operator of a new facility must submit the bond to the administrative authority at least 60 days before the date on which hazardous waste is first received for disposal. The bond must be effective before this initial receipt of hazardous waste. The surety company issuing the bond must, at a minimum, be among those listed as acceptable sureties on federal bonds in Circular 570 of the U.S. Department of the Treasury, and approved by the administrative authority.

2. - 6. ...

7. Whenever the current post-closure cost estimate increases to an amount greater than the penal sum during the operating life of the facility, the owner or operator, within 60 days after the increase, must either cause the penal sum to be increased to an amount at least equal to the current post-closure cost estimate and submit evidence of such increase to the Office of Environmental Services, Water and Waste Permits Division, or obtain other financial assurance as specified in this Part. Whenever the current post-closure cost estimate decreases during the operating life of the facility, the penal sum may be reduced to the amount of the current post-closure cost estimate following written approval by the administrative authority.

8. ...

9. Under the terms of the bond, the surety may cancel the bond by sending notice of cancellation by certified mail to the owner or operator, and to the Office of Environmental Services, Water and Waste Permits Division. Cancellation may not occur, however, during the 120 days beginning on the date of receipt of the notice of cancellation by both the owner or operator and the administrative authority, as evidenced by the return receipts.

10. - 11. ...

#### D. Post-Closure Letter of Credit

1. An owner or operator may satisfy the requirements of this Part by obtaining an irrevocable standby letter of credit that conforms to the requirements of this Paragraph and by submitting the letter to the Office of Environmental Services, Water and Waste Permits Division. An owner or operator of a new facility must submit the letter of credit to the administrative authority at least 60 days before the date on which hazardous waste is first received for disposal. The letter of credit must be effective before this initial receipt of hazardous waste. The issuing institution must be an entity that has the authority to issue letters of credit and whose letter-of-credit operations are regulated and examined by a federal or state agency.

2. - 6. ...

7. Whenever the current post-closure cost estimate increases to an amount greater than the amount of the credit during the operating life of the facility, the owner or operator, within 60 days after the increase, must either cause the amount of the credit to be increased so that it at least equals the current post-closure cost estimate and submit evidence of such increase to the Office of Environmental Services, Water and Waste Permits Division, or obtain other financial assurance as specified in this Part to cover the increase. Whenever the current post-closure cost estimate decreases during the operating life of the facility, the amount of the credit may be reduced to the amount of the current post-closure cost estimate following written approval by the administrative authority.

8. - 9. ...

10. If the owner or operator does not establish alternate financial assurance as specified in this Part and obtain written approval of such alternate assurance from the administrative authority within 90 days after receipt by both the owner or operator and the Office of Environmental Services, Water and Waste Permits Division, of a notice from the issuing institution that it has decided not to extend the letter of credit beyond the current expiration date, the administrative authority will draw on the letter of credit. The administrative authority may delay the drawing if the issuing institution grants an extension of the term of the credit. During the last 30 days of any such extension the administrative authority will draw on the letter of credit if the owner or operator has failed to provide alternate financial assurance as specified in this Part and obtain written approval of such assurance from the administrative authority.

11. - 11.b. ...

#### E. Post-Closure Insurance

1. An owner or operator may satisfy the requirements of this Part by obtaining post-closure insurance that conforms to the requirements of this Paragraph and submitting a certificate of such insurance to the Office of

Environmental Services, Water and Waste Permits Division. An owner or operator of a new facility must submit the certificate of insurance to the administrative authority at least 60 days before the date on which hazardous waste is first received for disposal. The insurance must be effective before this initial receipt of hazardous waste. At a minimum, the insurer must be licensed to transact the business of insurance, or be eligible to provide insurance as an excess or surplus lines insurer in one or more states, and authorized to transact business in Louisiana.

2. - 7. ...

8. The policy must provide that the insurer may not cancel, terminate, or fail to renew the policy except for failure to pay the premium. The automatic renewal of the policy must, at a minimum, provide the insured with the option of renewal at the face amount of the expiring policy. If there is a failure to pay the premium, the insurer may elect to cancel, terminate, or fail to renew the policy by sending notice by certified mail to the owner or operator and the Office of Environmental Services, Water and Waste Permits Division. Cancellation, termination, or failure to renew may not occur, however, during the 120 days beginning with the date of receipt of the notice by both the administrative authority and the owner or operator, as evidenced by the return receipts. Cancellation, termination, or failure to renew may not occur and the policy will remain in full force and effect in the event that on or before the date of expiration:

a. - e. ...

9. Whenever the current post-closure cost estimate increases to an amount greater than the face amount of the policy during the operating life of the facility, the owner or operator, within 60 days after the increase, must either cause the face amount to be increased to an amount at least equal to the current post-closure cost estimate and submit evidence of such increase to the Office of Environmental Services, Water and Waste Permits Division, or obtain other financial assurance as specified in this Part to cover the increase. Whenever the current post-closure cost estimate decreases during the operating life of the facility, the face amount may be reduced to the amount of the current post-closure cost estimate following written approval by the administrative authority.

E.10. - F.2. ...

3. To demonstrate that he meets this test, the owner or operator must submit the following items to the Office of Environmental Services, Water and Waste Permits Division:

a. - c.ii. ...

4. An owner or operator of a new facility must submit the items specified in Paragraph F.3 of this Section to the Office of Environmental Services, Water and Waste Permits Division, at least 60 days before the date on which hazardous waste is first received for disposal.

5. After the initial submission of items specified in Paragraph F.3 of this Section, the owner or operator must send updated information to the Office of Environmental Services, Water and Waste Permits Division, within 90 days after the close of each succeeding fiscal year. This information must consist of all three items specified in Paragraph F.3 of this Section.

6. If the owner or operator no longer meets the requirements of Paragraph F.1 of this Section, he must send notice to the Office of Environmental Services, Water and Waste Permits Division, of intent to establish alternate financial assurance as specified in this Part. The notice must be sent by certified mail within 90 days after the end of the fiscal year for which the year-end financial data show that the owner or operator no longer meets the requirements. The owner or operator must provide the alternate financial assurance within 120 days after the end of such fiscal year.

F.7. - I. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 10:496 (July 1984), LR 13:433 (August 1987), LR 14:791 (November 1988), LR 18:723 (July 1992), amended by the Office of Waste Services, Hazardous Waste Division, LR 23:1512 (November 1997), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2490 (November 2000), amended by the Office of Environmental Assessment, LR 31:1572 (July 2005), LR 31:

#### **Subchapter D. Insurance Requirements**

#### **§3715. Liability Requirements**

A. - A.1. ...

a. Each insurance policy must be amended by attachment of the Hazardous Waste Facility Liability Endorsement or evidenced by a certificate of liability insurance. The wording of the endorsement must be identical to the wording specified in LAC 33:V.3719.I. The wording of the certificate of insurance must be identical to the wording specified in LAC 33:V.3719.J. The owner or operator must submit a signed duplicate original of the endorsement or the certificate of insurance to the Office of Environmental Services, Water and Waste Permits Division. If requested by the administrative authority, the owner or operator must provide a signed duplicate original of the insurance policy. An owner or operator of a new facility must submit the signed duplicate original of the Hazardous Waste Facility Liability Endorsement or the certificate of liability insurance to the administrative authority at least 60 days before the date on which hazardous waste is first received for treatment, storage, or disposal. The insurance must be effective before this initial receipt of hazardous waste.

1.b. - 6. ...

7. An owner or operator shall notify the Office of Environmental Services, Water and Waste Permits Division, in writing within 30 days whenever:

A.7.a. - B.1. ...

a. Each insurance policy must be amended by attachment of the Hazardous Waste Facility Liability Endorsement or evidenced by a certificate of liability insurance. The wording of the endorsement must be identical to the wording specified in LAC 33:V.3719.I. The wording of the certificate of insurance must be identical to the wording specified in LAC 33:V.3719.J. The owner or operator must submit a signed duplicate original of the endorsement or the certificate of insurance to the Office of Environmental Services, Water and Waste Permits Division.

If requested by the administrative authority, the owner or operator must provide a signed duplicate original of the insurance policy. An owner or operator of a new facility must submit the signed duplicate original of the Hazardous Waste Facility Liability Endorsement or the certificate of liability insurance to the administrative authority at least 60 days before the date on which hazardous waste is first received for treatment, storage, or disposal. The insurance must be effective before this initial receipt of hazardous waste.

1.b. - 6. ...

7. An owner or operator shall notify the Office of Environmental Services, Water and Waste Permits Division, in writing within 30 days whenever:

B.7.a. - C. ...

D. Adjustments by the Administrative Authority. If the administrative authority determines that the levels of financial responsibility required by Subsection A or B of this Section are not consistent with the degree and duration of risk associated with treatment, storage, or disposal at the facility or group of facilities, the administrative authority may adjust the level of financial responsibility required by Subsections A and B of this Section as may be necessary to protect human health and the environment. This adjusted level will be based on the administrative authority's assessment of the degree and duration of risk associated with the ownership or operation of the facility or group of facilities. In addition, if the administrative authority determines that there is a significant risk to human health and the environment from non-sudden accidental occurrences resulting from the operations of a facility that is not a surface impoundment, landfill, or land treatment facility, he may require that an owner or operator of the facility comply with Subsection B of this Section. An owner or operator must furnish to the Office of Environmental Services, Water and Waste Permits Division, within a reasonable time, any information that the administrative authority requests to determine whether cause exists for such adjustments of level or type of coverage. Any adjustment of the level or type of coverage for a facility that has a permit will be treated as a permit modification under LAC 33:V.321.

E. - F.2. ...

3. To demonstrate that he meets this test, the owner or operator must submit the following three items to the Office of Environmental Services, Water and Waste Permits Division:

a. - c.ii. ...

4. An owner or operator of a new facility must submit the items specified in Paragraph F.3 of this Section to the Office of Environmental Services, Water and Waste Permits Division, at least 60 days before the date on which hazardous waste is first received for treatment, storage, or disposal.

5. ...

6. If the owner or operator no longer meets the requirements of Paragraph F.1 of this Section, he must obtain insurance, a letter of credit, a surety bond, a trust fund, or a guarantee for the entire amount of required liability coverage as specified in this Section. Evidence of liability coverage must be submitted to the Office of Environmental Services, Water and Waste Permits Division,

within 90 days after the end of the fiscal year for which the year-end financial data show that the owner or operator no longer meets the test requirements.

F.7. - G.3. ...

H. Letter of Credit for Liability Coverage

1. An owner or operator may satisfy the requirements of this Section by obtaining an irrevocable standby letter of credit that conforms to the requirements of this Subsection and submitting a copy of the letter of credit to the Office of Environmental Services, Water and Waste Permits Division.

2. - 5. ...

I. Surety Bond for Liability Coverage

1. An owner or operator may satisfy the requirements of this Section by obtaining a surety bond that conforms to the requirements of this Subsection and submitting a copy of the bond to the Office of Environmental Services, Water and Waste Permits Division.

2. - 4. ...

J. Trust Fund for Liability Coverage

1. An owner or operator may satisfy the requirements of this Section by establishing a trust fund that conforms to the requirements of this Paragraph and submitting an originally signed duplicate of the trust agreement to the Office of Environmental Services, Water and Waste Permits Division.

J.2. - K. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 10:496 (July 1984), LR 11:686 (July 1985), LR 13:433 (August 1987), LR 13:651 (November 1987), LR 16:399 (May 1990), LR 18:723 (July 1992), repromulgated LR 19:486 (April 1993), amended by the Office of Waste Services, Hazardous Waste Division, LR 23:1513 (November 1997), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2492 (November 2000), amended by the Office of Environmental Assessment, LR 31:

#### **Subchapter E. Incapacity Regulations**

##### **§3717. Incapacity of Owners or Operators, Guarantors, or Financial Institutions**

A. An owner or operator must notify the Office of Environmental Services, Water and Waste Permits Division, by certified mail of the commencement of a voluntary or involuntary proceeding under Title 11 (Bankruptcy), U.S. Code, naming the owner or operator as debtor, within 10 days after commencement of the proceeding. A guarantor of a corporate guarantee as specified in LAC 33:V.3707.F and 3711.F must make such a notification if he is named as debtor, as required under the terms of the corporate guarantee (see LAC 33:V.3719.H).

B. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2493 (November 2000), amended by the Office of Environmental Assessment, LR 31:

#### **Subchapter F. Financial and Insurance Instruments**

##### **§3719. Wording of the Instruments**

A. - D. ...

IRREVOCABLE STANDBY LETTER OF CREDIT  
Secretary  
Louisiana Department of Environmental Quality  
Post Office Box 4313  
Baton Rouge, Louisiana 70821-4313  
Attention: Office of Environmental Services,  
Water and Waste Permits Division  
Dear [Sir or Madam]:

\* \* \*

[See Prior Text in Letter]

E. - F. ...

LETTER FROM CHIEF FINANCIAL OFFICER  
(CLOSURE AND/OR POST-CLOSURE CARE)  
Secretary  
Louisiana Department of Environmental Quality  
Post Office Box 4313  
Baton Rouge, Louisiana 70821-4313  
Attention: Office of Environmental Services,  
Water and Waste Permits Division  
Dear [Sir or Madam]:

\* \* \*

[See Prior Text in Letter]

G. ...

LETTER FROM CHIEF FINANCIAL OFFICER  
(LIABILITY COVERAGE)  
Secretary  
Louisiana Department of Environmental Quality  
Post Office Box 4313  
Baton Rouge, Louisiana 70821-4313  
Attention: Office of Environmental Services,  
Water and Waste Permits Division  
Dear [Sir or Madam]:

\* \* \*

[See Prior Text in Letter]

H. - K. ...

IRREVOCABLE STANDBY LETTER OF CREDIT  
Secretary  
Louisiana Department of Environmental Quality  
Post Office Box 4313  
Baton Rouge, Louisiana 70821-4313  
Attention: Office of Environmental Services,  
Water and Waste Permits Division  
Dear [Sir or Madam]:

\* \* \*

[See Prior Text in Letter]

L. - N.2, Certification. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 10:496 (July 1984), LR 11:686 (July 1985), LR 13:433 (August 1987), LR 13:651 (November 1987), LR 16:47 (January 1990), LR 18:723 (July 1992), LR 21:266 (March 1995), LR 22:835 (September 1996), amended by the Office of Waste Services, Hazardous Waste Division, LR 23:1514 (November 1997), repromulgated LR 23:1684 (December 1997), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2493 (November 2000), amended by the Office of Environmental Assessment, LR 30:2023 (September 2004), amended by the Office of Environmental Assessment, LR 31:1573 (July 2005), LR 31:

## **Chapter 38. Universal Wastes**

### **Subchapter C. Standards for Large Quantity Handlers of Universal Waste**

#### **§3841. Notification**

A. Except as provided in Paragraphs A.1 and 2 of this Section, a large quantity handler of universal waste must have sent written notification of universal waste

management to the Office of Environmental Services, Environmental Assistance Division, and received an EPA Identification Number, before meeting or exceeding the 5,000 kilogram storage limit.

A.1. - B.5. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 23:574 (May 1997), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:1761 (September 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2496 (November 2000), amended by the Office of Environmental Assessment, LR 31:

### **Chapter 40. Used Oil Subchapter D. Standards for Used Oil Transporter and Transfer Facilities**

#### **§4029. Notification**

A. ...

B. Mechanics of Notification. A used oil transporter who has not received an EPA identification number may obtain one by notifying the Office of Environmental Services, Environmental Assistance Division, of their used oil activity by submitting a completed Louisiana Notification of Hazardous Waste Activity Form (HW-1).

C. Upon promulgation of this Chapter, used oil transporters and transfer facilities who have previously notified must renotify the Office of Environmental Services, Environmental Assistance Division, of used oil activity.

D. Used oil transporters and transfer facilities must notify the Office of Environmental Services, Environmental Assistance Division, within seven business days if any of the information submitted in the application for the identification number changes.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 21:266, 267 (March 1995), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2497 (November 2000), amended by the Office of Environmental Assessment, LR 31:

### **Subchapter E. Standards for Used Oil Processors and Re-Refiners**

#### **§4043. Notification**

A. ...

B. Mechanics of Notification. A used oil processor or re-refiner who has not received an EPA identification number may obtain one by notifying the Office of Environmental Services, Environmental Assistance Division, of their used oil activity by submitting a completed Louisiana Notification of Hazardous Waste Activity Form (HW-1).

C. Upon promulgation of this Chapter, used oil processors and re-refiners who have previously notified must renotify the Office of Environmental Services, Environmental Assistance Division, of used oil activity.

D. Used oil processors and re-refiners must notify the Office of Environmental Services, Environmental Assistance Division, within seven business days if any of the information submitted in the application for the identification number changes.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.



HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 21:266, 267 (March 1995), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2497 (November 2000), amended by the Office of Environmental Assessment, LR 31:

#### **§4045. General Facility Standards**

A. - B.6.h.ii. ...

iii. the owner or operator must notify the Office of Environmental Compliance, Emergency and Radiological Services Division, Single Point of Contact (SPOC), and appropriate local authorities that the facility is in compliance with Subparagraphs B.h.i and ii of this Section before operations are resumed in the affected area(s) of the facility.

i. The owner or operator must note in the operating record the time, date, and details of any incident that requires implementing the contingency plan. Within 15 days after the incident, he must submit a written report about the incident to the Office of Environmental Compliance, Emergency and Radiological Services Division, SPOC. The report must include:

i. - vii. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 21:266 (March 1995), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2497 (November 2000), amended by the Office of Environmental Assessment, LR 31:

#### **Subchapter F. Standards for Used Oil Burners That Burn Off-Specification Used Oil for Energy Recovery**

##### **§4065. Notification**

A. ...

B. Mechanics of Notification. A used oil burner who has not received an EPA identification number may obtain one by notifying the Office of Environmental Services, Environmental Assistance Division, of their used oil activity by submitting a completed Louisiana Notification of Hazardous Waste Activity Form (HW-1).

C. Upon promulgation of this Chapter, used oil burners that burn off-specification used oil for energy recovery and have previously notified must renotify the Office of Environmental Services, Environmental Assistance Division, of this used oil activity.

D. A used oil burner must notify the Office of Environmental Services, Environmental Assistance Division, within seven business days if any of the information submitted in the application for the identification number changes.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 21:266, 267 (March 1995), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2497 (November 2000), amended by the Office of Environmental Assessment, LR 31:

#### **Subchapter G. Standards for Used Oil Fuel Marketers**

##### **§4083. Notification**

A. ...

B. A marketer who has not received an EPA identification number may obtain one by notifying the Office of Environmental Services, Environmental Assistance Division, of their used oil activity by submitting a completed Louisiana Notification of Hazardous Waste Activity Form (HW-1) EPA Form 8700-12.

C. Upon promulgation of this Chapter, used oil fuel marketers who have previously notified must renotify the Office of Environmental Services, Environmental Assistance Division, of used oil activity.

D. A generator must notify the Office of Environmental Services, Environmental Assistance Division, within seven days if any of the information submitted in the application for the identification number changes.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 21:266 (March 1995), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2497 (November 2000), amended by the Office of Environmental Assessment, LR 31:

#### **Chapter 41. Recyclable Materials**

##### **§4107. Spills**

A. - B. ...

C. Owners of the spilled material are considered to be generators for the purposes of these regulations. In an emergency situation, all reporting and manifest requirements of these rules and regulations for generators may be suspended. However, the owners of the material must submit a full report on the spill, including location of spill, type of material spilled, cause of spill, amount of spilled material, damages incurred, and how the spilled material was cleaned up, transported, and disposed of. This report shall be forwarded to the Office of Environmental Compliance, Emergency and Radiological Services Division, Single Point of Contact (SPOC), no later than 20 days following the spill.

D. - E. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 11:988 (October 1985), amended LR 11:1139 (December 1985), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2498 (November 2000), LR 30:1674 (August 2004), amended by the Office of Environmental Assessment, LR 31:

#### **Chapter 42. Conditional Exemption for Low-Level Mixed Waste Storage and Disposal**

##### **§4201. What definitions apply to this Chapter?**

A. This Chapter uses the following special definitions.

\*\*\*

*We or Us—administrative authority*, as defined in LAC 33:V.109. Within this Chapter, the administrative authority is the Office of Environmental Services, Water and Waste Permits Division, unless otherwise indicated.

\*\*\*

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Environmental Assessment, Environmental Planning Division, LR 28:1004 (May 2002),

amended LR 28:2181 (October 2002), amended by the Office of Environmental Assessment, LR 31:

#### **Chapter 43. Interim Status**

##### **§4301. Purpose and Applicability**

A. The purpose of interim status is to allow existing facilities to operate in an appropriate and responsible manner during the period of time required to process and review permit application or until certification of final closure or, if the facility is subject to post-closure requirements, until post-closure responsibilities are fulfilled. Interim status facilities must, when required by the administrative authority, submit to the Office of Environmental Services, Water and Waste Permits Division, a permit application in compliance with the requirements of these regulations. Failure to submit an application is a violation of interim status and will result in revocation of a facility's interim status designation. Once revoked the facility will be treated as an unpermitted facility and appropriate legal action will be taken.

B. - I. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 10:496 (July 1984), LR 13:84 (February 1987), LR 16:220 (March 1990), LR 17:362 (April 1991), LR 18:1256 (November 1992), LR 20:1000 (September 1994), LR 21:266 (March 1995), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:1743 (September 1998), LR 25:482 (March 1999), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 25:1466 (August 1999), LR 26:2498 (November 2000), LR 27:713 (May 2001), amended by the Office of Environmental Assessment, LR 31:

#### **Subchapter A. General Facility Standards**

##### **§4320. Construction Quality Assurance Program**

A. - C.2. ...

D. Certification. The owner or operator of units subject to this Section must submit to the Office of Environmental Services, Water and Waste Permits Division, by certified mail or hand delivery, at least 30 days prior to receiving waste, a certification signed by the CQA officer that the CQA plan has been successfully carried out and that the unit meets the requirements of LAC 33:V.4462.A, 4476, or 4512.A. The owner or operator may receive waste in the unit after 30 days from the administrative authority's receipt of the CQA certification unless the administrative authority determines in writing that the construction is not acceptable, or extends the review period for a maximum of 30 more days, or seeks additional information from the owner or operator during this period. Documentation supporting the CQA officer's certification must be furnished to the administrative authority upon request.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 21:266 (March 1995), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2499 (November 2000), amended by the Office of Environmental Assessment, LR 31:

#### **Subchapter F. Closure and Post-Closure**

##### **§4381. Closure Plan; Amendment of Plan**

A. - B.8. ...

C. Amendment of Plan. The owner or operator may amend the closure plan at any time prior to the notification of partial or final closure of the facility. An owner or operator with an approved closure plan must submit a written request to the Office of Environmental Services, Water and Waste Permits Division, to authorize a change to the approved closure plan. The written request must include a copy of the amended closure plan for approval by the administrative authority.

1. - 2. ...

3. An owner or operator with an approved closure plan must submit the modified plan to the Office of Environmental Services, Water and Waste Permits Division, at least 60 days prior to the proposed change in facility design or operation, or no more than 60 days after an unexpected event has occurred that has affected the closure plan. If an unexpected event has occurred during the partial or final closure period, the owner or operator must submit the modified plan no more than 30 days after the unexpected event. These provisions also apply to owner or operator of surface impoundments and waste piles who intended to remove all hazardous wastes at closure but are required to close as landfills in accordance with LAC 33:V.4501. If the amendment to the plan is a Class 2 or 3 modification according to the criteria in LAC 33:V.321.C and 322, the modification to the plan will be approved according to the procedures in Paragraph D.4 of this Section.

4. The administrative authority may request modifications to the plan under the conditions described in Paragraph C.1 of this Section. An owner or operator with an approved closure plan must submit the modified plan within 60 days of the request from the Office of Environmental Services, Water and Waste Permits Division, or within 30 days if the unexpected event occurs during partial or final closure. If the amendment is considered a Class 2 or 3 modification according to the criteria in LAC 33:V.321.C and 322, the modification to the plan will be approved in accordance with the procedures in Paragraph D.4 of this Section.

#### **D. Notification of Partial Closure and Final Closure**

1. The owner or operator must submit the closure plan to the Office of Environmental Services, Water and Waste Permits Division, at least 180 days prior to the date on which he expects to begin closure of the first surface impoundment, waste pile, land treatment, or landfill unit, or final closure if it involves such a unit, whichever is earlier. The owner or operator must submit the closure plan to the administrative authority at least 45 days prior to the date on which he expects to begin partial or final closure of a boiler or industrial furnace. The owner or operator must submit the closure plan to the administrative authority at least 45 days prior to the date on which he expects to begin final closure of a facility with only tanks, container storage, or incinerator units. Owners or operators with approved closure plans must notify the administrative authority in writing at least 60 days prior to the date on which he expects to begin closure of a surface impoundment, waste pile, landfill, or land treatment unit, or final closure of a facility involving such a unit. Owners or operators with approved closure plans must notify the administrative authority in writing at least 45 days prior to the date on which they expect to begin partial or

final closure of a boiler or industrial furnace. Owners or operators with approved closure plans must notify the administrative authority in writing at least 45 days prior to the date on which they expect to begin final closure of a facility with only tanks, container storage, or incinerator units.

2. - 2.b. ...

3. The owner or operator must submit his closure plan to the Office of Environmental Services, Water and Waste Permits Division, no later than 15 days after:

D.3.a. - E. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 10:496 (July 1984), LR 13:433 (August 1987), LR 16:614 (July 1990), LR 17:362 (April 1991), LR 17:478 (May 1991), LR 18:723 (July 1992), LR 18:1375 (December 1992), LR 21:266 (March 1995), amended by the Office of Waste Services, Hazardous Waste Division, LR 25:485 (March 1999), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2500 (November 2000), amended by the Office of Environmental Assessment, LR 31:

#### **§4387. Certification of Closure**

A. Within 60 days of completion of closure of each hazardous waste surface impoundment, waste pile, land treatment, and landfill unit, and within 60 days of completion of final closure, the owner or operator must submit to the Office of Environmental Services, Water and Waste Permits Division, by registered mail, a certification that the hazardous waste management unit or facility, as applicable, has been closed in accordance with the specifications in the approved closure plan. The certification must be signed by the owner or operator and by an independent registered professional engineer. Documentation supporting the independent registered professional engineer's certification must be furnished to the administrative authority upon request until he releases the owner or operator from the financial assurance requirements for closure under LAC 33:V.4403.H.

B. Survey Plat. No later than the submission of the certification of closure of each hazardous waste disposal unit, an owner or operator must submit to the local zoning authority, or the authority with jurisdiction over local land use, and to the Office of Environmental Services, Water and Waste Permits Division, a survey plat indicating the location and dimensions of landfill cells or other hazardous waste disposal units with respect to permanently surveyed benchmarks. This plat must be prepared and certified by a professional land surveyor. The plat filed with the local zoning authority, or the authority with jurisdiction over local land use must contain a note, prominently displayed, that states the owner's or operator's obligation to restrict disturbance of the hazardous waste disposal unit in accordance with the applicable LAC 33:V.Chapter 35 or 43 regulations.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 13:433 (August 1987), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2501

(November 2000), amended by the Office of Environmental Assessment, LR 31:

#### **§4391. Post-Closure Plan; Amendment of Plan**

A. Written Plan. By May 19, 1988, the owner or operator of a hazardous waste disposal unit must have a written post-closure plan. An owner or operator of a surface impoundment or waste pile that intends to remove all hazardous wastes at closure must prepare a post-closure plan and submit it to the Office of Environmental Services, Water and Waste Permits Division, within 90 days of the date that the owner or operator or administrative authority determines that the hazardous waste management unit or facility must be closed as a landfill, subject to the requirements of LAC 33:V.4389-4395.

B. - C.5. ...

D. Amendment of Plan. The owner or operator may amend the post-closure plan any time during the active life of the facility or during the post-closure care period. An owner or operator with an approved post-closure plan must submit a written request to the Office of Environmental Services, Water and Waste Permits Division, to authorize a change to the approved plan. The written request must include a copy of the amended post-closure plan for approval by the administrative authority.

1. - 2. ...

3. An owner or operator with an approved post-closure plan must submit the modified plan to the Office of Environmental Services, Water and Waste Permits Division, at least 60 days prior to the proposed change in facility design or operation, or no more than 60 days after an unexpected event has occurred that has affected the post-closure plan. If an owner or operator of a surface impoundment or a waste pile who intended to remove all hazardous wastes at closure in accordance with LAC 33:V.4457.B or 4475.A, is required to close as a landfill in accordance with LAC 33:V.4501, the owner or operator must submit a post-closure plan within 90 days of the determination by the owner or operator or administrative authority that the unit must be closed as a landfill. If the amendment to the post-closure plan is a Class 2 or 3 modification according to the criteria in LAC 33:V.321.C and 322, the modification to the plan will be approved according to the procedures in Subsection F of this Section.

4. The administrative authority may request modifications to the plan under the conditions described in Paragraph D.1 of this Section. An owner or operator with an approved post-closure plan must submit the modified plan no later than 60 days after the request from the administrative authority. If the amendment to the plan is considered a Class 2 or 3 modification according to the criteria in LAC 33:V.321.C and 322, the modifications to the post-closure plan will be approved in accordance with the procedures in Subsection F of this Section. If the administrative authority determines that an owner or operator of a surface impoundment or waste pile who intended to remove all hazardous wastes at closure must close the facility as a landfill, the owner or operator must submit a post-closure plan for approval to the Office of Environmental Services, Water and Waste Permits Division, within 90 days of the determination.

E. The owner or operator of a facility with hazardous waste management units subject to these requirements must

submit his post-closure plan to the administrative authority at least 180 days before the date he expects to begin partial or final closure of the first hazardous waste disposal unit. The date he "expects to begin closure" of the first hazardous waste disposal unit must be either within 30 days after the date on which the hazardous waste management unit receives the known final volume of hazardous waste, or if there is a reasonable possibility that the hazardous waste management unit will receive additional hazardous wastes, no later than one year after the date on which the unit received the most recent volume of hazardous wastes. The owner or operator must submit the post-closure plan to the Office of Environmental Services, Water and Waste Permits Division, no later than 15 days after:

E.1. - G.2.b. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 13:433 (August 1987), LR 14:791 (November 1988), LR 16:614 (July 1990), LR 18:723 (July 1992), amended by the Office of Waste Services, Hazardous Waste Division, LR 25:485 (March 1999), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2501 (November 2000), amended by the Office of Environmental Assessment, LR 31:

#### **§4393. Post-Closure Notices**

A. No later than 60 days after certification of closure of each hazardous waste disposal unit, the owner or operator must submit to the local zoning authority, or the authority with jurisdiction over local land use, and to the Office of Environmental Services, Water and Waste Permits Division, a record of the type, location, and quantity of hazardous wastes disposed of within each cell or other disposal unit of the facility. For hazardous wastes disposed of before January 12, 1981, the owner or operator must identify the type, location and quantity of the hazardous wastes to the best of his knowledge and in accordance with any records he has kept.

B. - B.1.b. ...

c. the survey plat and record of the type, location, and quantity of hazardous wastes disposed of within each cell or other hazardous waste disposal unit of the facility required by LAC 33:V.4387 and 4393.A have been filed with the local zoning authority or the authority with jurisdiction over local land use and with the Office of Environmental Services, Water and Waste Permits Division; and

B.2. - C.b. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 10:496 (July 1984), LR 13:433 (August 1987), LR 18:723 (July 1992), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2502 (November 2000), amended by the Office of Environmental Assessment, LR 31:

#### **§4395. Certification of Completion of Post-Closure Care**

A. No later than 60 days after completion of the established post-closure care period for each hazardous waste disposal unit, the owner or operator must submit to the Office of Environmental Services, Water and Waste Permits Division, by registered mail, a certification that the post-

closure care period for the hazardous waste disposal unit was performed in accordance with the specifications in the approved post-closure plan. The certification must be signed by the owner or operator and an independent registered professional engineer. Documentation supporting the independent registered professional engineer's certification must be furnished to the administrative authority upon request until he releases the owner or operator from the financial assurance requirements for post-closure care under LAC 33:V.4407.H.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 13:433 (August 1987), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2502 (November 2000), amended by the Office of Environmental Assessment, LR 31:

### **Subchapter G. Financial Requirements**

#### **§4403. Financial Assurance for Closure**

By the effective date of these regulations an owner or operator of each facility must establish financial assurance for closure of the facility. He must choose from the options as specified in Subsections A-E of this Section.

##### **A. Closure Trust Fund**

1. An owner or operator may satisfy the requirements of this Section by establishing a closure trust fund that conforms to the requirements of this Paragraph, and submitting an originally signed duplicate of the trust agreement to the Office of Environmental Services, Water and Waste Permits Division. The trustee must be an entity that has the authority to act as a trustee and whose trust operations are regulated and examined by a federal or state agency.

2. - 6. ...

7. If the value of the trust fund is greater than the total amount of the current closure cost estimate, the owner or operator may submit a written request to the Office of Environmental Services, Water and Waste Permits Division, for release of the amount in excess of the current closure cost estimate.

8. If an owner or operator substitutes other financial assurance as specified in this Section for all or part of the trust fund, he may submit a written request to the Office of Environmental Services, Water and Waste Permits Division, for release of the amount in excess of the current closure cost estimate covered by the trust fund.

9. ...

10. After beginning partial or final closure, an owner or operator or another person authorized to conduct partial or final closure may request reimbursements for partial or final closure expenditures by submitting itemized bills to the Office of Environmental Services, Water and Waste Permits Division. The owner or operator may request reimbursement for partial closure only if sufficient funds are remaining in the trust fund to cover the maximum costs of closing the facility over its remaining operating life. No later than 60 days after receiving bills for partial or final closure activities, the administrative authority will instruct the trustees to make reimbursements in those amounts as the administrative authority specifies in writing, if the administrative authority determines that the partial or final

closure expenditures are in accordance with the approved closure plan, or otherwise justified. If the administrative authority has reason to believe that the maximum cost of closure over the remaining life of the facility will be significantly greater than the value of the trust fund, he may withhold reimbursements of such amounts as he deems prudent until he determines, in accordance with LAC 33:V.4407.H that the owner or operator is no longer required to maintain financial assurance for final closure of the facility. If the administrative authority does not instruct the trustee to make such reimbursements, he will provide to the owner or operator a detailed written statement of reasons.

11. - 11.b. ...

#### B. Surety Bond Guaranteeing Payment Into a Closure Trust Fund

1. An owner or operator may satisfy the requirements of this Section by obtaining a surety bond that conforms to the requirements of this Paragraph and submitting the bond to the Office of Environmental Services, Water and Waste Permits Division. The surety company issuing the bond must, at a minimum, be among those listed as acceptable sureties on Federal bonds in Circular 570 of the U.S. Department of the Treasury.

2. - 6. ...

7. Whenever the current closure cost estimate increases to an amount greater than the penal sum, the owner or operator, within 60 days after the increase, must either cause the penal sum to be increased to an amount at least equal to the current closure cost estimate and submit evidence of such increase to the Office of Environmental Services, Water and Waste Permits Division, or obtain other financial assurance as specified in this Section to cover the increase. Whenever the current closure cost estimate decreases, the penal sum may be reduced to the amount of the current closure cost estimate following written approval by the administrative authority.

8. Under the terms of the bond, the surety may cancel the bond by sending notice of cancellation by certified mail to the owner or operator and to the Office of Environmental Services, Water and Waste Permits Division. Cancellation may not occur, however, during the 120 days beginning on the date of receipt of the notice of cancellation by both the owner or operator and the administrative authority, as evidenced by the return receipts.

9. ...

#### C. Closure Letter of Credit

1. An owner or operator may satisfy the requirements of this Section by obtaining an irrevocable standby letter of credit that conforms to the requirements of this Paragraph and submitting the letter to the Office of Environmental Services, Water and Waste Permits Division. The issuing institution must be an entity that has the authority to issue letters of credit and whose letter of credit operations are regulated and examined by a federal or state agency.

2. - 6. ...

7. Whenever the current closure cost estimate increases to an amount greater than the amount of the credit, the owner or operator, within 60 days after the increase, must either cause the amount of the credit to be increased so that it at least equals the current closure cost estimate and submit evidence of such increase to the Office of Environmental Services, Water and Waste Permits Division,

or obtain other financial assurance as specified in this Section to cover the increase. Whenever the current closure cost estimate decreases, the amount of the credit may be reduced to the amount of the current closure cost estimate following written approval by the administrative authority.

8. ...

9. If the owner or operator does not establish alternate financial assurance as specified in this Section, and obtain written approval of such alternate assurance from the administrative authority within 90 days after receipt by both the owner or operator and the Office of Environmental Services, Water and Waste Permits Division, of a notice from the issuing institution that it has decided not to extend the letter of credit beyond the current expiration date, the administrative authority may delay the drawing if the issuing institution grants an extension of the term of the credit. During the last 30 days of any such extension the administrative authority will draw on the letter of credit if the owner or operator has failed to provide alternate financial assurance as specified in this Section and obtain written approval of such assurance from the administrative authority.

10. - 10.b. ...

#### D. Closure Insurance

1. An owner or operator may satisfy the requirements of this Section by obtaining closure insurance that conforms to the requirements of this Paragraph and submitting a certificate of such insurance to the administrative authority. By the effective date of these regulations the owner or operator must submit to the Office of Environmental Services, Water and Waste Permits Division, a letter from an insurer stating that the insurer is considering issuance of closure insurance conforming to the requirements of this Paragraph to the owner or operator. Within 90 days after the effective date of these regulations, the owner or operator must submit the certificate of insurance to the Office of Environmental Services, Water and Waste Permits Division, or establish other financial assurance as specified in this Section. At a minimum, the insurer must be licensed to transact the business of insurance, or be eligible to provide insurance as an excess or surplus lines insurer, in one or more states, and authorized to transact business in Louisiana.

2. - 5. ...

6. The owner or operator must maintain the policy in full force and effect until the administrative authority consents to termination of the policy by the owner or operator as specified in Paragraph D.10 of this Section. Failure to pay the premium, without substitution of alternate financial assurance as specified in this Section, will constitute a significant violation of these regulations, warranting such remedy as the administrative authority deems necessary. Such violation will be deemed to begin upon receipt by the Office of Environmental Services, Water and Waste Permits Division, of a notice of future cancellation, termination, or failure to renew, due to nonpayment of the premium, rather than upon the date of expiration.

7. ...

8. The policy must provide that the insurer may not cancel, terminate, or fail to renew the policy except for failure to pay the premium. The automatic renewal of the policy must, at a minimum, provide the insured with the

option of renewal at the face amount of the expiring policy. If there is a failure to pay the premium, the insurer may elect to cancel, terminate, or fail to renew the policy by sending notice by certified mail to the owner or operator and the Office of Environmental Services, Water and Waste Permits Division. Cancellation, termination, or failure to renew may not occur, however, during the 120 days beginning with the date of receipt of the notice by both the administrative authority and the owner or operator, as evidenced by the return receipts. Cancellation, termination, or failure to renew may not occur and the policy will remain in full force and effect in the event that on or before the date of expiration:

a. - e. ...

9. Whenever the current closure cost estimate increases to an amount greater than the face amount of the policy, the owner or operator, within 60 days after the increase, must either cause the face amount to be increased to an amount at least equal to the current closure cost estimate and submit evidence of such increase to the Office of Environmental Services, Water and Waste Permits Division, or obtain other financial assurance as specified in this Section to cover the increase. Whenever the current closure cost estimate decreases, the face amount may be reduced to the amount of the current closure cost estimate following written approval by the administrative authority.

D.10. - E.2. ...

3. To demonstrate that he meets this test, the owner or operator must submit the following items to the Office of Environmental Services, Water and Waste Permits Division:

3.a. - 4.f. ...

5. After the initial submission of items specified in Paragraph E.3 of this Section, the owner or operator must send updated information to the Office of Environmental Services, Water and Waste Permits Division, within 90 days after the close of each succeeding fiscal year. This information must consist of all three items specified in Paragraph E.3 of this Section.

6. If the owner or operator no longer meets the requirements of Paragraph E.1 of this Section, he must send notice to the Office of Environmental Services, Water and Waste Permits Division, of intent to establish alternate financial assurance as specified in this Section. The notice must be sent by certified mail within 90 days after the end of the fiscal year for which the year-end financial data show that the owner or operator no longer meets the requirements. The owner or operator must provide the alternate financial assurance within 120 days after the end of such fiscal year.

E.7. - F. ...

G. Use of a Financial Mechanism for Multiple Facilities. An owner or operator may use a financial assurance mechanism specified in this Section to meet the requirements of this Section for more than one facility. Evidence of financial assurance submitted to the Office of Environmental Services, Water and Waste Permits Division, must include a list showing, for each facility, the EPA identification number, name, address, and the amount of funds for closure assured by the mechanism. The amount of funds available through the mechanism must be no less than the sum of funds that would be available if a separate mechanism had been established and maintained for each facility. In directing the funds available through the mechanism for closure of any of the facilities covered by the

mechanism, the administrative authority may direct only the amount of funds designated for that particular facility, unless the owner or operator agrees to the use of additional funds available under the mechanism.

H. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 13:433 (August 1987), LR 14:791 (November 1988), LR 16:219 (March 1990), LR 18:723 (July 1992), amended by the Office of Waste Services, Hazardous Waste Division, LR 23:1520 (November 1997), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2502 (November 2000), amended by the Office of Environmental Assessment, LR 31:

#### **§4407. Financial Assurance for Post-Closure Care**

An owner or operator of each hazardous waste disposal unit must establish financial assurance for post-closure care of the facility. He must choose from the options as specified in Subsections A-E of this Section.

##### **A. Post-Closure Trust Fund**

1. An owner or operator may satisfy the requirements of this Subsection by establishing a post-closure trust fund that conforms to the requirements of this Paragraph and submitting an originally signed duplicate of the trust agreement to the Office of Environmental Services, Water and Waste Permits Division. The trustee must be an entity that has the authority to act as a trustee and whose trust operations are regulated and examined by a federal or state agency.

2. - 6. ...

7. During the operating life of the facility, if the value of the trust fund is greater than the total amount of the current post-closure cost estimate, the owner or operator may submit a written request to the Office of Environmental Services, Water and Waste Permits Division, for release of the amount in excess of the current post-closure cost estimate.

8. If an owner or operator substitutes other financial assurance as specified in this Section for all or part of the trust fund, he may submit a written request to the Office of Environmental Services, Water and Waste Permits Division, for release of the amount in excess of the current post-closure cost estimate covered by the trust fund.

9. - 10. ...

11. An owner or operator, or any other person authorized to perform post-closure care, may request reimbursement for the post-closure expenditures by submitting itemized bills to the Office of Environmental Services, Water and Waste Permits Division. Within 60 days after receiving bills for post-closure activities, the administrative authority will instruct the trustee to make reimbursements in those amounts as the administrative authority specifies in writing, if the administrative authority determines that the post-closure expenditures are in accordance with the approved post-closure plan or otherwise justified. If the administrative authority does not instruct the trustee to make such reimbursements, he will provide the owner or operator with a detailed statement of reasons.

12. ...

B. Surety Bond Guaranteeing Payment Into a Post-Closure Trust Fund

1. An owner or operator may satisfy the requirements of this Subsection by obtaining a surety bond that conforms to the requirements of this Paragraph and submitting the bond to the Office of Environmental Services, Water and Waste Permits Division. The surety company issuing the bond must, at a minimum, be among those listed as acceptable sureties on federal bonds in Circular 570 of the U.S. Department of the Treasury.

2. - 6. ...

7. Whenever the current post-closure cost estimate increases to an amount greater than the penal sum, the owner or operator, within 60 days after the increase, must either cause the penal sum to be increased to an amount at least equal to the current post-closure cost estimate and submit evidence of such increase to the Office of Environmental Services, Water and Waste Permits Division, or obtain other financial assurance as specified in this Subsection to cover the increase. Whenever the current post-closure cost estimate decreases, the penal sum may be reduced to the amount of the current post-closure cost estimate following written approval by the administrative authority.

8. Under the terms of the bond, the surety may cancel the bond by sending notice of cancellation by certified mail to the owner or operator, and to the Office of Environmental Services, Water and Waste Permits Division. Cancellation may not occur, however, during the 120 days beginning on the date of receipt of the notice of cancellation by both the owner or operator and the administrative authority, as evidenced by the return receipts.

9. ...

C. Post-Closure Letter of Credit

1. An owner or operator may satisfy the requirements of this Subsection by obtaining an irrevocable standby letter of credit that conforms to the requirements of this Paragraph and by submitting the letter to the Office of Environmental Services, Water and Waste Permits Division. The issuing institution must be an entity that has the authority to issue letters of credit and whose letter-of-credit operations are regulated and examined by a federal or state agency.

2. - 4. ...

5. The letter of credit must be irrevocable and issued for a period of at least one year. The letter of credit must provide that the expiration date will be automatically extended for a period of at least one year unless, at least 120 days before the current expiration date, the issuing institution notifies both the owner or operator, and the Office of Environmental Services, Water and Waste Permits Division, by certified mail of a decision not to extend the expiration date. Under the terms of the letter of credit, the 120 days will begin on the date when both the owner or operator, and the administrative authority have received the notice, as evidenced by the return receipts.

6. ...

7. Whenever the current post-closure cost estimate increases to an amount greater than the amount of the credit during the operating life of the facility, the owner or operator, within 60 days after the increase, must either cause the amount of the credit to be increased so that it at least equals the current post-closure cost estimate and submit evidence of such increase to the Office of Environmental

Services, Water and Waste Permits Division, or obtain other financial assurance as specified in this Section to cover the increase. Whenever the current post-closure cost estimate decreases during the operating life of the facility, the amount of the credit may be reduced to the amount of the current post-closure cost estimate following written approval by the administrative authority.

8. - 9. ...

10. If the owner or operator does not establish alternate financial assurance as specified in this Section and obtain written approval of such alternate assurance from the administrative authority within 90 days after receipt by both the owner or operator and the Office of Environmental Services, Water and Waste Permits Division, of a notice from the issuing institution that it has decided not to extend the letter of credit beyond the current expiration date, the administrative authority will draw on the letter of credit. The administrative authority may delay the drawing if the issuing institution grants an extension of the term of the credit. During the last 30 days of any such extension the administrative authority will draw on the letter of credit if the owner or operator has failed to provide alternate financial assurance as specified in this Section and obtain written approval of such assurance from the administrative authority.

11. - 11.b. ...

D. Post-Closure Insurance

1. An owner or operator may satisfy the requirements of this Subsection by obtaining post-closure insurance that conforms to the requirements of this Paragraph and submitting a certificate of such insurance to the Office of Environmental Services, Water and Waste Permits Division. The owner or operator must submit to the administrative authority a letter from an insurer stating that the insurer is considering issuance of post-closure insurance conforming to the requirements of this Paragraph to the owner or operator. Within 90 days after the effective date of these regulations, the owner or operator must submit the certificate of insurance to the administrative authority or establish other financial assurance as specified in this Section. At a minimum, the insurer must be licensed to transact the business of insurance, or be eligible to provide insurance as an excess or surplus lines insurer in one or more states, and authorized to transact insurance business in Louisiana.

2. - 4. ...

5. An owner or operator or any other person authorized to perform post-closure care may request reimbursement for post-closure expenditures by submitting itemized bills to the Office of Environmental Services, Water and Waste Permits Division. Within 60 days after receiving bills for post-closure activities, the administrative authority will instruct the insurer to make reimbursements in those amounts as the administrative authority specifies in writing, if the administrative authority determines that the post-closure expenditures are in accordance with the approved post-closure plan or otherwise justified. If the administrative authority does not instruct the insurer to make such reimbursements, he will provide a detailed written statement of reasons.

6. - 7. ...

8. The policy must provide that the insurer may not cancel, terminate, or fail to renew the policy except for

failure to pay the premium. The automatic renewal of the policy must, at a minimum, provide the insured with the option of renewal at the face amount of the expiring policy. If there is a failure to pay the premium, the insurer may elect to cancel, terminate, or fail to renew the policy by sending notice by certified mail to the owner or operator and the Office of Environmental Services, Water and Waste Permits Division. Cancellation, termination, or failure to renew may not occur, however, during the 120 days beginning with the date of receipt of the notice by both the administrative authority and the owner or operator, as evidenced by the return receipts. Cancellation, termination, or failure to renew may not occur and the policy will remain in full force and effect in the event that on or before the date of expiration:

a. - e. ...

9. Whenever the current post-closure cost estimate increases to an amount greater than the face amount of the policy during the operating life of the facility, the owner or operator, within 60 days after the increase, must either cause the face amount to be increased to an amount at least equal to the current post-closure cost estimate and submit evidence of such increase to the Office of Environmental Services, Water and Waste Permits Division, or obtain other financial assurance as specified in this Section to cover the increase. Whenever the current post-closure cost estimate decreases during the operating life of the facility, the face amount may be reduced to the amount of the current post-closure cost estimate following written approval by the administrative authority.

D.10. - E.2. ...

3. To demonstrate that he meets this test, the owner or operator must submit the following items to the Office of Environmental Services, Water and Waste Permits Division:

a. - c.ii. ...

4. The owner or operator may obtain an extension of the time allowed for submission of the documents specified in Paragraph E.3 of this Section if the fiscal year of the owner or operator ends during the 90 days prior to the effective date of these regulations and if the year-end financial statements for that fiscal year will be audited by an independent certified public accountant. The extension will end no later than 90 days after the end of the owner's or operator's fiscal year. To obtain the extension, the owner's or operator's chief financial officer must send, by the effective date of these regulations, a letter to the Office of Environmental Services, Water and Waste Permits Division. This letter from the chief financial officer must:

a. - f. ...

5. After the initial submission of items specified in Paragraph E.3 of this Section, the owner or operator must send updated information to the Office of Environmental Services, Water and Waste Permits Division, within 90 days after the close of each succeeding fiscal year. This information must consist of all three items specified in Paragraph E.3 of this Section.

6. If the owner or operator no longer meets the requirements of Paragraph E.1 of this Section, he must send notice to the Office of Environmental Services, Water and Waste Permits Division, of intent to establish alternate financial assurance as specified in this Section. The notice must be sent by certified mail within 90 days after the end of the fiscal year for which the year-end financial data show

that the owner or operator no longer meets the requirements. The owner or operator must provide the alternate financial assurance within 120 days after the end of such fiscal year.

7. - 11.a. ...

b. the corporate guarantee will remain in force unless the guarantor sends notice of cancellation by certified mail to the owner or operator and to the Office of Environmental Services, Water and Waste Permits Division. Cancellation may not occur, however, during the 120 days beginning on the date of receipt of the notice of cancellation by both the owner or operator and the administrative authority, as evidenced by the return receipts; and

E.11.c. - F. ...

G. Use of a Financial Mechanism for Multiple Facilities. An owner or operator may use a financial assurance mechanism specified in this Subsection to meet the requirements of this Subsection for more than one facility. Evidence of financial assurance submitted to the Office of Environmental Services, Water and Waste Permits Division, must include a list showing, for each facility, the EPA identification number, name, address, and the amount of funds for post-closure assured by the mechanism. The amount of funds available through the mechanism must be no less than the sum of funds that would be available if a separate mechanism had been established and maintained for each facility. In directing funds available through the mechanism for post-closure care of any of the facilities covered by the mechanism, the administrative authority may direct only the amount of funds designated for that particular facility, unless the owner or operator agrees to the use of additional funds available under the mechanism.

H. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 10:496 (July 1984), LR 13:433 (August 1987), LR 18:723 (July 1992), amended by the Office of Waste Services, Hazardous Waste Division, LR 23:1521 (November 1997), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2504 (November 2000), amended by the Office of Environmental Assessment, LR 31:

#### **§4411. Liability Requirements**

A. - A.1. ...

a. Each insurance policy must be amended by attachment of the hazardous waste facility liability endorsement or evidenced by a certificate of liability insurance. The wording of the endorsement must be identical to the wording specified in LAC 33:V.3719.I. The wording of the certificate of insurance must be identical to the wording specified in LAC 33:V.3719.J. The owner or operator must submit a signed duplicate original of the endorsement or the certificate of insurance to the Office of Environmental Services, Water and Waste Permits Division. If requested by the administrative authority, the owner or operator must provide a signed duplicate original of the insurance policy.

1.b. - 6. ...

7. An owner or operator shall notify the Office of Environmental Services, Water and Waste Permits Division, in writing within 30 days whenever:

A.7.a. - B.1. ...



a. Each insurance policy must be amended by attachment of the hazardous waste facility liability endorsement or evidenced by a certificate of liability insurance. The wording of the endorsement must be identical to the wording specified in LAC 33:V.3719.I. The wording of the certificate of insurance must be identical to the wording specified in LAC 33:V.3719.J. The owner or operator must submit a signed duplicate original of the endorsement or the certificate of insurance to the Office of Environmental Services, Water and Waste Permits Division. If requested by the administrative authority, the owner or operator must provide a signed duplicate original of the insurance policy.

1.b. - 6. ...

7. An owner or operator shall notify the Office of Environmental Services, Water and Waste Permits Division, in writing within 30 days whenever:

B.7.a. - F.2. ...

3. To demonstrate that he meets this test, the owner or operator must submit the following three items to the Office of Environmental Services, Water and Waste Permits Division.

a. - c.ii. ...

4. The owner or operator may obtain a one-time extension of the time allowed for submission of the documents specified in Paragraph F.3 of this Section if the fiscal year of the owner or operator ends during the 90 days prior to the effective date of these regulations and if the year-end financial statements for that fiscal year will be audited by an independent certified public accountant. The extension will end no later than 90 days after the end of the owner's or operator's fiscal year. To obtain the extension, the chief financial officer for the owner or operator must send a letter to the Office of Environmental Services, Water and Waste Permits Division. This letter from the chief financial officer must:

a. - f. ...

5. After the initial submission of items specified in Paragraph F.3 of this Section, the owner or operator must send updated information to the Office of Environmental Services, Water and Waste Permits Division, within 90 days after the close of each succeeding fiscal year. This information must consist of all three items specified in Paragraph F.3 of this Section.

6. If the owner or operator no longer meets the requirements of Paragraph F.1 of this Section, he must obtain insurance, a letter of credit, a surety bond, a trust fund, or a guarantee for the entire amount of required liability coverage as specified in this Section. Evidence of liability coverage must be submitted to the Office of Environmental Services, Water and Waste Permits Division, within 90 days after the end of the fiscal year for which the year-end financial data show that the owner or operator no longer meets the test requirements.

F.7. - G.3. ...

H. Letter of Credit for Liability Coverage

1. An owner or operator may satisfy the requirements of this Section by obtaining an irrevocable standby letter of credit that conforms to the requirements of this Subsection and submitting a copy of the letter of credit to the Office of Environmental Services, Water and Waste Permits Division.

2. - 5. ...

I. Surety Bond for Liability Coverage

1. An owner or operator may satisfy the requirements of this Section by obtaining a surety bond that conforms to the requirements of this Subsection and submitting a copy of the bond to the Office of Environmental Services, Water and Waste Permits Division.

2. - 4. ...

J. Trust Fund for Liability Coverage

1. An owner or operator may satisfy the requirements of this Section by establishing a trust fund that conforms to the requirements of this Subsection and submitting an originally signed duplicate of the trust agreement to the Office of Environmental Services, Water and Waste Permits Division.

J.2. - K. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 13:433 (August 1987), LR 16:399 (May 1990), LR 18:723 (July 1992), repromulgated LR 19:627 (May 1993), amended by the Office of Waste Services, Hazardous Waste Division, LR 23:1521 (November 1997), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2506 (November 2000), amended by the Office of Environmental Assessment, LR 31:

#### **§4413. Incapacity of Owners or Operators, Guarantors, or Financial Institutions**

A. An owner or operator must notify the Office of Environmental Services, Water and Waste Permits Division, by certified mail of the commencement of a voluntary or involuntary proceeding under Title 11 (Bankruptcy), U.S. Code, naming the owner or operator as debtor, within 10 days after commencement of the proceeding. A guarantor of a corporate guarantee as specified in LAC 33:V.4403.E and 4407.E must make such a notification if he is named as debtor, as required under the terms of the corporate guarantee (see LAC 33:V.3719.H).

B. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2507 (November 2000), amended by the Office of Environmental Assessment, LR 31:

#### **Subchapter I. Tanks**

##### **§4437. Containment and Detection of Releases**

A. - H. ...

1. The Office of Environmental Services, Water and Waste Permits Division, must be notified in writing by the owner or operator that he intends to conduct and submit a demonstration for a variance from secondary containment as allowed in Subsection G of this Section according to the following schedule:

a. - b. ...

2. As part of the notification, the owner or operator must also submit to the Office of Environmental Services, Water and Waste Permits Division, a description of the steps necessary to conduct the demonstration and a timetable for completing each of the steps. The demonstration must

address each of the factors listed in Paragraph G.1 or 2 of this Section.

3. The demonstration for a variance must be completed and submitted to the Office of Environmental Services, Water and Waste Permits Division, within 180 days after notifying the administrative authority of intent to conduct the demonstration.

H.4. - I.4. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 13:651 (November 1987), LR 14:790 (November 1988), LR 16:614 (July 1990), LR 18:723 (July 1992), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2507 (November 2000), amended by the Office of Environmental Assessment, LR 31:

#### **Subchapter J. Surface Impoundments**

##### **§4449. Action Leakage Rate**

A. The owner or operator of surface impoundment units subject to LAC 33:V.4462.A must submit a proposed action leakage rate to the Office of Environmental Services, Water and Waste Permits Division, when submitting the notice required under LAC 33:V.4462.B. Within 60 days of receipt of the notification, the administrative authority will establish an action leakage rate, either as proposed by the owner or operator or modified using the criteria in this Section, or extend the review period for up to 30 days. If no action is taken by the administrative authority before the original 60- or the extended 90-day review periods, the action leakage rate will be approved as proposed by the owner or operator.

B. - C. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 21:266 (March 1995), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2508 (November 2000), amended by the Office of Environmental Assessment, LR 31:

##### **§4451. Response Actions**

A. The owner or operator of surface impoundment units subject to LAC 33:V.4462.A must submit a response action plan to the Office of Environmental Services, Water and Waste Permits Division, when submitting the proposed action leakage rate under LAC 33:V.4449. The response action plan must set forth the actions to be taken if the action leakage rate has been exceeded. At a minimum, the response action plan must describe the actions specified in Subsection B of this Section.

B. - C.4. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 21:266 (March 1995), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2508 (November 2000), amended by the Office of Environmental Assessment, LR 31:

#### **§4462. Design Requirements**

A. ...

B. The owner or operator of each unit referred to in Subsection A of this Section must notify the Office of Environmental Services, Water and Waste Permits Division, at least 60 days prior to receiving waste. The owner or operator of each facility submitting notice must file a Part II application within six months of the receipt of such notice.

C. - H. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 16:220 (March 1990), amended LR 17:368 (April 1991), LR 18:723 (July 1992), LR 20:1000 (September 1994), LR 21:266 (March 1995), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2508 (November 2000), amended by the Office of Environmental Assessment, LR 31:

#### **Subchapter K. Waste Piles**

##### **§4472. Response Actions**

A. The owner or operator of waste pile units subject to LAC 33:V.4476 must submit a response action plan to the Office of Environmental Services, Water and Waste Permits Division, when submitting the proposed action leakage rate under LAC 33:V.4474. The response action plan must set forth the actions to be taken if the action leakage rate has been exceeded. At a minimum, the response action plan must describe the actions specified in Subsection B of this Section.

B. - C.4. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 21:266 (March 1995), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2508 (November 2000), amended by the Office of Environmental Assessment, LR 31:

##### **§4474. Action Leakage Rates**

A. The owner or operator of waste pile units subject to LAC 33:V.4476 must submit a proposed action leakage rate to the Office of Environmental Services, Water and Waste Permits Division, when submitting the notice required under LAC 33:V.4476. Within 60 days of receipt of the notification, the administrative authority will establish an action leakage rate, either as proposed by the owner or operator or modified using the criteria in this Section, or extend the review period for up to 30 days. If no action is taken by the administrative authority before the original 60- or the extended 90-day review periods, the action leakage rate will be approved as proposed by the owner or operator.

B. - C. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 21:266 (March 1995), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2508 (November 2000), amended by the Office of Environmental Assessment, LR 31:

## **Subchapter L. Land Treatment**

### **§4489. Closure and Post-Closure**

A. - D.4. ...

E. For the purpose of complying with LAC 33:V.4387, when closure is completed the owner or operator may submit to the Office of Environmental Services, Water and Waste Permits Division, certification both by the owner or operator and by an independent qualified soil scientist in lieu of an independent registered professional engineer, that the facility has been closed in accordance with the specifications in the approved closure plan.

F. - F.4. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 10:496 (July 1984), LR 18:723 (July 1992), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2509 (November 2000), amended by the Office of Environmental Assessment, LR 31:

## **Subchapter M. Landfills**

### **§4512. Design and Operating Requirements**

A. ...

B. The owner or operator of each unit referred to in Subsection A of this Section must notify the Office of Environmental Services, Water and Waste Permits Division, at least 60 days prior to receiving waste. The owner or operator of each facility submitting notice must file a Part II application within six months of the receipt of such notice.

C. - I. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 16:220 (March 1990), amended LR 18:723 (July 1992), LR 20:1000 (September 1994), LR 21:266 (March 1995), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2509 (November 2000), amended by the Office of Environmental Assessment, LR 31:

## **Subchapter N. Incinerators**

### **§4522. Interim Status Incinerators Burning Particular Hazardous Wastes**

A. - B. ...

1. The owner or operator will submit an application to the Office of Environmental Services, Water and Waste Permits Division, containing applicable information in LAC 33:V.529 and 3115 demonstrating that the incinerator can meet the performance standards in LAC 33:V.Chapter 31 when they burn these wastes.

2. - 3. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 16:220 (March 1990), amended LR 20:1000 (September 1994), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2509 (November 2000), amended by the Office of Environmental Assessment, LR 31:

## **Subchapter O. Thermal Treatment**

### **§4534. Interim Status Thermal Treatment Devices Burning Particular Hazardous Waste**

A. - B. ...

1. The owner or operator will submit an application to the Office of Environmental Services, Water and Waste Permits Division, containing the applicable information in LAC 33:V.529 and 3115 demonstrating that the thermal treatment unit can meet the performance standard in LAC 33:V.Chapter 31 when they burn these wastes.

2. - 3. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 16:220 (March 1990), amended LR 20:1000 (September 1994), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2509 (November 2000), amended by the Office of Environmental Assessment, LR 31:

## **Chapter 53. Military Munitions**

### **§5309. Standards Applicable to the Storage of Solid Waste Military Munitions**

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

d. within 90 days of when a storage unit is first used to store waste military munitions, whichever is later, the owner or operator must notify the Office of Environmental Services, Water and Waste Permits Division, of the location of any waste storage unit used to store waste military munitions for which the conditional exemption in Paragraph A.1 of this Section is claimed;

1.e. - 3. ...

B. Notice of Termination of Waste Storage. The owner or operator must notify the Office of Environmental Services, Water and Waste Permits Division, when a storage unit identified in Subparagraph A.1.d of this Section will no longer be used to store waste military munitions.

C. - E. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Waste Services, Hazardous Waste Division, LR 24:1757 (September 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2510 (November 2000), LR 30:1675 (August 2004), amended by the Office of Environmental Assessment, LR 31:

## **Part VI. Inactive and Abandoned Hazardous Waste and Hazardous Substance Site Remediation**

### **Chapter 2. Site Discovery and Evaluation**

#### **§201. Site Discovery**

A. Site Discovery Reporting Requirements. As part of a program to identify inactive or uncontrolled contaminated sites, the owner, operator, or other responsible person shall report to the Office of Environmental Compliance, Emergency and Radiological Services Division, Single Point of Contact (SPOC), within 24 hours, in the manner provided in LAC 33:I.3923, any sites where hazardous substances have been, or could have been, disposed of or discharged. This Section sets forth the requirements for reporting such sites.

B. - B.5.f. ...

C. Voluntary Reporting. In addition to the mandatory reporting by those persons listed under Subsection B of this Section, all members of the public are encouraged to report to the department any suspected discharge, disposal, or presence of any hazardous substance at any inactive or uncontrolled site. This voluntary reporting can be made by contacting the Office of Environmental Compliance, Emergency and Radiological Services Division, SPOC, in the manner provided in LAC 33:I.3923.

D. - D.2. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2171 et seq., 2221 et seq., and 2271 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Environmental Assessment, Environmental Planning Division, LR 25:2182 (November 1999), amended LR 26:2511 (November 2000), LR 28:1762 (August 2002), LR 30:1675 (August 2004), amended by the Office of Environmental Assessment, LR 31:

### **Chapter 3. Administrative Processes**

#### **§303. Declaration that a Site is Abandoned**

A. - B.2. ...

3. Within 10 calendar days of the publication of the last official journal notice, any owner may request a hearing by writing to the Office of the Secretary, Legal Affairs and Regulation Development Division, regarding the declaration of abandonment. If a request for a hearing is received, the department shall hold a hearing in accordance with the Louisiana Administrative Procedure Act, R.S. 49:950 et seq.

C. - C.3. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2221 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Environmental Assessment, Environmental Planning Division, LR 25:2184 (November 1999), amended LR 26:2511 (November 2000), amended by the Office of Environmental Assessment, LR 31:

### **Chapter 9. Voluntary Remediation**

#### **§911. Application Process**

A. ...

1. a Voluntary Remedial Investigation Application Form VCP001, available from the Office of Environmental Assessment, Remediation Services Division, and on the department's website, with required attachments, accompanied by the remedial investigation work plan review fee; and

2. - 2.f. ...

B. Voluntary Remediation Applications. Prior to implementation of a voluntary remedial action at a site, applicants must submit a voluntary remediation application to the Office of Environmental Assessment, Remediation Services Division, for review and final approval. The application shall consist of the following:

1. a Voluntary Remediation Application Form VCP002, available from the Office of Environmental Assessment, Remediation Services Division, and on the department's website, with required attachments, accompanied by the remedial action plan review fee;

B.2. - C.3. ...

D. Public Notice. Upon acceptance of the voluntary remediation application, as set forth in Subsection C of this Section, the applicant must place a public notice of the proposed voluntary remedial action plan in the local newspaper of general circulation in the parish where the voluntary remediation site is located. The public notice shall

be a single classified advertisement at least four inches by six inches in size in the legal or public notices section. The applicant must provide proof of publication of the notice to the Office of Environmental Assessment, Remediation Services Division, prior to final approval of the plan. The public notice shall:

1. - 5. ...

E. Direct Notice to Landowners. Within five days of the public notice in Subsection D of this Section, the applicant must send a direct written notice of the voluntary remedial action plan to persons owning immovable property contiguous to the voluntary remediation site. This notice shall be sent to persons listed as owners of the property on the rolls of the parish tax assessor as of the date on which the voluntary remediation application is submitted. The notice must be sent by certified mail and contain the same information that is provided in the public notice. Return receipts or other evidence of the receipt or attempted delivery of the direct notice must be provided to the Office of Environmental Assessment, Remediation Services Division, prior to final approval of the plan.

F. Public Hearing and Comment

1. Comments on the voluntary remedial action plan shall be accepted by the Office of Environmental Assessment, Remediation Services Division, for a period of 30 days after the date of the public notice and shall be fully considered by the division prior to final approval of the plan. However, if the administrative authority determines a shorter or longer comment period is warranted, the administrative authority may provide for a shorter or longer comment period in the public notice described in Paragraph D.1 of this Section. Also, the comment period provided in the public notice may be extended by the administrative authority if the administrative authority determines such an extension is warranted.

F.2. - H. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular R.S. 30:2285 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Environmental Assessment, Environmental Planning Division, LR 27:516 (April 2001), amended by the Office of Environmental Assessment, LR 30:2024 (September 2004), LR 31:

#### **§913. Completion of Voluntary Remedial Actions**

A. - D. ...

1. the applicant provides written notice to the Office of Environmental Assessment, Remediation Services Division, at least 15 days in advance of the termination;

2. - 3. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq. and in particular R.S. 30:2285 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Environmental Assessment, Environmental Planning Division, LR 27:518 (April 2001), amended by the Office of Environmental Assessment, LR 31:

### **Part VII. Solid Waste**

#### **Subpart 1. Solid Waste Regulations**

#### **Chapter 1. General Provisions and Definitions**

#### **§113. Public Information Service**

A. - B. ...

C. Mailing List. The department will maintain a mailing list of groups or individuals interested in public hearings and other such activities of the Office of Environmental Services, Water and Waste Permits Division.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 19:187 (February 1993), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2514 (November 2000), amended by the Office of Environmental Assessment, LR 31:

### **Chapter 3. Scope and Mandatory Provisions of the Program**

#### **§301. Wastes Governed by These Regulations**

All solid wastes as defined by the act and these regulations are subject to the provisions of these regulations, except as follows:

A. ...

1. agricultural-crop residues, aquacultural residues, silvicultural residues, and other agricultural wastes stored, processed, or disposed of on the site where the crops are grown or which are stored, processed, or disposed in accordance with a best management practice plan that has been provided to the Office of Environmental Services, Water and Waste Permits Division, and approved in writing by the Department of Agriculture, and within the jurisdiction of the Department of Agriculture;

A.2. - B.6. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 19:187 (February 1993), amended LR 22:279 (April 1996), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2515 (November 2000), LR 28:780 (April 2002), amended by the Office of Environmental Assessment, LR 31:

#### **§303. Wastes Not Subject to the Permitting Requirements or Processing or Disposal Standards of These Regulations**

The following solid wastes that are processed or disposed of in an environmentally sound manner are not subject to the permitting requirements or processing or disposal standards of these regulations:

A. - I. ...

J. woodwastes that are beneficially-used in accordance with a Best Management Practice Plan approved in writing by the Department of Agriculture and submitted to the Office of Environmental Services, Water and Waste Permits Division, provided the following requirements are met:

1. the generator must notify the Office of Environmental Services, Water and Waste Permits Division, of such activity at each site in accordance with LAC 33:VII.503.A;

2. the generator must submit to the Office of Management and Finance, Financial Services Division, a disposer annual report in accordance with the standards in LAC 33:VII.1109, which reports amounts of woodwastes beneficially-used at each site;

K. - L. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 19:187 (February 1993), amended by the

Office of the Secretary, LR 24:2250 (December 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2515 (November 2000), repromulgated LR 27:703 (May 2001), amended by the Office of Environmental Assessment, LR 31:

#### **§305. Facilities Not Subject to the Permitting Requirements or Processing or Disposal Standards of These Regulations**

The following facilities that are operated in an environmentally sound manner are not subject to the permitting requirements or processing or disposal standards of these regulations:

A. - D. ...

1. the facility must notify the Office of Environmental Services, Water and Waste Permits Division, of such activity in accordance with LAC 33:VII.503.A; and

2. the facility must submit to the Office of Management and Finance, Financial Services Division, a disposer annual report in accordance with the standards for construction/demolition-debris disposal facilities found in LAC 33:VII.721;

E. - H. ...

1. the facility must notify the Office of Environmental Services, Water and Waste Permits Division, of such activity in accordance with LAC 33:VII.503.A;

2. the facility must submit to the Office of Management and Finance, Financial Services Division, a disposer annual report in accordance with the standards for woodwaste disposal facilities in LAC 33:VII.721;

H.3. - I.3. ...

4. the facility must notify the Office of Environmental Services, Water and Waste Permits Division, of its activities in accordance with LAC 33:VII.503.A;

5. the facility must submit to the Office of Management and Finance, Financial Services Division, a disposer annual report that accurately estimates volumes of waste disposed in accordance with the standards for woodwaste disposal facilities found in LAC 33:VII.721; and

I.6. - J. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 19:187 (February 1993), amended LR 22:279 (April 1996), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:1264 (June 2000), LR 26:2515, 2609 (November 2000), repromulgated LR 27:703 (May 2001), amended by the Office of Environmental Assessment, LR 31:

#### **§307. Exemptions**

A. - C.1. ...

2. Persons granted emergency exemptions by the administrative authority shall publish a notice to that effect in the legal-notices section of a newspaper of general circulation in the area and parish where the facility requesting the exemption is located. The notice shall be published one time as a single classified advertisement measuring 3 columns by 5 inches in the legal-notices section of a newspaper of general circulation in the area and parish where the facility is located, and one time as a classified advertisement in the legal-notices section of the official journal of the state. The notice shall describe the nature of

the emergency exemption and the period of time for which the exemption was granted. Proof of publication of the notice shall be forwarded to the Office of Environmental Services, Water and Waste Permits Division, within 60 days after the granting of an emergency exemption.

D. - E. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 19:187 (February 1993), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2516 (November 2000), amended by the Office of Environmental Assessment, LR 31:

### **§311. Submittal of Information by Persons Other than Permit Holder or Applicant**

A. Documentation must be provided to the Office of Environmental Services, Water and Waste Permits Division, by the permit holder or applicant authorizing other persons to submit information on their behalf.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 19:187 (February 1993), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2516 (November 2000), amended by the Office of Environmental Assessment, LR 31:

### **§315. Mandatory Provisions**

All persons conducting activities regulated under these regulations shall comply with the following provisions.

A. - F. ...

G. Permit Upgrade Schedule for Existing Facilities Operating Under a Standard Permit

1. Existing Type I Landfills and Type I Landfarms

a. Permit holders for existing Type I landfills and Type I landfarms operating under a standard permit must submit to the Office of Environmental Services, Water and Waste Permits Division, no later than February 1, 1994, a mandatory modification document to address these regulations.

G.1.b. - H. ...

I. Applicants of Proposed Facilities with Pending Permit Applications

1. Applicants of proposed facilities with permit applications on file with the department must submit to the Office of Environmental Services, Water and Waste Permits Division, no later than January 1, 1994, an addendum to their application to address these regulations.

I.2. - R.2. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 19:187 (February 1993), amended LR 19:1143 (September 1993), LR 19:1315 (October 1993), repromulgated LR 19:1421 (November 1993), amended LR 22:279 (April 1996), amended by the Office of Waste Services, Solid Waste Division, LR 23:954 (August 1997), LR 23:1145 (September 1997), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2516 (November 2000), LR 30:1675 (August 2004), amended by the Office of Environmental Assessment, LR 31:

## **Chapter 5. Solid Waste Management System**

### **Subchapter A. Administration, Classification, and Inspection Procedures**

#### **§503. Notification**

A. Notification

1. Except as provided for in Paragraph A.2 of this Section, persons who generate industrial solid waste and/or persons who transport, process, or dispose of solid waste shall, within 30 days after they become subject to these regulations, notify the Office of Environmental Services, Water and Waste Permits Division, in writing of such activity. A form to be used for notification shall be obtained from the Office of Environmental Services, Water and Waste Permits Division, or through the department's website.

2. ...

3. Owners or operators of pickup stations are required to notify the Office of Environmental Services, Water and Waste Permits Division, of such activities within 30 days after they become subject to these regulations. Existing facilities which have previously notified are not required to renotify.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 19:187 (February 1993), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2517 (November 2000), amended by the Office of Environmental Assessment, LR 30:2024 (September 2004), LR 31:

#### **§505. Classification of Existing Facilities Which Have Not Been Previously Classified or Which Are Not Presently Operating under a Standard Permit**

A. - A.2. ...

3. Within 30 days after the classification inspection, any person who processes or disposes of solid waste shall file with the Office of Environmental Services, Water and Waste Permits Division, a notice of his intent to upgrade or close a facility.

B. - C.3. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 19:187 (February 1993), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2517 (November 2000), amended by the Office of Environmental Assessment, LR 31:

#### **§509. Inspection Procedures**

The following are the types of inspections made at solid waste processing or disposal facilities.

A. - B. ...

C. Initial Start-Up Inspection—Newly Permitted Facilities

1. For existing facilities, the initial start-up inspection shall be made after a standard permit has been issued, all upgrading measures are completed, new activities as a result of upgrade are implemented, and certification is submitted to the Office of Environmental Services, Water and Waste Permits Division, by a registered engineer, licensed in the state of Louisiana, that the facility is constructed and has been upgraded in accordance with the permit.

2. For new facilities, the initial start-up inspection shall be made after a standard permit has been issued, construction measures have been completed, and certification is submitted to the Office of Environmental Assessment, Environmental Technology Division, by a registered engineer, licensed in the state of Louisiana, that the facility is constructed in accordance with the permit.

3. All start-up inspections shall be initiated within 10 working days of receipt of certification by the Office of Environmental Assessment, Environmental Technology Division, unless a longer time period is set by mutual agreement.

C.4. - E.3. ...

#### F. Modification Start-Up Inspections—All Facilities

1. Start-up inspections for modified construction of a standard permitted facility shall be conducted after construction measures of the modification are completed and certification is submitted to the Office of Environmental Assessment, Environmental Technology Division, by a registered engineer licensed in the state of Louisiana, that the modified feature/unit has been constructed in accordance with the modification approved by the administrative authority and any conditions specified in such approval.

2. ...

G. Closure Inspections. Closure inspections will be conducted within 30 days after the Office of Environmental Services, Water and Waste Permits Division, has received written notice from the permit holder that closure requirements have been met in accordance with the approved closure plan and the permit holder has filed a request for a closure inspection. Closure inspections must be conducted before backfilling of a facility takes place. The administrative authority reserves the right to determine if a facility has been closed properly.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 19:187 (February 1993), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2517 (November 2000), amended by the Office of Environmental Assessment, LR 31:

### **Subchapter B. Permit System for Facilities Classified for Upgrade or Closure**

#### **§511. Permit System**

A. - A.2. ...

a. Generators who are not processors or disposers of solid waste are not required to secure a permit. Generators of industrial solid waste must notify the Office of Environmental Services, Water and Waste Permits Division, in accordance with LAC 33:VII.503.A.1. Generators of industrial solid waste are subject to the applicable standards provided in LAC 33:VII.701.

b. Transporters who are not processors or disposers of solid waste are not required to secure a permit, but must notify the Office of Environmental Services, Water and Waste Permits Division, in accordance with LAC 33:VII.503.A.1. Transporters of solid waste are subject to the applicable standards provided in LAC 33:VII.705.

c. ...

d. Pickup stations at which no solid waste is processed or disposed of are not required to secure a permit. Pickup stations are subject to the standards found in LAC

33:VII.703 and 707 and must notify the Office of Environmental Services, Water and Waste Permits Division, in accordance with LAC 33:VII.503.A.

B. - B.2. ...

C. Existing Facilities Not Previously Classified or Not Presently Operating Under a Standard Permit

1. Only those existing facilities that the administrative authority classifies for upgrading may apply for a standard permit. The person(s) notifying the Office of Environmental Services, Water and Waste Permits Division, will be issued a temporary permit and may continue operations in accordance with the interim operational plan, pending a decision on the standard permit application.

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

a. Processing and/or disposal facilities with an effective standard permit shall submit to the Office of Environmental Services, Water and Waste Permits Division, a new permit application at least 455 days before the expiration date of the standard permit, unless permission for later filing is granted by the administrative authority. If the reapplication is submitted on or before the deadline above, and the administrative authority does not issue a final decision on the reapplication on or before the expiration date of the standard permit, the standard permit shall remain in effect until the administrative authority issues a final decision.

D.2.b. - G.2. ...

3. The applicant shall provide appropriate documentation to the Office of Environmental Services, Water and Waste Permits Division, that the proposed use does not violate zoning or other land-use regulations that exist at the time of the submittal of the standard permit application.

H. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 19:187 (February 1993), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2518 (November 2000), amended by the Office of Environmental Assessment, LR 31:

### **§513. Permit Process for Existing Facilities Classified for Upgrade and for Proposed Facilities**

#### A. Applicant Public Notice

1. No sooner than 45 days prior to the submittal of a standard permit application to the Office of Environmental Services, Water and Waste Permits Division, the prospective applicant shall publish a notice of intent to submit an application for a standard permit. This notice shall be published one time as a single classified advertisement measuring 3 columns by 5 inches, in the legal or public notices section of the official journal of this state and in a major local newspaper of general circulation. If the affected area is Baton Rouge, a single classified advertisement measuring 3 columns by 5 inches, in the legal or public notices section of the official journal of the state will be the only public notice required.

A.2. - B.1. ...

#### 2. Submittal of Permit Applications

a. Any applicant for a standard permit for existing or proposed processing and disposal facilities shall complete Part I, Part II, and Part III of the standard permit application,

following the instructions for the appropriate facility class in LAC 33:VII.519, 521, and 523, and submit four copies to the Office of Environmental Services, Water and Waste Permits Division. Each individual copy of the application shall be a standard three-ring-bound document measuring 8 1/2 by 11 inches. All appendices, references, exhibits, tables, etc., shall be marked with appropriate tabs.

b. ...

c. The completed separate standard permit application for each existing facility shall be submitted to the Office of Environmental Services, Water and Waste Permits Division, within 180 days after issuance of the temporary permit.

C. Notices to Parish Governing Authorities. As provided in R.S. 30:2022, upon receipt of a permit application the Office of Environmental Services, Water and Waste Permits Division, shall provide written notice on the subject matter to the parish governing authority, who shall promptly notify each parish municipality affected by the application.

D. - D.3. ...

E. Standard Permit Applications Deemed Unacceptable or Deficient

1. Applications deemed unacceptable for technical review will be rejected. For the administrative authority to reconsider the application, the applicant must resubmit the entire standard permit application to the Office of Environmental Services, Water and Waste Permits Division, including the review fee, by a reasonable due date set by the administrative authority.

E.2. - F.2. ...

3. After the five copies are submitted to the Office of Environmental Services, Water and Waste Permits Division, notices will be placed in the department's bulletin (if one is available), the official journal of the state, and in a major local newspaper of general circulation. The Office of Environmental Services, Water and Waste Permits Division, shall publish a notice of acceptance for review one time as a single classified advertisement measuring 3 columns by 5 inches in the legal or public notices section of the official journal of the state and one time as a classified advertisement in the legal or public notices section of a major local newspaper of general circulation. If the affected area is Baton Rouge, a single classified advertisement measuring 3 columns by 5 inches in the official journal of the state will be the only public notice required. The notices will solicit comment from interested individuals and groups. Comments received by the administrative authority within 30 days after the date the notice is published in the local newspaper will be reviewed by the Office of Environmental Services, Water and Waste Permits Division. The notice shall be published in accordance with the sample public notice provided by the Office of Environmental Services, Water and Waste Permits Division. The applicant is responsible for providing the Office of Environmental Services, Water and Waste Permits Division, with proof of publication.

4. ...

5. Public Opportunity to Request a Hearing. Any person may, within 30 days after the date of publication of the newspaper notice (LAC 33:VII.513.F.3), request that the administrative authority consider whether a public hearing is necessary. If the administrative authority determines that the requests warrant it, a public hearing will be scheduled. If the

administrative authority determines that the requests do not raise genuine and pertinent issues, the Office of Environmental Services, Water and Waste Permits Division, will send the person requesting the hearing written notification of the determination. The request for a hearing must be in writing and must contain the name and affiliation of the person making the request and the comments in support of or in objection to the issuance of a permit.

6. Public Notice of a Public Hearing. If the administrative authority determines that a hearing is necessary, notices will be published at least 20 days before a fact-finding hearing in the official journal of the state and in a major local newspaper of general circulation. The notice shall be published one time as a single classified advertisement measuring 3 columns by 5 inches in the legal or public notices section of the official journal of the state and one time as classified advertisement in the legal or public notices section of a major local newspaper of general circulation. If the affected area is Baton Rouge, a single classified advertisement measuring 3 columns by 5 inches in the official journal of the state will be the only public notice required. Those persons on the Office of Environmental Services, Water and Waste Permits Division's mailing list for hearings shall be mailed notice of the hearing at least 20 days before a public hearing. A notice shall also be published in the departmental bulletin, if available.

7. Receipt of Comments Following a Public Hearing. Comments received by the Office of Environmental Services, Water and Waste Permits Division, until the close of business 30 days after the date of a public hearing will be reviewed by the Office of Environmental Services, Water and Waste Permits Division.

G. - H. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 19:187 (February 1993), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2519 (November 2000), amended by the Office of Environmental Assessment, LR 30:2032 (September 2004), LR 31:

### **§515. Permit Process for Existing Facilities Classified for Closure**

A. Closure Plan Review and Evaluation. LAC 33:VII.505 and LAC 33:VII.Chapter 7 establish the evaluation criteria used by the Office of Environmental Services, Water and Waste Permits Division.

B. Submittal of Closure Plans

1. Permit holders for facilities classified for closure shall submit to the Office of Environmental Services, Water and Waste Permits Division, four bound copies of a closure plan within 60 days after issuance of the temporary permit for the facility. Each individual copy of the plan shall be a standard three-ring-bound document measuring 8 1/2 by 11 inches. All appendices, references, exhibits, tables, etc., shall be marked with appropriate tabs.

2. - 3. ...

C. Closure Plans Determined Unacceptable or Deficient

1. Closure plans that are determined unacceptable for a technical review will be rejected. The permit holder will be required to resubmit the entire application to the Office of Environmental Services, Water and Waste Permits Division,



including the review fee, by a date set by the administrative authority.

2. ...

D. Closure Plans Deemed Technically Complete. Closure plans that have been deemed technically complete will be approved. Within 30 days after receipt of closure plan approval, the permit holder shall submit to the Office of Environmental Services, Water and Waste Permits Division, three copies of the closure plan which incorporate all revisions made during the closure plan review process. Additional copies will be required if deemed necessary by the administrative authority. Each copy shall be provided as a standard three-ring-bound document measuring 8 1/2 by 11 inches, and shall include appropriate tabbing for all appendices, figures, etc. Closure plans must incorporate revisions made during the review process. Closure plans that present revisions made during the review process as a separate supplement to the closure plan shall not be accepted.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 19:187 (February 1993), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2520 (November 2000), amended by the Office of Environmental Assessment, LR 31:

#### **§517. Permit Modifications**

A. Modification of Permits and Other Authorizations to Operate

1. Modification Requests

a. The permit holder shall notify the Office of Environmental Services, Water and Waste Permits Division, in advance of any change in a facility or deviation from a permit. Such notification shall detail the proposed modification and shall include an assessment of the effects of the modification on the environment and/or the operation. Modification details shall include, but not be limited to, a summary detailing the modification request and all appropriate drawings, narratives, etc., which shall illustrate and describe the originally permitted representations and the proposed modifications thereto. New language requested in the permit narrative and existing language requested to be deleted from the permit narrative shall be identified therein.

i. Initially, four copies of all modification requests shall be provided to the Office of Environmental Services, Water and Waste Permits Division. Each individual copy of the document shall be 8 1/2 by 11 inches and shall be bound in standard three-ring binder(s).

ii. ...

b. All notifications of proposed changes in ownership of a permit for a facility are the responsibility of the permittee and shall include the following, to be submitted to the Office of Environmental Services, Water and Waste Permits Division:

1.b.i. - 2.a.xi. ...

b. Permit modifications that require public notice and that have been determined by the Office of Environmental Services, Water and Waste Permits Division, to be technically complete will be accepted for public review. When the permit modification is accepted for public review, the permit holder must forward copies of the permit modification as follows:

i. two copies to the Office of Environmental Services, Water and Waste Permits Division's main office in Baton Rouge;

ii. - iv. ...

c. The permit holder shall provide the Office of Environmental Services, Water and Waste Permits Division, with evidence that copies of the permit modification have been forwarded to the local parish governing authority and the parish public library.

d. After distribution of the permit modification, the permit holder is responsible for placing a notice in the official journal of the state and in a major local newspaper of general circulation. The notice shall be published one time as a single classified advertisement measuring 3 columns by 5 inches in the legal or public notices section of the official journal of the state, and one time as a classified advertisement in the legal or public notices section of a major local newspaper of general circulation. If the affected area is Baton Rouge, a single classified advertisement measuring 3 columns by 5 inches in the official journal of the state will be the only public notice required. The notice will solicit comments from interested individuals and groups. Comments delivered or received within 30 days after the date the notices are published will be reviewed by the Office of Environmental Services, Water and Waste Permits Division. The notice shall be published in accordance with a sample public notice provided by the Office of Environmental Services, Water and Waste Permits Division. The permit holder is responsible for providing the Office of Environmental Services, Water and Waste Permits Division, with proof of publication of the notice.

2.e. - 4. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Section 2014.2.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 19:187 (February 1993), amended by the Office of the Secretary, LR 25:661 (April 1999), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2520 (November 2000), amended by the Office of Environmental Assessment, LR 30:2033 (September 2004), LR 31:

### **Chapter 7. Solid Waste Standards**

#### **Subchapter A. General Standards**

#### **§701. Standards Governing Industrial Solid Waste Generators**

A. Annual Reports

1. Generators of industrial solid waste shall submit annual reports to the Office of Management and Finance, Financial Services Division, listing the types and quantities, in wet-weight tons per year, of industrial solid waste they have disposed of off site.

2. - 3. ...

4. The report shall be submitted to the Office of Management and Finance, Financial Services Division, by August 1 of each reporting year.

A.5. - B.1. ...

a. submit to the Office of Environmental Services, Water and Waste Permits Division, a generator notification form (which is to be provided by the administrative authority) that includes analysis, analytical data, and/or process knowledge which confirms that the waste is not a characteristic or listed hazardous waste as defined in LAC 33:Part V or by federal regulations; and

b. obtain an industrial waste code number from the Office of Environmental Services, Water and Waste Permits Division.

2. - 3. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 19:187 (February 1993), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2521 (November 2000), repromulgated LR 27:703 (May 2001), amended by the Office of Environmental Assessment, LR 30:2024 (September 2004), LR 31:

## **Subchapter B. Landfills, Surface Impoundments, Landfarms**

### **§709. Standards Governing All Solid Waste Disposal Facilities (Type I and II)**

A. - E.1.c.iii.(e).(v). ...

d. Post Construction. Within 90 days after construction of the wells, the permit holder or applicant must submit to the Office of Environmental Services, Water and Waste Permits Division, well-completion details to verify that the wells were constructed according to the approved specifications and to document construction procedures. A permit modification fee will not be required. Well-completion details should include, but are not limited to:

d.i. - e.ii.(c). ...

(d). The permit holder must notify the Office of Environmental Services, Water and Waste Permits Division, of the plugging and abandonment of monitoring wells or geotechnical borings and keep records of such abandonments.

1.f. - 3.a. ...

b. Initial Sampling

i. For a new facility, monitoring wells must be sampled and the analytical data for a sampling event must be submitted to the Office of Environmental Assessment, Environmental Technology Division, before waste is accepted.

ii. For an existing facility with no wells in place at the time of the application submittal or at the time at which the facility becomes subject to these regulations, the analytical data shall be submitted to the Office of Environmental Assessment, Environmental Technology Division, within 90 days after installation of the monitoring wells.

b.iii. - d. ...

e. The permit holder or applicant must submit four bound copies (8 1/2 by 11 inches) of a report of all groundwater sampling results to the Office of Environmental Assessment, Environmental Technology Division, no later than 90 days after each sampling event. The reports must be submitted on forms provided by the administrative authority and shall include at a minimum:

e.i. - f.iii.(a). ...

(b). submit a report to the Office of Environmental Assessment, Environmental Technology Division, demonstrating that a source other than the facility being sampled caused the contamination or that the statistically significant increase resulted from an error in sampling, analysis, statistical evaluation, or natural variation in groundwater quality.

3.f.iv. - 4.b.ii. ...

c. No later than 90 days after the completion of the initial or subsequent sampling events for all LAC 33:VII.3005.Table 2 parameters or constituents required in Subparagraph E.4.b of this Section, the permit holder must submit a report to the Office of Environmental Assessment, Environmental Technology Division, identifying the LAC 33:VII.3005.Table 2 parameters or constituents that have been detected. No later than 180 days after completion of the initial or subsequent sampling events for all LAC 33:VII.3005.Table 2 parameters or constituents required in Subparagraph E.4.b of this Section, the permit holder must:

c.i. - e. ...

f. If one or more LAC 33:VII.3005.Table 2 parameters or constituents are detected at statistically significant levels above the groundwater protection standard established under Subparagraph E.4.g of this Section, in any sampling event, using the statistical procedures in Subparagraph E.2.e of this Section, the permit holder must, within 14 days of the determination, notify all appropriate local government officials and submit a report to the Office of Environmental Assessment, Environmental Technology Division, identifying the LAC 33:VII.3005.Table 2 parameters or constituents that have exceeded the groundwater protection standard. The permit holder must also:

i. within 90 days after the determination is made, submit four bound copies (8 1/2 x 11 inches) of an assessment plan to the Office of Environmental Assessment, Environmental Technology Division, as well as any necessary permit modification, to the Office of Environmental Services, Water and Waste Permits Division, that provides for:

i.(a). - iv. ...

v. may submit a report to the Office of Environmental Assessment, Environmental Technology Division, demonstrating that a source other than the facility being sampled caused the contamination, or the statistically significant increase resulted from error in sampling, analysis, statistical evaluation, or natural variation in groundwater quality. If the administrative authority approves this demonstration in writing, the permit holder must continue assessment monitoring at the facility in accordance with Paragraph E.4 of this Section, or may return to detection monitoring if the LAC 33:VII.3005.Table 2 parameters or constituents are below background as specified in Subparagraph E.4.d of this Section. Until such a written approval is given, the permit holder must comply with Subparagraph E.4.f of this Section, including initiating an assessment of corrective action measures.

4.g. - 7.a.ii. ...

b. A permit holder may submit a report to the Office of Environmental Assessment, Environmental Technology Division, demonstrating, based on information developed after implementation of the corrective action plan has begun or other information, that compliance with requirements of Subparagraph E.6.b of this Section are not being achieved through the remedy selected. A revised corrective-action plan providing other methods or techniques that could practically achieve compliance with the requirements of Subparagraph E.6.b of this Section must accompany the demonstration.

c. ...

d. The permit holder may submit a report to the Office of Environmental Assessment, Environmental Technology Division, demonstrating that compliance with the requirements under Subparagraph E.6.b of this Section cannot be achieved with any currently available methods.

e. If the administrative authority approves, in writing, the demonstration submitted pursuant to Subparagraph E.7.d of this Section, the permit holder must, within 30 days of the approval, submit a plan to the Office of Environmental Assessment, Environmental Technology Division, (which includes an implementation schedule) to implement alternate measures in accordance with LAC 33:1.Chapter 13:

7.e.i. - 8.b. ...

c. If assessment monitoring parameters or constituents are detected at concentrations significantly different from background in the resampling event in Subparagraph E.4.b of this Section, the permit holder must, within 14 days of the determination, submit a report to the Office of Environmental Assessment, Environmental Technology Division, identifying the assessment monitoring parameters or constituents that are statistically different from background concentrations. The permit holder must also:

i. within 90 days after the determination is made, submit four bound copies (8 1/2 by 11 inches) of an assessment plan to the Office of Environmental Assessment, Environmental Technology Division, as well as any necessary permit modification, to the Office of Environmental Services, Water and Waste Permits Division, that provides for:

8.c.i.(a). - 10. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 19:187 (February 1993), repromulgated LR 19:1315 (October 1993), amended by the Office of the Secretary, LR 24:2250 (December 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2521 (November 2000), amended by the Office of Environmental Assessment, LR 31:

#### **§711. Standards Governing Landfills (Type I and II)**

A. - B.6.d. ...

C. Facility Administrative Procedures

1. Recordkeeping and Reports

a. Reports

i. The permit holder shall submit annual reports to the Office of Management and Finance, Financial Services Division, indicating quantities and types of solid waste (expressed in wet-weight tons per year), received from in-state generators and from out-of-state generators, during the reporting period. The annual report shall also indicate the estimated remaining permitted capacity at the facility as of the end of the reporting period (expressed in wet-weight tons). All calculations used to determine the amounts of solid waste received for disposal during the annual-reporting period and to determine remaining capacity shall be submitted to the administrative authority. A form to be used for this purpose must be obtained from the Office of Management and Finance, Financial Services Division, or through the department's website.

1.a.ii. - 2.a. ...

b. Facilities receiving residential and commercial solid waste shall have the numbers and levels of certified operators employed at the facility, as required by the *Louisiana Administrative Code*, Title 46, Part XXIII. Operator certificates shall be prominently displayed at the facility. The Board of Certification and Training for Solid Waste Disposal System Operators and the Office of Environmental Services, Water and Waste Permits Division, shall be notified within 30 days of any changes in the employment status of certified operators.

D. - D.3.a.i. ...

ii. The permit holder or applicant subject to air-monitoring requirements shall submit to the Office of Environmental Services, Water and Waste Permits Division, a comprehensive air-monitoring plan that will limit methane gas to less than the lower-explosive limits at the facility boundary and to 25 percent of the lower-explosive limits in facility buildings.

ii.(a). - iii.(a). ...

(b). within 30 days of detection, submit a remediation plan to the Office of Environmental Assessment, Environmental Technology Division, for the methane gas releases. The plan shall describe the nature and extent of the problems and the proposed remedy and shall include an implementation schedule. The plan must be implemented within 60 days of detection.

a.iv. - c.i. ...

ii. A schedule of the type and frequency of vector control measures to be used shall be submitted to the Office of Environmental Services, Water and Waste Permits Division, for approval in the operational plan.

3.d. - 5.c. ...

6. Facility Operations, Emergency Procedures, and Contingency Plans

a. A plan outlining facility operations and emergency procedures to be followed in case of accident, fire, explosion, or other emergencies shall be developed and filed with the Office of Environmental Services, Water and Waste Permits Division, and with the local fire department and the closest hospital or clinic. The plans shall be updated annually or when implementation demonstrates that a revision is needed.

b. Training sessions concerning the procedures outlined in Subparagraph D.6.a of this Section shall be conducted annually for all employees working at the facility. A copy of the training program shall be filed with the Office of Environmental Services, Water and Waste Permits Division.

E. Facility Closure Requirements

1. Notification of Intent to Close a Facility. All permit holders shall notify the Office of Environmental Services, Water and Waste Permits Division, in writing at least 90 days before closure or intent to close, seal, or abandon any individual units within a facility and shall provide the following information:

1.a. - 3.c. ...

d. The permit holder shall update the parish mortgage and conveyance records by entering the specific location of the facility and specifying that the property was used for the disposal of solid waste. The document shall identify the name and address of the person with knowledge

of the contents of the facility. A form to be used for this purpose is provided in LAC 33:VII.311. The facility shall provide the Office of Environmental Services, Water and Waste Permits Division, with a true copy of the document filed and certified by the parish clerk of court.

E.4. - F.3. ...

a. maintaining the integrity and effectiveness of the final cover (including making repairs to the cover as necessary to correct the effects of settling, subsidence, erosion, or other events), preventing run-on and runoff from eroding or otherwise damaging the final cover; and providing annual reports to the Office of Environmental Compliance, Surveillance Division, on the integrity of the final cap;

b. - d. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 19:187 (February 1993), amended LR 19:1143 (September 1993), repromulgated LR 19:1316 (October 1993), amended by the Office of the Secretary, LR 24:2251 (December 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2523 (November 2000), repromulgated LR 27:704 (May 2001), amended LR 30:1676 (August 2004), amended by the Office of Environmental Assessment, LR 30:2024 (September 2004), LR 31:

### **§713. Standards Governing Surface Impoundments**

#### **(Type I and II)**

A. - B.4.d. ...

C. Facility Administrative Procedures

1. Recordkeeping and Reports

a. Reports

i. The permit holder shall submit annual reports to the Office of Management and Finance, Financial Services Division, indicating quantities and types of solid waste (expressed in wet-weight tons per year), received from in-state generators and from out-of-state generators, during the reporting period. If applicable, the annual report shall also indicate the estimated remaining permitted capacity at the facility as of the end of the reporting period (expressed in wet-weight tons). All calculations used to determine the amounts of solid waste received for disposal and to determine remaining capacity during the annual-reporting period shall be submitted to the administrative authority. A form to be used for this purpose must be obtained from the Office of Management and Finance, Financial Services Division, or through the department's website.

1.a.ii. - 2.a. ...

b. Facilities receiving residential and commercial solid waste shall have the numbers and levels of certified operators employed at the facility, as required by the *Louisiana Administrative Code*, Title 46, Part XXIII. Operator certificates shall be prominently displayed at the facility. The Board of Certification and Training for Solid Waste Disposal System Operators and the Office of Environmental Services, Water and Waste Permits Division, shall be notified within 30 days of any changes in the employment status of certified operators.

D. - D.3.a.i. ...

ii. The permit holder or applicant subject to air-monitoring requirements shall submit to the Office of

Environmental Services, Water and Waste Permits Division, a comprehensive air-monitoring plan that will limit methane gas levels to less than the lower-explosive limits at the facility boundary and to 25 percent of the lower-explosive limits in facility buildings.

3.a.ii.(a). - 4. ...

5. Facility Operations, Emergency Procedures, and Contingency Plans

a. A plan outlining facility operations and emergency procedures to be followed in case of accident, fire, explosion, or other emergencies shall be developed and filed with the Office of Environmental Services, Water and Waste Permits Division, and with the local fire department and the closest hospital or clinic. The plans shall be updated annually or when implementation demonstrates that a revision is needed.

b. Training sessions concerning the procedures outlined in Subparagraph D.5.a of this Section shall be conducted annually for all employees working at the facility. A copy of the training program shall be filed with the Office of Environmental Services, Water and Waste Permits Division.

E. Facility Closure Requirements

1. Notification of Intent to Close a Facility. All permit holders shall notify the Office of Environmental Services, Water and Waste Permits Division, in writing at least 90 days before closure or intent to close, seal, or abandon any individual units within a facility and shall provide the following information:

1.a. - 3.b.v. ...

vi. analyses to be sent to the Office of Environmental Services, Water and Waste Permits Division, confirming that clean closure has been achieved;

vii. ...

viii. a statement from the permit holder indicating that, after the closure requirements have been met, the permit holder will file a request for a closure inspection with the Office of Environmental Services, Water and Waste Permits Division, before backfilling takes place. The administrative authority will determine whether the facility has been closed properly.

E.3.c. - F.2.b. ...

i. maintaining the integrity and effectiveness of the final cover (including making repairs to the cover as necessary to correct the effects of settling, subsidence, erosion, or other events), preventing run-on and runoff from eroding or otherwise damaging the final cover; and providing annual reports to the Office of Environmental Compliance, Surveillance Division, on the integrity of the final cap;

ii. - iv. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 19:187 (February 1993), repromulgated LR 19:1316 (October 1993), amended by the Office of the Secretary, LR 24:2251 (December 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2524 (November 2000), repromulgated LR 27:704 (May 2001), amended LR 30:1676 (August 2004), amended by the Office of Environmental Assessment, LR 30:2025 (September 2004), LR 31:

**§715. Standards Governing Landfarms (Type I and II)**

A. - B.2.b. ...

C. Facility Administrative Procedures

1. Recordkeeping and Reports

a. Reports

i. The permit holder shall submit annual reports to the Office of Management and Finance, Financial Services Division, indicating quantities and types of solid waste (expressed in wet-weight and dry-weight tons per year) received from in-state generators and from out-of-state generators during the reporting period. The annual report shall also indicate the estimated remaining permitted capacity at the facility as of the end of the reporting period (expressed in wet-weight tons). All calculations used to determine the amounts of solid waste received for disposal during the annual-reporting period shall be submitted to the administrative authority. A form to be used for this purpose must be obtained from the Office of Management and Finance, Financial Services Division, or through the department's website.

a.ii. - b.iii.(o). ...

(p). a copy of the semiannual soil waste mixtures tests and analyses of the results with conclusions shall be submitted semiannually to the Office of Environmental Assessment, Environmental Technology Division, or more frequently if deemed necessary by the administrative authority;

(q). - (r). ...

(s). annual reports shall be submitted to the Office of Environmental Assessment, Environmental Technology Division, for a minimum of three years (Type II landfarms) and 10 years (Type I landfarms) after closure and shall contain analyses of all test results of the soils. The post-closure monitoring annual reporting may be reduced for certain types of landfarms if the permit-holder demonstrates to the administrative authority's satisfaction that such is warranted.

2. - 2.a. ...

b. Facilities receiving residential and commercial solid waste shall have the numbers and levels of certified operators employed at the facility, as required by the *Louisiana Administrative Code*, Title 46, Part XXIII. Operator certificates shall be prominently displayed at the facility. The Board of Certification and Training for Solid Waste Disposal System Operators and the Office of Environmental Services, Water and Waste Permits Division, shall be notified within 30 days of any changes in the employment status of certified operators.

D. - D.3.a.i. ...

ii. The permit holder or applicant subject to air-monitoring requirements shall submit to the Office of Environmental Services, Water and Waste Permits Division, a comprehensive air-monitoring plan that will limit methane gas levels to less than the lower-explosive limits at the facility boundary and to 25 percent of the lower-explosive limits in facility buildings.

a.ii.(a). - k.ii.(a). ...

(b). An operating plan for the facility shall be filed with the Office of Environmental Services, Water and Waste Permits Division, that demonstrates how the animal feed will be distributed to preclude ingestion by humans and that describes the measures to be taken to safeguard against

possible health hazards from the entry of cadmium or other heavy metals into the food chain, as may result from alternative land use.

3.k.ii.(c). - 4. ...

5. Facility Operations, Emergency Procedures, and Contingency Plans

a. A plan outlining facility operations and emergency procedures to be followed in case of accident, fire, explosion, or other emergencies shall be developed and filed with the Office of Environmental Services, Water and Waste Permits Division, and with the local fire department and the closest hospital or clinic. The plans shall be updated annually or when implementation demonstrates that a revision is needed.

b. Training sessions concerning the procedures outlined in Subparagraph D.5.a of this Section shall be conducted annually for all employees working at the facility. A copy of the training program shall be filed with the Office of Environmental Services, Water and Waste Permits Division.

E. Facility Closure Requirements

1. Notification of Intent to Close a Facility. All permit holders shall notify the Office of Environmental Services, Water and Waste Permits Division, in writing at least 90 days before closure or intent to close, seal, or abandon any individual units within a facility and shall provide the following information:

E.1.a. - F.3.a. ...

b. Annual reports shall be submitted to the Office of Environmental Compliance, Surveillance Division, for a period of three years after closure and shall contain results of analysis of all soil/waste.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 19:187 (February 1993), repromulgated LR 19:1316 (October 1993), amended by the Office of the Secretary, LR 24:2251 (December 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2525 (November 2000), repromulgated LR 27:704 (May 2001), amended LR 30:1676 (August 2004), amended by the Office of Environmental Assessment, LR 30:2025 (September 2004), LR 31:

**Subchapter C. Solid Waste Processors**

**§717. Standards Governing All Solid Waste Processors (Type I-A and II-A)**

A. - E.2.b. ...

F. Facility Administrative Procedures

1. Recordkeeping and Reports

a. Reports

i. The permit holder shall submit annual reports to the Office of Management and Finance, Financial Services Division, indicating quantities and types of solid waste (expressed in wet-weight tons per year), received from in-state generators and from out-of-state generators, during the reporting period. All calculations used to determine the amounts of solid waste received for processing during the annual-reporting period shall be submitted to the administrative authority. A form to be used for this purpose must be obtained from the Office of Management and Finance, Financial Services Division, or through the department's website.

1.a.ii. - 2.a. ...

b. Facilities receiving residential and commercial solid waste shall have the numbers and levels of certified operators employed at the facility, as required by the *Louisiana Administrative Code*, Title 46, Part XXIII. Operator certificates shall be prominently displayed at the facility. The Board of Certification and Training for Solid Waste Disposal System Operators and the Office of Environmental Services, Water and Waste Permits Division, shall be notified within 30 days of any changes in the employment status of certified operators.

G. - G.3.h.i. ...

ii. Testing

(a). Testing procedures, schedules, and methods must be submitted to the Office of Environmental Services, Water and Waste Permits Division, for review and approval before disposal operations begin. Disposal of ash shall be only in a permitted Type I facility. Processing of ash shall be only in a permitted Type I-A facility.

3.h.ii.(b). - 5....

a. A plan outlining facility operations and emergency procedures to be followed in case of accident, fire, explosion, or other emergencies shall be developed and filed with the Office of Environmental Services, Water and Waste Permits Division, and with the local fire department and the closest hospital or clinic. The plans shall be updated annually or when implementation demonstrates that a revision is needed.

b. Training sessions concerning the procedures outlined in Subparagraph G.5.a of this Section shall be conducted annually for all employees working at the facility. A copy of the training program shall be filed with the Office of Environmental Services, Water and Waste Permits Division.

H. ...

I. Facility Closure Requirements

1. Notification of Intent to Close a Facility. All permit holders shall notify the Office of Environmental Services, Water and Waste Permits Division, in writing at least 90 days before closure or intent to close, seal, or abandon any individual units within a facility and shall provide the following information:

1.a. - 3....

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 19:187 (February 1993), amended by the Office of the Secretary, LR 24:2252 (December 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2526, 2610 (November 2000), repromulgated LR 27:704 (May 2001), amended by the Office of Environmental Assessment, LR 30:2025 (September 2004), LR 31:

#### **Subchapter D. Minor Processing and Disposal Facilities**

#### **§719. Standards Governing All Minor Processing and Disposal Facilities (Type III)**

A. - D.1....

2. A design for surfacing natural soils that do not meet the requirement in Paragraph D.1 of this Section shall be prepared and installed under the supervision of a registered engineer, licensed in the state of Louisiana, with expertise in geotechnical engineering and geohydrology. Written certification by the engineer that the surface satisfies the requirements of Paragraph D.1 of this Section shall be

provided to the Office of Environmental Services, Water and Waste Permits Division.

E. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 19:187 (February 1993), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2527 (November 2000), amended by the Office of Environmental Assessment, LR 31:

#### **§721. Construction and Demolition Debris and Woodwaste Landfills and Processing Facilities (Type III)**

A. - A.3.b. ...

B. Facility Administrative Procedures

1. Recordkeeping and Reports

a. Reports

i. The permit holder shall submit annual reports to the Office of Management and Finance, Financial Services Division, indicating quantities and types of solid waste (expressed in wet-weight tons per year), received from in-state generators and from out-of-state generators, during the reporting period. All calculations used to determine the amounts of solid waste received for processing or disposal during the annual-reporting period shall be submitted to the administrative authority. A form to be used for this purpose must be obtained from the Office of Management and Finance, Financial Services Division, or through the department's website.

1.a.ii. - 2. ...

3. Type III facilities receiving construction and demolition debris and woodwaste shall have the number and levels of certified operators employed at the facility as required by the *Louisiana Administrative Code*, Title 46, Part XXIII. Operator certificates shall be prominently displayed at the facility. The Board of Certification and Training for Solid Waste Disposal System Operators and the Office of Environmental Services, Water and Waste Permits Division, shall be notified within 30 days of any changes in the employment status of certified operators.

B.3.a. - C.4. ...

5. Facility Operations, Emergency Procedures, and Contingency Plans

a. A plan outlining facility operations and emergency procedures to be followed in case of accident, fire, explosion, or other emergencies shall be developed and filed with the Office of Environmental Services, Water and Waste Permits Division, and with the local fire department and the closest hospital or clinic. The plans shall be updated annually or when implementation demonstrates that a revision is needed.

b. Training sessions concerning the procedures outlined in Subparagraph C.5.a of this Section shall be conducted annually for all employees working at the facility. A copy of the training program shall be filed with the Office of Environmental Services, Water and Waste Permits Division.

D. Facility Closure Requirements

1. Notification of Intent to Close a Facility. All permit holders shall notify the Office of Environmental Services, Water and Waste Permits Division, in writing at least 90 days before closure or intent to close, seal, or abandon any

individual units within a facility and shall provide the following information:

1.a. - 3.b. ...

c. The permit holder shall update the parish mortgage and conveyance records by entering the specific location of the facility and specifying that the property was used for the disposal of solid waste. The document shall identify the name and address of the person with knowledge of the contents of the facility. A form to be used for this purpose is provided in LAC 33:VII.3011. The facility shall provide the Office of Environmental Services, Water and Waste Permits Division, with a true copy of the document filed and certified by the parish clerk of court.

D.4. - E.2. ...

3. Annual reports concerning the integrity of the cap shall be submitted to the Office of Environmental Compliance, Surveillance Division, for a period of three years after closure.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 19:187 (February 1993), amended LR 20:1001 (September 1994), amended by the Office of the Secretary, LR 24:2252 (December 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2527 (November 2000), repromulgated LR 27:705 (May 2001), amended by the Office of Environmental Assessment, LR 30:2025 (September 2004), LR 31:\*\* (July 2005), LR 31:

### **§723. Composting Facilities (Type III)**

A. - A.3.b. ...

B. Facility Administrative Procedures

1. Recordkeeping and Reports

a. Reports

i. The permit holder shall submit annual reports to the Office of Management and Finance, Financial Services Division, indicating quantities and types of solid waste (expressed in wet-weight tons per year), received from in-state generators and from out-of-state generators, during the reporting period. All calculations used to determine the amounts of solid waste received for processing during the annual-reporting period shall be submitted to the administrative authority. A form to be used for this purpose must be obtained from the Office of Management and Finance, Financial Services Division, or through the department's website.

1.a.ii. - 2. ...

3. Type III facilities receiving solid waste for composting shall have the number and levels of certified operators employed at the facility as required by the *Louisiana Administrative Code*, Title 46, Part XXIII. Operator certificates shall be prominently displayed at the facility. The Board of Certification and Training for Solid Waste Disposal System Operators and the Office of Environmental Services, Water and Waste Permits Division, shall be notified within 30 days of any changes in the employment status of certified operators.

C. - C.6.b. ...

D. Facility Closure Requirements

1. Notification of Intent to Close a Facility. All permit holders shall notify the Office of Environmental Services, Water and Waste Permits Division, in writing at least 90 days before closure or intent to close, seal, or abandon any

individual units within a facility and shall provide the following information:

D.1.a. - 2.b. ...

c. The permit holder shall verify that the underlying soils have not been contaminated in the operation of the facility. If contamination exists, a remediation/removal program developed to meet the standards of LAC 33:VII.713.E.3, 4, and 5 must be provided to the Office of Environmental Services, Water and Waste Permits Division.

3. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 19:187 (February 1993), amended LR 20:1001 (September 1994), amended by the Office of the Secretary, LR 24:2252 (December 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2528 (November 2000), repromulgated LR 27:705 (May 2001), amended by the Office of Environmental Assessment, LR 30:2025 (September 2004), LR 31:

### **§725. Separation and Woodwaste Processing Facilities (Type III)**

A. - A.2.b. ...

B. Facility Administration Procedures

1. Recordkeeping and Reports

a. Reports

i. The permit holder shall submit annual reports to the Office of Management and Finance, Financial Services Division, indicating quantities and types of solid waste (expressed in wet-weight tons per year), received from in-state generators and from out-of-state generators, during the reporting period. All calculations used to determine the amounts of solid waste received for processing during the annual-reporting period shall be submitted to the administrative authority. A form to be used for this purpose must be obtained from the Office of Management and Finance, Financial Services Division, or through the department's website.

a.ii. - b.i. ...

ii. The permit holder shall maintain records of transporters transporting waste for processing or disposal at the facility. The records shall include the date of receipt of shipments of waste and the transporter's solid waste identification number issued by the Office of Environmental Services, Water and Waste Permits Division.

1.b.iii. - 2. ...

3. Type III facilities receiving solid waste for separation shall have the number and levels of certified operators employed at the facility as required by the *Louisiana Administrative Code*, Title 46, Part XXIII. Operator certificates shall be prominently displayed at the facility. The Board of Certification and Training for Solid Waste Disposal System Operators and the Office of Environmental Services, Water and Waste Permits Division, shall be notified within 30 days of any changes in the employment status of certified operators.

C. - C.4. ...

5. Facility Operations, Emergency Procedures, and Contingency Plans

a. A plan outlining facility operations and emergency procedures to be followed in case of accident, fire, explosion, or other emergencies shall be developed and

filed with the Office of Environmental Services, Water and Waste Permits Division, and with the local fire department and the closest hospital or clinic. The plans shall be updated annually or when implementation demonstrates that a revision is needed.

b. Training sessions concerning the procedures outlined in Subparagraph C.5.a of this Section shall be conducted annually for all employees working at the facility. A copy of the training program shall be filed with the Office of Environmental Services, Water and Waste Permits Division.

**D. Facility Closure Requirements**

1. Notification of Intent to Close a Facility. All permit holders shall notify the Office of Environmental Services, Water and Waste Permits Division, in writing at least 90 days before closure or intent to close, seal, or abandon any individual units within a facility and shall provide the following information:

1.a. - 2.b. ...

c. The permit holder shall verify that the underlying soils have not been contaminated from the operation of the facility. If contamination exists, a remediation/removal program developed to meet the standards of LAC 33:VII.713.E.3, 4, and 5 must be provided to the Office of Environmental Services, Water and Waste Permits Division.

3. ...

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 30:2001 et seq.

**HISTORICAL NOTE:** Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 19:187 (February 1993), amended LR 20:1001 (September 1994), LR 22:280 (April 1996), amended by the Office of the Secretary, LR 24:2252 (December 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2528 (November 2000), repromulgated LR 27:705 (May 2001), amended by the Office of Environmental Assessment, LR 30:2026 (September 2004), LR 31:

**Subchapter E. Financial Assurance for All Processors and Disposers of Solid Waste**

**§727. Financial Assurance**

A. - A.1. ...

a. Permit holders or applicants for Type I and II facilities shall maintain liability insurance, or its equivalent, for sudden and accidental occurrences in the amount of \$1 million per occurrence and \$1 million annual aggregate, per site, exclusive of legal-defense costs, for claims arising from injury to persons or property, owing to the operation of the site. Evidence of this coverage shall be updated annually and provided to the Office of Environmental Services, Water and Waste Permits Division.

b. Permit holders or applicants for Type I-A and II-A facilities shall maintain liability insurance, or its equivalent, for sudden and accidental occurrences in the amount of \$500,000 per occurrence, and \$500,000 annual aggregate, per site, exclusive of legal-defense costs, for claims arising from injury to persons or property, owing to the operation of the site. Evidence of this coverage shall be updated annually and provided to the Office of Environmental Services, Water and Waste Permits Division.

c. Permit holders or applicants for Type III facilities shall maintain liability insurance, or its equivalent, for

sudden and accidental occurrences in the amount of \$250,000 per occurrence, and \$250,000 annual aggregate, per site, exclusive of legal-defense costs, for claims arising from injury to persons or property, owing to the operation of the site. Evidence of this coverage shall be updated annually and provided to the Office of Environmental Services, Water and Waste Permits Division.

d. - d.i.(c).(iii). ...

(iv). cancellation of the policy, whether by the insurer or the insured, will be effective only upon written notice and upon lapse of 60 days after a copy of such written notice is received by the Office of Environmental Services, Water and Waste Permits Division;

(v). any other termination of the policy will be effective only upon written notice and upon lapse of 30 days after a copy of such written notice is received by the Office of Environmental Services, Water and Waste Permits Division;

(vi). ...

(d). The wording of the liability endorsement shall be identical to the wording that follows, except that the instructions in brackets are to be replaced with the relevant information and the brackets deleted.

**SOLID WASTE FACILITY  
LIABILITY ENDORSEMENT**

Secretary  
Louisiana Department of Environmental Quality  
Post Office Box 4313  
Baton Rouge, Louisiana 70821-4313  
Attention: Office of Environmental Services,  
Water and Waste Permits Division

Dear Sir:

\* \* \*

[See Prior Text in Letter]

(e). The wording of the certificate of insurance shall be identical to the wording that follows, except that the instructions in brackets are to be replaced with the relevant information and the brackets deleted.

**SOLID WASTE FACILITY  
CERTIFICATE OF LIABILITY INSURANCE**

Secretary  
Louisiana Department of Environmental Quality  
Post Office Box 4313  
Baton Rouge, Louisiana 70821-4313  
Attention: Office of Environmental Services,  
Water and Waste Permits Division

Dear Sir:

\* \* \*

[See Prior Text in Letter]

ii. - ii.(c). ...

(d). The letter of credit must be irrevocable and issued for a period of at least one year unless, at least 120 days before the current expiration date, the issuing institution notifies both the permit holder and the administrative authority by certified mail of a decision not to extend the expiration date. Under the terms of the letter of credit, the 120 days will begin on the date when both the permit holder and the Office of Environmental Services, Water and Waste Permits Division, receive the notice, as evidenced by the return receipts.

(e). The wording of the letter of credit shall be identical to the wording that follows, except that the instructions in brackets are to be replaced with the relevant information and the brackets deleted.



SOLID WASTE FACILITY  
IRREVOCABLE LETTER OF CREDIT

Secretary  
Louisiana Department of Environmental Quality  
Post Office Box 4313  
Baton Rouge, Louisiana 70821-4313  
Attention: Office of Environmental Services,  
Water and Waste Permits Division

Dear Sir:

\* \* \*

[See Prior Text in Letter]

iii. Financial Test

(a). To meet this test, the applicant, permit holder, parent corporation of the applicant (corporate guarantor), or permit holder must submit to the Office of Environmental Services, Water and Waste Permits Division, the documents required by Paragraph A.2 of this Section demonstrating that the requirements of that Subsection have been met. Use of the financial test may be disallowed on the basis of the accessibility of the assets of the permit holder, applicant, or parent corporation (corporate guarantor). If the applicant, permit holder, or parent corporation is using the financial test to demonstrate liability coverage and closure and post-closure care, only one letter from the chief financial officer is required.

iii.(b). - iv.(a).(iii). ...

(iv). the guarantor agrees that if, at the end of any fiscal year before termination of the guarantee, the guarantor fails to meet the financial-test criteria, the guarantor shall send within 90 days, by certified mail, notice to the Office of Environmental Services, Water and Waste Permits Division, and to the permit holder or applicant, that he intends to provide alternative financial assurance as specified in Paragraph A.1 of this Section, in the name of the permit holder or applicant, and that within 120 days after the end of said fiscal year the guarantor shall establish such financial assurance, unless the permit holder or applicant has done so;

(v). the guarantor agrees to notify the Office of Environmental Services, Water and Waste Permits Division, by certified mail of a voluntary or involuntary proceeding under Title 11 (Bankruptcy), U.S. Code, naming the guarantor as debtor, within 10 days after commencement of the proceeding;

(vi). - (xi). ...

(b). A corporate guarantee may be used to satisfy the requirements of this Section only if the attorney general(s) or insurance commissioner(s) of the state in which the guarantor is incorporated, and the state in which the facility covered by the guarantee is located, has submitted a written statement to the Office of Environmental Services, Water and Waste Permits Division, that a corporate guarantee is a legally valid and enforceable obligation in that state.

1.e. - 2.a. ...

b. The applicant or permit holder shall submit to the Office of Environmental Services, Water and Waste Permits Division, the estimated closure date and the estimated cost of closure and post-closure care in accordance with the following procedures.

i. - ii. ...

iii. The cost estimates must be adjusted within 30 days after each anniversary of the date on which the first cost estimate was prepared on the basis of either the inflation

factor derived from the Annual Implicit Price Deflator for Gross Domestic Product, as published by the U.S. Department of Commerce in its *Survey of Current Business* or a reestimation of the closure and post-closure costs in accordance with Clauses A.2.b.i and ii of this Section. The permit holder or applicant must revise the cost estimate whenever a change in the closure/post-closure plans increases or decreases the cost of the closure plan. The permit holder or applicant must submit a written notice of any such adjustment to the Office of Environmental Services, Water and Waste Permits Division, within 15 days following such adjustment.

b.iv. - c.iv. ...

d. Trust Funds. A permit holder or applicant may satisfy the requirements of this Section by establishing a closure trust fund that conforms to the following requirements and submitting an originally signed duplicate of the trust agreement to the Office of Environmental Services, Water and Waste Permits Division.

i. - vii. ...

viii. After beginning final closure, a permit holder, or any other person authorized by the permit holder to perform closure and/or post-closure may request reimbursement for closure and/or post-closure expenditures by submitting itemized bills to the Office of Environmental Services, Water and Waste Permits Division. Within 60 days after receiving bills for such activities, the administrative authority will determine whether the closure and/or post-closure expenditures are in accordance with the closure plan or otherwise justified, and if so, he or she will instruct the trustee to make reimbursement in such amounts as the administrative authority specifies in writing. If the administrative authority has reason to believe that the cost of closure and/or post-closure will be significantly greater than the value of the trust fund, he may withhold reimbursement for such amounts as he deems prudent until he determines that the permit holder is no longer required to maintain financial assurance.

ix. The wording of the trust agreement shall be identical to the wording that follows, except that the instructions in brackets are to be replaced with the relevant information and the brackets deleted. The trust agreement shall be accompanied by a formal certification of acknowledgement.

SOLID WASTE FACILITY  
TRUST AGREEMENT/STANDBY TRUST AGREEMENT

\* \* \*

[See Prior Text in Document]

e. Surety Bonds. A permit holder or applicant may satisfy the requirements of this Section by obtaining a surety bond that conforms to the following requirements and submitting the bond to the Office of Environmental Services, Water and Waste Permits Division.

i. - v. ...

vi. Whenever the current cost-estimate increases to an amount greater than the penal sum, the permit holder, within 60 days after the increase, must either cause the penal sum to be increased to an amount at least equal to the current closure and post-closure estimate and submit evidence of such increase to the Office of Environmental Services, Water and Waste Permits Division, or obtain other financial assurance as specified in this Section to cover the increase.

Whenever the current cost estimate decreases, the penal sum may be reduced to the amount of the current cost estimate following written approval by the administrative authority.

vii. ...

viii. The wording of the surety bond guaranteeing payment into a standby trust fund shall be identical to the wording that follows, except that the instructions in brackets are to be replaced with the relevant information and the brackets delete.

SOLID WASTE FACILITY  
FINANCIAL GUARANTEE BOND  
\* \* \*

[See Prior Text in Document]

f. Performance Bonds. A permit holder or applicant may satisfy the requirements of this Section by obtaining a surety bond that conforms to the following requirements and submitting the bond to the Office of Environmental Services, Water and Waste Permits Division.

i. - v. ...

vi. Whenever the current closure cost estimate increases to an amount greater than the penal sum, the permit holder, within 60 days after the increase, must either cause the penal sum to be increased to an amount at least equal to the current closure and post-closure cost estimates and submit evidence of such increase to the Office of Environmental Services, Water and Waste Permits Division, or obtain other financial assurance as specified in this Section. Whenever the current cost estimate decreases, the penal sum may be reduced to the amount of the current cost estimate after written approval of the administrative authority.

vii. Under the terms of the bond, the surety may cancel the bond by sending notice of cancellation by certified mail to the permit holder and to the Office of Environmental Services, Water and Waste Permits Division. Cancellation may not occur before 120 days have elapsed beginning on the date that both the permit holder and the administrative authority receive the notice of cancellation, as evidenced by the return receipts.

viii. The wording of the performance bond shall be identical to the wording that follows, except that the instructions in brackets are to be replaced with the relevant information and the brackets deleted.

SOLID WASTE FACILITY  
PERFORMANCE BOND  
\* \* \*

[See Prior Text in Document]

g. Letter of Credit. A permit holder or applicant may satisfy the requirements of this Section by obtaining an irrevocable standby letter of credit that conforms to the following requirements and submitting the letter to the Office of Environmental Services, Water and Waste Permits Division.

i. - iii. ...

iv. The letter of credit must be irrevocable and issued for a period of at least one year, unless, at least 120 days before the current expiration date, the issuing institution notifies both the permit holder and the Office of Environmental Services, Water and Waste Permits Division, by certified mail of a decision not to extend the expiration date. Under the terms of the letter of credit, the 120 days will begin on the date when both the permit holder and the

administrative authority receive the notice, as evidenced by the return receipts.

v. ...

vi. Whenever the current cost estimates increase to an amount greater than the amount of the credit, the permit holder, within 60 days after the increase, must either cause the amount of the credit to be increased so that it at least equals the current closure and post-closure cost estimates and submit evidence of such increase to the Office of Environmental Services, Water and Waste Permits Division, or obtain other financial assurance as specified in this Section to cover the increase. Whenever the current cost estimate decreases, the amount of the credit may be reduced to the amount of the current closure and post-closure cost estimates upon written approval of the administrative authority.

vii. ...

viii. The wording of the letter of credit shall be identical to the wording that follows, except that the instructions in brackets are to be replaced with the relevant information and the brackets deleted.

SOLID WASTE FACILITY  
IRREVOCABLE LETTER OF CREDIT

Secretary  
Louisiana Department of Environmental Quality  
Post Office Box 4313  
Baton Rouge, Louisiana 70821-4313  
Attention: Office of Environmental Services,  
Water and Waste Permits Division

Dear Sir:

\* \* \*

[See Prior Text in Letter]

h. Insurance. A permit holder or applicant may satisfy the requirements of this Section by obtaining insurance that conforms to the requirements of this Subparagraph and submitting a certificate of such insurance to the Office of Environmental Services, Water and Waste Permits Division.

i. - iv. ...

v. After beginning final closure, a permit holder or any other person authorized by the permit holder to perform closure and post-closure may request reimbursement for closure or post-closure expenditures by submitting itemized bills to the Office of Environmental Services, Water and Waste Permits Division. Within 60 days after receiving such bills, the administrative authority will determine whether the expenditures are in accordance with the closure plan or otherwise justified, and if so, he or she will instruct the insurer to make reimbursement in such amounts as the administrative authority specifies in writing.

vi. - vii. ...

viii. The policy must provide that the insurer may not cancel, terminate, or fail to renew the policy except for failure to pay the premium. The automatic renewal of the policy must, at a minimum, provide the insured with the option of renewal at the face amount of the expiring policy. If there is a failure to pay the premium, the insurer may elect to cancel, terminate, or fail to renew the policy by sending notice by certified mail to the permit holder and the Office of Environmental Services, Water and Waste Permits Division. Cancellation, termination, or failure to renew may not occur, however, before 120 days have elapsed, beginning on the date that both the administrative authority and the

permit holder receive notice of cancellation, as evidenced by the return receipts. Cancellation, termination, or failure to renew may not occur, and the policy will remain in full force and effect in the event that, on or before the date of expiration:

(a) - (e). ...

ix. Whenever the current cost estimate increases to an amount greater than the face amount of the policy, the permit holder, within 60 days after the increase, must either increase the face amount to at least equal to the current closure and post-closure cost estimates and submit evidence of such increase to the Office of Environmental Services, Water and Waste Permits Division, or obtain other financial assurance as specified in this Section to cover the increase. Whenever the current cost estimate decreases, the face amount may be reduced to the amount of the current closure and post-closure cost estimates following written approval by the administrative authority.

h.x. - i.i.(b).(iii). ...

ii. To demonstrate that he or she meets this test, the permit holder, applicant, or parent corporation of the permit holder or applicant must submit the following three items to the Office of Environmental Services, Water and Waste Permits Division:

ii.(a) - iii. ...

iv. The permit holder, applicant, or parent corporation (if a corporate guarantor) of the permit holder or applicant shall provide to the Office of Environmental Services, Water and Waste Permits Division, a letter from the chief financial officer certifying the following information:

(a) - (d). ...

(e). The wording of the letter from the chief financial officer shall be identical to the wording as follows, except that the instructions in brackets are to be replaced with the relevant information and the brackets deleted.

SOLID WASTE FACILITY  
LETTER FROM THE CHIEF FINANCIAL OFFICER  
(Liability Coverage, Closure, and/or Post-Closure)

Secretary  
Louisiana Department of Environmental Quality  
Post Office Box 4313  
Baton Rouge, Louisiana 70821-4313  
Attention: Office of Environmental Services,  
Water and Waste Permits Division

Dear Sir:

\* \* \*

[See Prior Text in Letter]

v. - vi. ...

vii. After initial submission of the items specified in Clause A.2.i.ii of this Section, the permit holder, applicant, or parent corporation of the permit holder or applicant must send updated information to the Office of Environmental Services, Water and Waste Permits Division, within 90 days after the close of each succeeding fiscal year. This information must include all three items specified in Clause A.2.i.ii of this Section.

viii. - ix.(d). ...

(e). guarantor agrees that if, at the end of any fiscal year before termination of the guarantee, the guarantor fails to meet the financial test criteria, the guarantor shall send within 90 days after the end of the fiscal year, by certified mail, notice to the Office of Environmental

Services, Water and Waste Permits Division, and to the permit holder or applicant that he intends to provide alternative financial assurance as specified in Paragraph A.2 of this Section, in the name of the permit holder or applicant, and that within 120 days after the end of such fiscal year, the guarantor shall establish such financial assurance unless the permit holder or applicant has done so;

(f). the guarantor agrees to notify the Office of Environmental Services, Water and Waste Permits Division, by certified mail of a voluntary or involuntary proceeding under Title 11 (Bankruptcy), U.S. Code, naming the guarantor as debtor, within 10 days after commencement of the proceeding;

(g) - (h). ...

(i). the guarantor agrees to remain bound under the guarantee for as long as the permit holder must comply with the applicable financial assurance requirements of Paragraph A.2 of this Section for the above-listed facilities, except that the guarantor may cancel this guarantee by sending notice by certified mail to the Office of Environmental Services, Water and Waste Permits Division, and the permit holder or applicant. The cancellation will become effective no earlier than 90 days after receipt of such notice by both the administrative authority and the permit holder or applicant, as evidenced by the return receipts;

i.ix.(j) - j.iii.(d).(ii). ...

(e). A local government must satisfy the requirements of the financial test at the close of each fiscal year. If the local government owner or operator no longer meets the requirements of the local government financial test, it must, within 210 days following the close of the owner or operator's fiscal year, obtain alternative financial assurance that meets the requirements of this Section, place the required submissions for that assurance in the operating record, and notify the Office of Environmental Services, Water and Waste Permits Division, that the owner or operator no longer meets the criteria of the financial test and that alternate assurance has been obtained.

j.iii.(f) - k.i.(a).(ii). ...

(b). the guarantee will remain in force unless the guarantor sends notice of cancellation by certified mail to the owner or operator and to the Office of Environmental Services, Water and Waste Permits Division. Cancellation may not occur, however, during the 120 days beginning on the date of receipt of the notice of cancellation by both the owner or operator and the administrative authority, as evidenced by the return receipts; and

(c). if a guarantee is canceled, the owner or operator must, within 90 days following receipt of the cancellation notice by the owner or operator and the administrative authority, obtain alternate financial assurance, place evidence of that alternate financial assurance in the facility operating record, and notify the Office of Environmental Services, Water and Waste Permits Division. If the owner or operator fails to provide alternate financial assurance within the 90-day period, then the owner or operator must provide that alternate assurance within 120 days following the guarantor's notice of cancellation, place evidence of the alternate assurance in the facility operating record, and notify the Office of Environmental Services, Water and Waste Permits Division.

ii. - ii.(b).(ii). ...

(c). If a local government guarantor no longer meets the requirements of Subparagraph A.2.j of this Section, the owner or operator must, within 90 days, obtain alternate assurance, place evidence of the alternate assurance in the facility operating record, and notify the Office of Environmental Services, Water and Waste Permits Division. If the owner or operator fails to obtain alternate financial assurance within that 90-day period, the guarantor must provide that alternate assurance within the next 30 days.

l. - m. ...

i. the administrative authority determines that cost estimates are complete and accurate and the owner or operator has submitted a statement from a registered professional engineer to the Office of Environmental Services, Water and Waste Permits Division, so stating;

ii. - iv. ...

B. Financial Responsibility for Corrective Action for Type II Landfills

1. A permit holder of a Type II landfill required to undertake a corrective action program under LAC 33:VII.709.E must provide to the Office of Environmental Services, Water and Waste Permits Division, a detailed written estimate, in current dollars, of the cost of hiring a third party to perform the corrective action in accordance with the program required under LAC 33:VII.709.E. The corrective action cost estimate must account for the total costs of corrective action activities as described in the corrective action plan for the entire corrective action period.

a. The permit holder must provide an annual adjustment of the estimate for inflation to the Office of Environmental Services, Water and Waste Permits Division, until the corrective action program is completed in accordance with LAC 33:VII.709.E.

b. The permit holder must provide an increased corrective action cost estimate to the Office of Environmental Services, Water and Waste Permits Division, and the amount of financial assurance provided under Paragraph B.2 of this Section if changes in the corrective action program or landfill conditions increase the maximum costs of corrective action.

c. Subject to approval of the administrative authority, the permit holder may provide a reduced corrective action cost estimate to the Office of Environmental Services, Water and Waste Permits Division, and the amount of financial assurance provided under Paragraph B.2 of this Section if the cost estimate exceeds the maximum remaining costs of corrective action. The permit holder must provide the Office of Environmental Services, Water and Waste Permits Division, justification for the reduction of the corrective action cost estimate and the revised amount of financial assurance.

2. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 19:187 (February 1993), amended LR 19:1143 (September 1993), LR 19:1316 (October 1993), amended by the Office of Waste Services, Solid Waste Division, LR 23:954 (August 1997), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2529 (November 2000), repromulgated LR 27:39 (January 2001), amended by the Office of Environmental Assessment, LR 30:2026 (September 2004), LR 31:

## Chapter 9. Enforcement

### §909. Closing Unauthorized and Promiscuous Dumps

Unauthorized and promiscuous dumps shall be closed through the following procedure.

A. - C.2.e. ...

f. record in the parish mortgage and conveyance records a document describing the specific location of the facility and specifying that the property was used for the disposal of solid waste. The document shall identify the name of the person with knowledge of the contents of the facility, as well as providing the chemical levels remaining, if present. A true copy of the document, filed and certified by the parish clerk of court, shall be sent to the Office of Environmental Compliance, Enforcement Division; and

C.2.g. - E.2. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:1051 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 19:187 (February 1993), amended by the Office of the Secretary, LR 24:2252 (December 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2536 (November 2000), amended by the Office of Environmental Assessment, LR 31:

## Chapter 11. Beneficial-Use Facilities

### §1109. Standards Governing Beneficial-Use Facilities

A. - E. ...

F. Facility Administrative Procedures

1. Recordkeeping and Reports

a. Reports

i. The permit holder shall submit annual reports to the Office of Management and Finance, Financial Services Division, indicating quantities and types of solid waste beneficially used, (expressed in wet-weight tons and dry-weight tons per year), during the reporting period. All calculations used to determine the amounts of solid waste received for processing or disposal during the annual reporting period shall be submitted to the administrative authority. A form for this purpose must be obtained from the Office of Management and Finance, Financial Services Division, or through the department's website.

F.1.a.ii. - G.3.d.ii. ...

H. Facility Closure Requirements

1. All permit holders shall notify the Office of Environmental Services, Water and Waste Permits Division, in writing at least 90 days before closure or intention to close or abandon any individual units within a facility and shall provide the following information:

1.a. - 2. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 19:187 (February 1993), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2536 (November 2000), repromulgated LR 27:40 (January 2001), LR 27:705 (May 2001), amended by the Office of Environmental Assessment, LR 30:2027 (September 2004), LR31:

## Chapter 13. Statewide Beautification

### §1303. Definitions

A. The following words, terms, and phrases, when used in conjunction with LAC 33:VII.Subpart 1, shall have the meanings ascribed to them in this Chapter, except where the context clearly indicates a different meaning.

\* \* \*

*Section*—the Litter and Waste Reduction Section located within and acting through the Office of Environmental Services of the Department of Environmental Quality.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2522 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Environmental Assessment, Environmental Planning Division, LR 26:2610 (November 2000), amended by the Office of Environmental Assessment, LR 31:

**§1305. Louisiana Litter Abatement Program**

A. - B.2. ...

3. All requests for awards shall be made in writing on a form provided by the department to the Litter and Waste Reduction Section of the Office of Environmental Services.

4. - 5. ...

6. Awards shall be awarded based on a comparative basis as determined by the Litter and Waste Reduction Section of the Office of Environmental Services.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2524 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Environmental Assessment, Environmental Planning Division, LR 26:2610 (November 2000), amended by the Office of Environmental Assessment, LR 31:

**Chapter 30. Appendices**

**§3001. Appendix A**

Example of a Public Notice to be Placed in the Local Newspaper for Intention to Submit a Permit Application to the Office of Environmental Services, Water and Waste Permits Division, for Existing/Proposed Solid Waste Facilities

Public Notice  
of  
Intent To Submit Permit Application  
(Name of Applicant/Facility)  
Facility (location), Parish (location), Louisiana

Notice is hereby given that (name of applicant) does intend to submit to the Department of Environmental Quality, Office of Environmental Services, Water and Waste Permits Division, an application for a permit to operate a (type of solid waste facility) in (parish name), Range\_\_, Township\_\_, Section\_\_, which is approximately (identify the physical location of the site by direction and distance from the nearest town).

Comments concerning the facility may be filed with the secretary of the Louisiana Department of Environmental Quality at the following address:

Louisiana Department of Environmental Quality  
Office of Environmental Services  
Water and Waste Permits Division  
Post Office Box 4313  
Baton Rouge, Louisiana 70821-4313

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 19:187 (February 1993), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2536 (November 2000), amended by the Office of Environmental Assessment, LR 30:2027 (September 2004), LR 31:

**Subpart 2. Recycling**

**Chapter 103. Recycling and Waste Reduction Rules**

**§10307. Development of Local Plan**

A. - A.2.a. ...

b. an annual progress report must be submitted to the Office of Environmental Services, Environmental Assistance Division, no later than December 31 of each year after submittal and approval.

A.3. - C.2. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2411-2422.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 18:35 (January 1992) repromulgated LR 18:164 (February 1992), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2537 (November 2000), amended by the Office of Environmental Assessment, LR 31:

**Chapter 105. Waste Tires**

**§10513. Permit Process for Existing Facilities Classified for Upgrade and for Proposed Facilities**

A. Applicant Public Notice

1. No sooner than 45 days prior to the submittal of a standard permit application to the Office of Environmental Services, Water and Waste Permits Division, the prospective applicant shall publish a notice of intent to submit an application for a waste tire standard permit. This notice shall be published one time as a single classified advertisement measuring 3 columns by 5 inches, in the legal or public notices section of the official journal of this state and a major local newspaper of general circulation. If the affected area is Baton Rouge, a single classified advertisement measuring 3 columns by 5 inches, in the legal or public notices section of the official journal of the state will be the only public notice required.

2. - 3. ...

B. Submittal of Permit Applications

1. Any applicant for a standard permit for an existing or proposed facility shall complete a waste tire standard permit application, and submit four copies to the Office of Environmental Services, Water and Waste Permits Division. Each individual copy of the application shall be in standard three-ring-bound documents measuring 8 1/2 by 11 inches. All appendices, references, exhibits, tables, etc., shall be marked with appropriate tabs.

B.2. - H. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2411-2422.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 18:39 (January 1992), amended LR 20:1001 (September 1994), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2775 (December 2000), LR 27:829 (June 2001), amended by the Office of Environmental Assessment, LR 30:2033 (September 2004), LR 31:

**§10515. Agreements with Waste Tire Processors**

Standard permitted waste tire processors may apply to the Office of Management and Finance, Financial Services Division, for subsidized funding to assist them with waste tire processing and marketing costs. This application form is available from the Office of Management and Finance, Financial Services Division.

A. - F. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2411-2422.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 18:39 (January 1992), amended LR 20:1001

(September 1994), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2776 (December 2000), LR 27:830 (June 2001), amended by the Office of Environmental Assessment, LR 31:

#### **§10517. Standard Waste Tire Permit Application**

Each applicant requesting a standard permit in accordance with these regulations shall complete the permit application, including, but not limited to, the information included in this Section and submit it to the Office of Environmental Services, Water and Waste Permits Division.

A. - C.6. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2411-2422.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 18:39 (January 1992), amended LR 20:1001 (September 1994), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2776 (December 2000), LR 27:830 (June 2001), amended by the Office of Environmental Assessment, LR 31:

#### **§10519. Standards and Responsibilities of Generators of Waste Tires**

A. Within 30 days of commencement of business operations, generators of waste tires shall notify the Office of Environmental Services, Water and Waste Permits Division, of their existence and obtain a generator identification number prior to initiating a waste tire manifest. Notification shall be on a form provided by the Office of Environmental Services, Water and Waste Permits Division.

B. - P. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2411-2422.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 18:40 (January 1992), amended LR 20:1001 (September 1994), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2777 (December 2000), LR 27:830 (June 2001), LR 27:2227 (December 2001), LR 28:1953 (September 2002), LR 29:1818 (September 2003), LR 29:2780 (December 2003), amended by the Office of Environmental Assessment, LR 31:1323 (June 2005), LR 31:

#### **§10523. Standards and Responsibilities of Waste Tire Transporters**

A. - F. ...

G. All persons subject to this Section shall notify the Office of Management and Finance, Financial Services Division, in writing within 10 days when any information on the authorization certificate form changes, or if they close their business and cease transporting waste tires.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2411 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 18:41 (January 1992), amended LR 20:1001 (September 1994), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2778 (December 2000), LR 27:831 (June 2001), repromulgated LR 27:1885 (November 2001), amended by the Office of Environmental Assessment, LR 31:

#### **§10525. Standards and Responsibilities of Waste Tire Processors**

A. - A.2.g. ...

B. On a form obtained from the Office of Management and Finance, Financial Services Division, all processors shall submit to the Office of Management and Finance,

Financial Services Division, a monthly report which shall include a certified record of pounds of tires processed during the month, along with all completed manifests for the month and the log recording all unmanifested waste tires deposited at the facility. The monthly report shall also include a certified record of the pounds of waste tire material that have been marketed and delivered as a product or raw material for beneficial reuse. An alternative method of reporting sale of waste tire material shall be developed and approved for each processor that uses a process other than shredding. The alternative method shall be approved by the administrative authority.

C. - D.13. ...

a. the waste tire facility operator shall submit to the Office of Management and Finance, Financial Services Division, an estimate of the maximum total amount by weight of waste tire material that will be stored at the processing facility at any one time;

b. the waste tire facility operator shall also submit to the Office of Management and Finance, Financial Services Division, two independent, third-party estimates of the total cost of cleaning up and closing the facility, including the cost of loading the waste tire material, transportation to a permitted disposal site, and the disposal cost; and

D.13.c. - E.6. ...

7. Mobile processors are responsible for notifying the Office of Environmental Services, Water and Waste Permits Division, in writing within 10 days when any information on the notification changes or if they cease processing waste tires with a mobile unit.

F. Governmental agencies may operate tire splitting equipment for the purposes of volume reduction prior to disposal without a permit to process waste tires, provided they meet the requirements outlined in LAC 33:VII.10517.C and request authorization from the Office of Management and Finance, Financial Services Division, before initiating any processing.

G. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2411-2422.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 18:41 (January 1992), amended LR 20:1001 (September 1994), LR 22:1213 (December 1996), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2779 (December 2000), LR 27:831 (June 2001), LR 27:2228 (December 2001), LR 28:1953 (September 2002), LR 29:2780 (December 2003), amended by the Office of Environmental Assessment, LR 31:

#### **§10531. Standards and Responsibilities of Qualified Recyclers**

A. Within 30 days of promulgation of these rules and regulations, recyclers shall notify the Office of Environmental Services, Water and Waste Permits Division, of their existence and obtain an identification number. Notification shall be on a form provided by the Office of Environmental Services, Water and Waste Permits Division, including, but not limited to:

A1. - C. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2411 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid

Waste Division, LR 20:1001 (September 1994), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2780 (December 2000), LR 27:831 (June 2001), amended by the Office of Environmental Assessment, LR 31:

### **§10533. Manifest System**

A. - B.2. ...

3. the designated processing facility operator completes Section 3 of the manifest and retains a copy for his files. The designated processing facility operator shall submit the original manifest to the Office of Management and Finance, Financial Services Division, with the monthly processor report. The designated processing facility shall send all remaining copies to the generator no later than seven days after delivery;

4. ...

5. a generator must submit to the Office of Management and Finance, Financial Services Division, written notification, if he has not received a copy of the manifest with the handwritten signature of the designated destination facility operator within 45 days of the date the shipment was accepted by the transporter. The notification shall include:

B.5.a. - D. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2411 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 20:1001 (September 1994), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2780 (December 2000), LR 27:831 (June 2001), LR 27:2228 (December 2001), LR 29:2780 (December 2003), amended by the Office of Environmental Assessment, LR 31:

### **§10535. Fees and Fund Disbursement**

A. Permit and Application Fees. Each applicant shall submit to the Office of Environmental Services, Water and Waste Permits Division, a non-refundable application fee in the amount specified, according to the categories listed below. The appropriate fee must accompany the permit application or authorization application form.

A.1. - C. ...

1. The entire waste tire fee shall be forwarded to the Office of Management and Finance, Financial Services Division, by the tire dealer and shall be deposited in the Waste Tire Management Fund.

C.2. - D.10. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2411 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 20:1001 (September 1994), amended LR 22:1213 (December 1996), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2781 (December 2000), LR 27:832 (June 2001), LR 27:2228 (December 2001), amended by the Office of Environmental Assessment, LR 31:1324 (June 2005), LR 31:

### **§10536. Remediation of Unauthorized Tire Piles**

A. ...

B. In order to apply for and receive funding for unauthorized waste tire site remediation, local governments must provide the Office of Management and Finance, Financial Services Division, with unauthorized waste tire site information. This information includes, but is not limited to, accurate site location, number of tires on site, visual report on site with photographs and proximity to residences,

schools, hospitals and/or nursing homes, and major highways. Such information shall be submitted using forms available from the Office of Management and Finance, Financial Services Division.

C. - G. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2411 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, amended LR 20:1001 (September 1994), LR 22:1213 (December 1996), LR 23:722 (June 1997), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2782 (December 2000), LR 27:832 (June 2001), amended by the Office of Environmental Assessment, LR 31:

## **Part IX. Water Quality**

### **Subpart 1. Water Pollution Control**

#### **Chapter 3. Permits**

#### **Subchapter A. General Requirements**

#### **§301. Scope**

A. - E.7. ...

F. Any unpermitted facility or activity that exists or is under construction on the effective date of these regulations and falls under the jurisdiction of Subsection B of this Section shall submit a completed application to the Office of Environmental Services, Water and Waste Permits Division, within 180 days of the effective date. Upon receipt of the application by the department within the prescribed 180 days, the facility shall be deemed in compliance with Subsection B of this Section except where the administrative authority has initiated action against the facility following an investigation or complaint. All facilities or activities that meet the requirements outlined in Paragraph J.4 or K.4 of this Section shall be exempt from the requirements of this Subsection.

G. - J.3.b.ii. ...

4. A permit application shall not be required from a concentrated animal feeding operation until the department has conducted an on-site inspection of the operation and determined that the operation should and could be regulated under the permit program. However, all concentrated animal feeding operations that meet the criteria in LAC 33:IX.321.Appendix B shall so notify the Office of Environmental Services, Water and Waste Permits Division, within 180 days of the effective date of these regulations.

K. - K.3.a.iv. ...

4. A permit application shall not be required from a concentrated aquatic animal production facility until the department has conducted an on-site inspection of the facility and has determined that the facility should and could be regulated under the permit program. However, all concentrated aquatic animal production facilities that meet the criteria in LAC 33:IX.321.Appendix C shall so notify the Office of Environmental Services, Water and Waste Permits Division, within 180 days of the effective date of these regulations.

L. - N. ...

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 11:1066 (November 1985), amended by the Office of the Secretary, LR 22:344 (May 1996), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2273

(October 2000), LR 26:2538 (November 2000), amended by the Office of Environmental Assessment, LR 31:

### §303. Permit Application Information

A. - D. ...

E. All applicants for a LWDPS permit shall provide the following information to the Office of Environmental Services, Water and Waste Permits Division, using the application form provided by the department, unless the department determines that such information is not required for applicant's facility or activity:

E.1. - G.2.c. ...

3. Exception. In cases where the application is withdrawn by the applicant, a written notification must be provided to the Office of Environmental Services, Water and Waste Permits Division, stating that no discharge or other activity that would require a permit under these regulations is currently taking place. Provided that the application was not made in response to previous enforcement action, the applicant is then exempt from enforcement action for causes listed under Paragraph G.2 of this Section.

H. - H.2.b. ...

c. the written authorization is submitted to the Office of Environmental Services, Water and Waste Permits Division.

3. If an authorization under this Subsection is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of Paragraph H.2 of this Section shall be submitted to the Office of Environmental Services, Water and Waste Permits Division, prior to or together with any reports, information, or applications to be signed by an authorized representative.

4. Any person signing any document under this Subsection shall make the following certification.

"I certify under penalty of law that this document and all attachments were prepared under the direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information including the possibility of fine and imprisonment for knowing violations."

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 11:1066 (November 1985), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2539 (November 2000), amended by the Office of Environmental Assessment, LR 31:

### §307. Modification, Revocation and Reissuance

A. Any permittee shall report to the Office of Environmental Services, Water and Waste Permits Division, any facility changes that result in increases in the quantity of pollutants discharged or decreases in the quality of the discharges. The permittee shall also report any facility changes that result in decreases in the quantity of pollutants discharged or increases in the quality of discharges of pollutants where such change is expected to last in excess of 180 days. Such report shall be by submission of a modified permit application or, if the discharge does not violate the effluent limitations specified in the permit, by submission of

notice to the Office of Environmental Services, Water and Waste Permits Division, of the nature of such facility changes. The permittee shall not commence any facility expansion, production increases, or process modifications that result in new or increased discharges of pollutants without receiving a modified LWDPS permit or written authorization from the Office of Environmental Services, Water and Waste Permits Division. The provisions of this Subsection shall not apply to facility changes that were considered during the permitting process.

B. When the Office of Environmental Services, Water and Waste Permits Division, receives any new information or receives a request for modification or revocation, such permit may, after an opportunity for hearing, be modified, or alternatively revoked and reissued, in whole or in part, for cause, including but not limited to:

B.1. - D.3. ...

4. allow for a change in ownership or operational control of a facility where the Office of Environmental Services, Water and Waste Permits Division, determines that no other change in the permit is necessary, provided that a written agreement containing a specific date for transfer of permit responsibility, coverage, and liability between the current and new permittees has been submitted to the department (see LAC 33:IX.307.B.8 and 311.D);

D.5. - F. ...

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 11:1066 (November 1985), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2540 (November 2000), amended by the Office of Environmental Assessment, LR 31:

### §309. Renewal and Termination

A. At least 180 days prior to the expiration date of a LWDPS permit issued pursuant to state law and this regulation, a permittee who wishes to continue to operate under such permit shall submit an application for renewal to the Office of Environmental Services, Water and Waste Permits Division.

B. - H. ...

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 11:1066 (November 1985), amended by the Office of the Secretary, LR 22:344 (May 1996), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2541 (November 2000), amended by the Office of Environmental Assessment, LR 31:

### §311. Standard Permit Conditions

In addition to the following standard conditions required in all permits, the department shall establish additional requirements as deemed necessary on a case-by-case basis, to provide for and ensure compliance with all applicable requirements of the act, these regulations, and constitutional and statutory mandates.

A. - I.4. ...

J. Monitoring, Recordkeeping, and Reporting

1. All sampling and analyses shall be performed in accordance with the analytical test procedures approved by



the Office of Environmental Services, Water and Waste Permits Division. Where no approved sampling or test procedure is available, the permittee must:

1.a. - 13. ...

14. The permittee shall report any noncompliance as required by R.S. 30:2025(J), R.S. 30:2076(D), or departmental regulations promulgated under these statutes. In addition, all maximum limitation excursions shall be reported in writing to the Office of Environmental Compliance, Emergency and Radiological Services Division, within five days of the time the permittee becomes aware of the excursions.

J.15. - K.1.c. ...

i. if the permittee knows in advance of the need for a bypass, it shall submit to the Office of Environmental Services, Water and Waste Permits Division, prior written notice, at least 10 days before the date of the bypass if possible;

ii. if the permittee does not know in advance of the need for a bypass, notice shall be submitted to the Office of Environmental Services, Water and Waste Permits Division, within 24 hours after the initiation of the bypass unless an earlier notice is required in R.S. 30:2025(J).

2. - 3. ...

4. The permittee may allow any bypass to occur that does not cause effluent limitations to be exceeded, but only if the bypass is required for essential maintenance to ensure efficient operation. Any bypass that meets the requirements of this Paragraph and is expected to or does continue for longer than seven days shall be reported in writing to the Office of Environmental Services, Water and Waste Permits Division, within 10 working days of initiation of the bypass. These bypasses are not subject to the provisions of Paragraphs K.1 and 2 of this Section.

L. - L.2. ...

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 11:1066 (November 1985), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2541 (November 2000), amended by the Office of Environmental Assessment, LR 31:

### §315. Public Information

A. - B. ...

C. The department shall send the public notice to the applicant who shall be responsible for publication of the notice once in the official state journal and once in any other local newspapers specified by the department. Upon publication, the applicant shall send the Office of Environmental Services, Water and Waste Permits Division, a copy of the certificate of publication. The costs of publication shall be borne by the applicant.

D. - F.4. ...

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 11:1066 (November 1985), amended by the Office of the Secretary, LR 22:344 (May 1996), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2542 (November 2000), amended by the Office of Environmental Assessment, LR 31:

## Chapter 7. Effluent Standards

### §708. Exploration for and Production of Oil and Natural Gas

A. - C.1.b.iii. ...

iv. In the event of an unauthorized discharge of oil, produced water, or any other product or waste material, a remedial response must be immediately initiated and the Office of Environmental Compliance, Surveillance Division, shall be notified in accordance with LAC 33:I.3901 et seq. The remedial response shall include immediate removal of discharged materials and, to the extent practicable, decontamination of any water, soil, sediment, or vegetation adversely impacted by the unauthorized discharge. If immediate cleanup is not considered to be an appropriate remedial measure, the responsible party shall notify the Office of Environmental Compliance, Surveillance Division, of the alternative remedial plan and shall promptly implement said plan upon approval by the department. Submission of an alternate plan shall in no way relieve the responsible party of its duty to contain and mitigate the effects of the discharge.

1.b.v. - 3.d. ...

e. The discharge of drill cuttings or bulk drilling fluids (if allowed) must not occur within 1,300 feet (via water) of an active oyster lease, live natural oyster or other molluscan reef, designated oyster seed bed, or sea grass bed. No discharge shall be made in such a manner as to allow deposition of drill cuttings or drilling fluids in or upon any active oyster lease, live natural reef, or seed bed. If the discharge is to take place within one mile of an area containing oyster leases, a lease map must be forwarded to the Office of Environmental Services, Water and Waste Permits Division, showing the location of the discharge and surrounding leases. If the applicant considers any oyster lease, live natural oyster or other molluscan reef, or designated seed bed within 1,300 feet of a discharge of drilling fluids or drill cuttings to be inactive, written documentation and evidence must be submitted to the Office of Environmental Services, Water and Waste Permits Division, for a determination to be made as to the acceptability of such a discharge.

3.f. - 5.b.ii. ...

c. Each discharge will require specific prior approval from a representative of the Office of Environmental Services, Water and Waste Permits Division. An analysis of the treated water shall be submitted to and approved by a representative of the Office of Environmental Services, Water and Waste Permits Division, prior to discharge.

i. - iii. ...

d. Dilution shall not be used to comply with any of the discharge limitations unless specific written authorization from the Office of Environmental Services, Water and Waste Permits Division, has been obtained. The only parameter for which dilution will be considered is chloride. Formal written requests for approval to allow dilution of chloride levels should be addressed to the Office of Environmental Services, Water and Waste Permits Division. Consideration of written requests to allow dilution of chloride levels in drilling site reserve pits, ring levee borrow ditches, shale barges, drilling fluid dewatering

systems, and abandoned or inactive oil field production pits will be made on a case-by-case basis and only if the following conditions can be met.

i. - iv. ...

v. The Office of Environmental Services, Water and Waste Permits Division, representative concludes that no adverse environmental effects will result from the discharge of pretreated and diluted wastewater.

e. An on-site inspection by the Office of Environmental Services, Water and Waste Permits Division, personnel may be required prior to discharge approval.

f. ...

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 15:261 (April 1989), amended LR 17:263 (March 1991), LR 23:860 (July 1997), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2544 (November 2000), amended by the Office of Environmental Assessment, LR 31:

### **Chapter 9. Spill Prevention and Control**

#### **§905. Requirements for Preparation and Implementation of Plans**

A. Operators of facilities in operation or under construction on or before the effective date of these regulations that meet the criteria outlined in LAC 33:IX.903 shall prepare a plan within 180 days of the effective date of these regulations. The plan shall be fully implemented as soon as possible after preparation, but not later than one year after it was prepared. The Office of Environmental Services, Water and Waste Permits Division, may, upon written request, grant additional implementation time to existing facilities in those cases where substantial upgrading or modification may be required in order to comply with this Chapter.

B. - F. ...

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 11:1066 (November 1985), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2545 (November 2000), amended by the Office of Environmental Assessment, LR 31:

### **Chapter 11. Surface Water Quality Standards**

#### **§1117. References**

A. - A.1. ...

2. Louisiana Department of Environmental Quality (continuous). Fixed Station Long-Term Ambient Surface Water Quality Network. Baton Rouge: Office of Environmental Compliance, Surveillance Division.

3. - 13. ...

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 10:745 (October 1984), amended LR 15:738 (September 1989), LR 17:264 (March 1991), LR 20:883 (August 1994), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 25:2403 (December 1999), amended by the Office of Environmental Assessment, LR 31:

### **§1121. Regulation of Toxic Substances Based on the General Criteria**

A. - A.2. ...

B. Effluent Characterization/Toxicity Testing and/or Instream Assessment

1. When determining the need for limits based on water quality, the Office of Environmental Services, Water and Waste Permits Division, may identify data needs and request that the permittee submit additional data along with the application. Permits may be placed into three categories:

1.a. - 3.b.iii.(c). ...

4. For waterbodies whose designated use is as a drinking water supply, the department will calculate the in-stream concentration for all pollutants discharged for which EPA has promulgated a maximum contaminant level (MCL). The permittee will be required to submit to the Office of Environmental Services, Water and Waste Permits Division, sufficient effluent characterization data to make these calculations. Where dilution calculations indicate that in-stream concentrations may exceed the MCL requirements at appropriate flow conditions, the permittee may be required to conduct in-stream chemical monitoring or monitoring at the water supply.

5. To protect human health by eliminating chronic exposure to potentially toxic amounts of pollutants from aquatic species consumed by humans, the department will calculate the in-stream concentrations of all applicable pollutants for which EPA has published human health criteria in the Quality Criteria for Water, 1986, EPA 440/5-86-001, or subsequent revisions. The permittee will be required to submit to the Office of Environmental Services, Water and Waste Permits Division, sufficient effluent characterization data to make these calculations. For operational considerations, if dilution calculations show that after mixing, a suspected carcinogen would be present in the receiving waterbody at a concentration associated with a  $10^{-6}$  risk level, in-stream chemical monitoring may be required of the appropriate dischargers. The department will list the waterbody as a priority waterbody and develop a wasteload allocation or make other consideration for it.

C. - E.2. ...

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 15:738 (September 1989), amended LR 17:264 (March 1991), LR 20:883 (August 1994), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 25:2404 (December 1999), LR 26:2548 (November 2000), amended by the Office of Environmental Assessment, LR 31:

### **Chapter 15. Water Quality Certification Procedures**

#### **§1507. Procedures for Issuance of Water Quality Certification**

A. - A.2.a, Table. ...

b. Payment shall accompany the application for certification. The department shall consider the application incomplete and initiation of the application review process will not begin until payment of the processing fee is received. Payment shall be by check or money order to Department of Environmental Quality, Office of

Environmental Services, Water and Waste Permits Division, and shall be nonrefundable.

3. ...

4. **Approved Land Management Plan Requirement.** Applicants whose applications involve the clearing of land for agricultural purposes shall submit to the Office of Environmental Services, Water and Waste Permits Division, an approved land management plan for the land to be cleared before the application will be deemed adequate.

5. - 8. ...

B. **Alternative Application Submittal.** Any applicant may elect to submit to the Office of Environmental Services, Water and Waste Permits Division, a duplicate of the proposed federal permit application in lieu of a separate application for state certification. Such submittal must include a cover letter requesting state certification and indicating that the attached copy of a federal permit application is to serve as the application for state certification.

C. - H.2. ...

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 30:2074(A)(3).

**HISTORICAL NOTE:** Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 10:496 (July 1984), amended by the Office of the Secretary, LR 22:345 (May 1996), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2550 (November 2000), LR 29:690 (May 2003), LR 29:2052 (October 2003), amended by the Office of Environmental Assessment, LR 30:2027 (September 2004), LR 31:

## **Chapter 21. Municipal Facilities Revolving Loan Fund**

### **§2109. Priority System**

A. ...

B. **Determination of Priority for Participation in the Program.** Any municipality that has the authority under applicable law to undertake a wastewater facility project and desires to apply for a loan may submit a completed Pre-Application Form (RF-100) to the Office of Environmental Services, Water and Waste Permits Division. Such projects shall be included on the next fiscal year's state project priority list in accordance with the priority system.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 30:2011(D)(1).

**HISTORICAL NOTE:** Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 13:742 (December 1987), repromulgated LR 14:862 (December 1988), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2550 (November 2000), amended by the Office of Environmental Assessment, LR 31:

### **§2111. Application for Loan**

A. - E.4. ...

F. **Plans and Specifications.** The applicant shall submit plans and specifications to the Office of Environmental Services, Water and Waste Permits Division, for review to ensure the proposed project meets minimum technical and administrative requirements of federal and state law, is biddable and constructable and will satisfy discharge requirements in accordance with the project's National Pollution Discharge Elimination System (NPDES) and/or State Pollutant Discharge Elimination System permit.

G. - H. ...

I. **Financial and Management Capability.** The applicant is required to submit to the Office of Environmental

Services, Water and Waste Permits Division, sufficient information to demonstrate its legal, institutional, managerial, and financial capability to ensure the adequate building, operation, maintenance of the facility, and debt repayment of the loan.

J. - M.6. ...

N. **Sludge Management Plan.** The applicant shall submit a plan to the Office of Environmental Services, Water and Waste Permits Division, that complies with the Department of Environmental Quality rules and regulations.

O. - P. ...

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 30:2011(D)(1).

**HISTORICAL NOTE:** Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 13:742 (December 1987), repromulgated LR 14:862 (December 1988), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2550 (November 2000), amended by the Office of Environmental Assessment, LR 31:

### **§2115. Construction of Wastewater Facility Project**

A. - B.2.c. ...

d. submit to the Office of Environmental Services, Water and Waste Permits Division, all change orders for review and approval.

C. **Bid Proposals.** The applicant shall submit to the Office of Environmental Services, Water and Waste Permits Division, for review a complete statement of work to be performed, the terms and conditions of the proposed contract to be awarded, a clear explanation of the methods of bidding and of evaluating bid prices and the limits of work for each item on the proposal form.

D. - E. ...

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 30:2011(D)(1).

**HISTORICAL NOTE:** Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 13:742 (December 1987), repromulgated LR 14:862 (December 1988), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2551 (November 2000), amended by the Office of Environmental Assessment, LR 31:

### **§2119. Miscellaneous**

A. **Annual Audit.** The Office of Environmental Services, Water and Waste Permits Division, shall conduct, or have conducted, an annual audit of the fiscal operation of the revolving loan fund for submission to the governor and the legislature.

B. ...

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 30:2011(D)(1).

**HISTORICAL NOTE:** Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 13:742 (December 1987), repromulgated LR 14:862 (December 1988), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2551 (November 2000), amended by the Office of Environmental Assessment, LR 31:

### **§2123. Appendix 2—Construction Grants Priority System**

A. - D.2.i. ...

3. It is the responsibility of each authorized project representative to maintain current and accurate information for his/her project, and to submit any revised or updated project information to the Office of Environmental Services, Water and Waste Permits Division, each year for use in preparing the project priority list. Only project information

received by April 1 will be considered for inclusion on the next fiscal year's project priority list.

4. - 19. ...

20. Those projects that have already received federal assistance for Step 1 or Step 2 work must complete and submit the required grant documents to the Office of Environmental Services, Water and Waste Permits Division, within the time period allotted. Failure to submit the required documents or a request for a time extension by the scheduled project completion date may result in the removal of the project from the fundable portion of the project priority list.

D.21. - F. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2011(D)(1).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 17:342 (December 1987), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2551 (November 2000), amended by the Office of Environmental Assessment, LR 31:

### **§2125. Appendix 3—State Environmental Review Process**

A. General. As required by the provisions of Section 602(b)(6) of the 1987 Amendments to the Clean Water Act, the department shall conduct an interdisciplinary environmental review consistent with the National Environmental Policy Act of the project proposed for funding through the municipal facilities revolving loan fund. This review will ensure that the project will comply with the applicable local, state, and federal laws and department rules relating to the protection and enhancement of the environment. Based upon the staff's review, the secretary, or his duly authorized representative, will make formal determinations regarding the potential social and environmental impacts of the proposed project. As necessary, the determination will include mitigative provisions as a condition of financial assistance for building and no financial assistance will be provided until a final environmental determination has been made. Nothing in these rules shall prohibit any public, private or governmental party from seeking administrative or legal relief from the determinations of the department. Potential applicants to the municipal facilities revolving loan fund should obtain guidance from the staff regarding the scope of the environmental review to be conducted by the department and the environmental information that the applicant will be required to submit to the Office of Environmental Services, Water and Waste Permits Division, in support of the proposed project.

A.1. - C.5. ...

GUIDELINES FOR LOUISIANA REVOLVING LOANS  
FUND  
ENVIRONMENTAL REVIEW PROCESS  
\* \* \*

[See Prior Text in Document]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2011(D)(1).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 14:862 (December 1988), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2551 (November 2000), amended by the Office of Environmental Assessment, LR 31:

## **Subpart 2. The Louisiana Pollutant Discharge Elimination System (LPDES) Program**

### **Chapter 25. Permit Application and Special LPDES Program Requirements**

#### **§2501. Application for a Permit**

A. ...

1. Any person who discharges or proposes to discharge pollutants or who owns or operates a sludge-only facility whose sewage sludge use or disposal practice is regulated by 40 CFR Part 503, and who does not have an effective permit, except persons covered by general permits under LAC 33:IX.2515, or discharges excluded under LAC 33:IX.2315, or a user of a privately owned treatment works unless the state administrative authority requires otherwise under LAC 33:IX.2707.M, must submit a complete application to the Office of Environmental Services, Water and Waste Permits Division, in accordance with this Section and LAC 33:IX.Chapters 31-35. All concentrated animal feeding operations have a duty to seek coverage under an LPDES permit as described in LAC 33:IX.2505.D.

#### **2. Application Forms**

a. All applicants for LPDES permits must submit applications on either state- or EPA-approved permit application forms. More than one application form may be required from a facility depending on the number and types of discharges or outfalls found there. Application forms may be obtained by contacting the Office of Environmental Services, Water and Waste Permits Division, or may be obtained electronically through the department's website.

A.2.b. - C.1.b. ...

c. Any other TWTDS not addressed under Subparagraph C.1.a or b of this Section must submit the information listed in Clauses C.1.c.i-v of this Section, to the Office of Environmental Services, Water and Waste Permits Division, within one year after publication of a standard applicable to its sewage sludge use or disposal practice(s), using Form 2S or another form provided by the department. The Office of Environmental Services, Water and Waste Permits Division, will determine when such TWTDS must submit a full permit application. The following information must be submitted:

c.i. - d. ...

e. Any owner or operator of a TWTDS that commences operations after promulgation of an applicable standard for sewage sludge use or disposal shall submit an application to the Office of Environmental Services, Water and Waste Permits Division, at least 180 days prior to the date proposed for commencing operations.

D. - E.2. ...

F. Information Requirements. All applicants for LPDES permits, other than permits for POTWs and other TWTDS, must provide the following information to the Office of Environmental Services, Water and Waste Permits Division, using the application form provided by the state administrative authority (additional information required of applicants is set forth in Subsections G-K of this Section and LAC 33:I.1701):

1. - 9. ...

G. Application Requirements for Existing Manufacturing, Commercial, Mining, and Silvicultural Dischargers. Existing manufacturing, commercial, mining, and silvicultural dischargers applying for LPDES permits,

except for those facilities subject to the requirements of Subsection H of this Section, shall provide the following information to the Office of Environmental Services, Water and Waste Permits Division, using application forms provided by the state administrative authority:

1. - 13. ...

H. Application Requirements for Manufacturing, Commercial, Mining and Silvicultural Facilities That Discharge Only Nonprocess Wastewater. Except for stormwater discharges, all manufacturing, commercial, mining and silvicultural dischargers applying for LPDES permits that discharge only nonprocess wastewater not regulated by an effluent limitations guideline or new source performance standard shall provide the following information to the Office of Environmental Services, Water and Waste Permits Division, using application forms provided by the state administrative authority.

H.1. - I.2.e. ...

J. Application Requirements for New and Existing POTWs. Unless otherwise indicated, all owners/operators of POTWs and other dischargers designated by the state administrative authority must provide, at a minimum, the information in this Subsection to the Office of Environmental Services, Water and Waste Permits Division. Permit applicants must submit all information available at the time of permit application. The information may be provided by referencing information previously submitted to the state administrative authority. The state administrative authority may waive any requirement of this Subsection if he or she has access to substantially identical information. The state administrative authority may also waive any requirement of this Subsection that is not of material concern for a specific permit, if approved by the regional administrator. The waiver request to the regional administrator must include the state's justification for the waiver. A regional administrator's disapproval of a state's proposed waiver does not constitute final agency action, but does provide notice to the state and permit applicant(s) that EPA may object to any state-issued permit issued in the absence of the required information.

1. - 3.c.ii. ...

4. Effluent Monitoring for Specific Parameters

a. As provided in Subparagraphs J.4.b-j of this Section, all applicants must submit to the Office of Environmental Services, Water and Waste Permits Division, effluent monitoring information for samples taken from each outfall through which effluent is discharged to waters of the state. The state administrative authority may allow applicants to submit sampling data for only one outfall on a case-by-case basis, where the applicant has two or more outfalls with substantially identical effluent. The state administrative authority may also allow applicants to composite samples from one or more outfalls that discharge into the same mixing zone.

4.b. - 5.a. ...

b. As provided in Subparagraphs J.5.c-i of this Section, applicants for the following facilities must submit to the Office of Environmental Services, Water and Waste Permits Division, the results of valid whole effluent toxicity tests for acute or chronic toxicity for samples taken from each outfall through which effluent is discharged to surface waters:

J.5.b.i. - R.5.b. ...

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 21:945 (September 1995), amended LR 23:723 (June 1997), amended by the Office of the Secretary, LR 25:661 (April 1999), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2552 (November 2000), LR 26:2756 (December 2000), LR 27:45 (January 2001), LR 28:465 (March 2002), LR 28:1766 (August 2002), LR 29:1462 (August 2003), repromulgated LR 30:230 (February 2004), amended by the Office of Environmental Assessment, LR 30:2028 (September 2004), LR 31:425 (February 2005), LR 31:

#### **§2511. Storm Water Discharges**

A. - A.9.b. ...

c. Operators of storm water discharges designated in accordance with Clauses A.9.a.iii and iv of this Section shall apply to the Office of Environmental Services, Water and Waste Permits Division, for a permit within 180 days of receipt of notice, unless permission for a later date is granted by the department.

B. - C.1.e. ...

2. Group Application for Discharges Associated with Industrial Activity. In lieu of individual applications or notice of intent to be covered by a general permit for storm water discharges associated with industrial activity, a group application may be filed by an entity representing a group of applicants (except facilities that have existing individual LPDES permits for storm water) that are part of the same subcategory (see 40 CFR Subchapter N, Part 405 to 471) or, where such grouping is inapplicable, are sufficiently similar as to be appropriate for general permit coverage under LAC 33:IX.2515. The Part 1 application shall be submitted to the Office of Environmental Services, Water and Waste Permits Division, for approval. Once a Part 1 application is approved, group applicants are to submit Part 2 of the group application to the Office of Environmental Services, Water and Waste Permits Division. A group application shall consist of:

a. - b. ...

D. Application Requirements for Large and Medium Municipal Separate Storm Sewer Discharges. The operator of a discharge from a large or medium municipal separate storm sewer or a municipal separate storm sewer that is designated by the state administrative authority under Subparagraph A.1.e of this Section may submit a jurisdiction-wide or system-wide permit application to the Office of Environmental Services, Water and Waste Permits Division. Where more than one public entity owns or operates a municipal separate storm sewer within a geographic area (including adjacent or interconnected municipal separate storm sewer systems), such operators may be a co-applicant to the same application. Permit applications for discharges from large and medium municipal storm sewers or municipal storm sewers designated under Subparagraph A.1.e of this Section shall include:

D.1. - G.4.d.Certification. ...

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 21:945 (September 1995), amended LR 23:957 (August 1997), amended

by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2273 (October 2000), LR 26:2552 (November 2000), repromulgated LR 27:40 (January 2001), amended LR 28:467 (March 2002), LR 29:701 (May 2003), repromulgated LR 30:230 (February 2004), amended by the Office of Environmental Assessment, LR 31:\*\* (June 2005), LR 31:

#### **§2515. General Permits**

A. - B.1. ...

2. Authorization to Discharge, or Authorization to Engage in Sludge Use and Disposal Practices

a. Except as provided in Subparagraphs B.2.e and f of this Section, dischargers (or treatment works treating domestic sewage) seeking coverage under a general permit shall submit to the Office of Environmental Services, Water and Waste Permits Division, a written notice of intent to be covered by the general permit. A discharger (or treatment works treating domestic sewage) who fails to submit a notice of intent in accordance with the terms of the permit is not authorized to discharge, (or in the case of sludge disposal permit, to engage in a sludge use or disposal practice), under the terms of the general permit unless the general permit, in accordance with Subparagraph B.2.e of this Section, contains a provision that a notice of intent is not required or the state administrative authority notifies a discharger (or treatment works treating domestic sewage) that it is covered by a general permit in accordance with Subparagraph B.2.f of this Section. A complete and timely notice of intent (NOI), to be covered in accordance with general permit requirements, fulfills the requirements for permit applications for purposes of LAC 33:IX.2321, 2501, and 2511.

B.2.b. - C.3. ...

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 21:945 (September 1995), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2276 (October 2000), LR 26:2553 (November 2000), LR 28:468 (March 2002), LR 29:1466 (August 2003), repromulgated LR 30:230 (February 2004), amended by the Office of Environmental Assessment, LR 31:

#### **§2521. If I am an operator of a regulated small MS4, how do I apply for an LPDES permit and when do I have to apply?**

A. If you operate a regulated small MS4 under LAC 33:IX.2519, you must seek coverage under an LPDES permit issued by the Department of Environmental Quality, Office of Environmental Services, Water and Waste Permits Division.

B. ...

1. If the Office of Environmental Services, Water and Waste Permits Division, has issued a general permit applicable to your discharge and you are seeking coverage under the general permit, you must submit a Notice of Intent (NOI) that includes the information on your best management practices and measurable goals required by LAC 33:IX.2523.D. You may file your own NOI or you and other municipalities or governmental entities may jointly submit a NOI. If you want to share responsibilities for meeting the minimum measures with other municipalities or governmental entities, you must submit a NOI that describes

which minimum measures you will implement and identify the entities that will implement the other minimum measures within the area served by your MS4. The general permit will explain any other steps necessary to obtain permit authorization.

2.a. If you are seeking authorization to discharge under an individual permit and wish to implement a program under LAC 33:IX.2523, you must submit an application to the Department of Environmental Quality, Office of Environmental Services, Water and Waste Permits Division, that includes the information required under LAC 33:IX.2501.F and 2523.D, an estimate of square mileage served by your small MS4, and any additional information that the Water and Waste Permits Division requests. A storm sewer map that satisfies the requirement of LAC 33:IX.2523.B.3.a will satisfy the map requirement in LAC 33:IX.2501.F.7.

b. ...

c. If approved by the Office of Environmental Services, Water and Waste Permits Division, you and another regulated entity may jointly apply under either Subparagraph B.2.a or b of this Section to be co-permittees under an individual permit.

B.3. - C.2. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Section 2074.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Environmental Assessment, Environmental Planning Division, LR 26:2278 (October 2000), repromulgated LR 30:230 (February 2004), amended by the Office of Environmental Assessment, LR 31:

#### **§2523. As an operator of a regulated small MS4, what will my LPDES MS4 storm water permit require?**

A. - C. ...

D.1. In your permit application (either a notice of intent for coverage under a general permit or an individual permit application) you must identify and submit to the Office of Environmental Services, Water and Waste Permits Division, the following information:

a. - c. ...

2. If you obtain coverage under a general permit, you are not required to meet any measurable goal(s) identified in your notice of intent in order to demonstrate compliance with the minimum control measures in Paragraphs B.3-6 of this Section unless, prior to submitting your NOI, the Office of Environmental Services, Water and Waste Permits Division, has provided or issued a menu of BMPs that addresses each such minimum measure. Even if that office does not issue the menu of BMPs, however, you still must comply with other requirements of the general permit, including good faith implementation of BMPs designed to comply with the minimum measures.

D.3. - G.3.e. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Section 2074.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Environmental Assessment, Environmental Planning Division, LR 26:2278 (October 2000), repromulgated LR 30:230 (February 2004), amended by the Office of Environmental Assessment, LR 31:

**§2525. As an operator of a regulated small MS4, may I share the responsibility to implement the minimum control measures with other entities?**

A. - A.3. ...

B. In some cases the Office of Environmental Services, Water and Waste Permits Division, may recognize, either in your individual LPDES permit or in an LPDES general permit, that another governmental entity is responsible under an LPDES permit for implementing one or more of the minimum control measures for your small MS4 or that the department itself is responsible. Where the Office of Environmental Services, Water and Waste Permits Division, does so, you are not required to include such minimum control measure(s) in your storm water management program (e.g., if a state or tribe is subject to an LPDES permit that requires it to administer a program to control construction site runoff at the state or tribal level and that program satisfies all of the requirements of LAC 33:IX.2523.B.4, you could avoid responsibility for the construction measure, but would be responsible for the remaining minimum control measures). Your permit may be reopened and modified to include the requirement to implement a minimum control measure if the entity fails to implement it.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Section 2074.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Environmental Assessment, Environmental Planning Division, LR 26:2282 (October 2000), repromulgated LR 30:230 (February 2004), amended by the Office of Environmental Assessment, LR 31:

**§2529. Will the small MS4 storm water program regulations at LAC 33:IX.2519-2527 change in the future?**

A. EPA will evaluate the small MS4 regulations at LAC 33:IX.2519-2527 after December 10, 2012, and recommend any necessary revisions. Required revisions will then be incorporated into the LPDES program by the Office of Environmental Services, Water and Waste Permits Division. (EPA intends to conduct an enhanced research effort and compile a comprehensive evaluation of the NPDES MS4 storm water program. EPA will re-evaluate the regulations based on data from the NPDES MS4 storm water program, from research on receiving water impacts from storm water, and the effectiveness of BMPs, as well as other relevant information sources.)

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Section 2074.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Environmental Assessment, Environmental Planning Division, LR 26:2282 (October 2000), repromulgated LR 30:230 (February 2004), amended by the Office of Environmental Assessment, LR 31:

**Chapter 27. LPDES Permit Conditions**

**§2701. Conditions Applicable to All Permits**

The following conditions apply to all LPDES permits. Additional conditions applicable to LPDES permits are in LAC 33:IX.2703. All conditions applicable to LPDES permits shall be incorporated into the permits either expressly or by reference. If incorporated by reference, a specific citation to these regulations (or the corresponding approved state regulations) must be given in the permit.

A. - M.2. ...

3. Notice

a. Anticipated Bypass. If the permittee knows in advance of the need for a bypass, it shall submit prior notice to the Office of Environmental Services, Water and Waste Permits Division, if possible at least 10 days before the date of the bypass.

M.3.b - N.4. ...

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 21:945 (September 1995), amended by the Water Pollution Control Division, LR 23:724 (June 1997), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2553 (November 2000), LR 28:468 (March 2002), repromulgated LR 30:230 (February 2004), amended LR 30:1676 (August 2004), amended by the Office of Environmental Assessment, LR 31:

**§2703. Additional Conditions Applicable to Specified Categories of LPDES Permits**

The following conditions, in addition to those set forth in LAC 33:IX.2701, apply to all LPDES permits within the categories specified below.

A. Existing Manufacturing, Commercial, Mining, and Silvicultural Dischargers. In addition to the reporting requirements under LAC 33:IX.2701.L, all existing manufacturing, commercial, mining, and silvicultural dischargers must notify the Office of Environmental Services, Water and Waste Permits Division, as soon as they know or have reason to believe:

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

C. Municipal Separate Storm Sewer Systems. The operator of a large or medium municipal separate storm sewer system or a municipal separate storm sewer that has been designated by the state administrative authority under LAC 33:IX.2511.A.1.e must submit an annual report to the Office of Environmental Services, Water and Waste Permits Division, by the anniversary of the date of the issuance of the permit for such system. The report shall include:

C.1. - E.4.g. ...

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 21:945 (September 1995), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2554 (November 2000), LR 29:1466 (August 2003), repromulgated LR 30:230 (February 2004), amended by the Office of Environmental Assessment, LR 31:

**§2709. Calculating LPDES Permit Conditions**

A. - B.2.b.ii. ...

(a) the permit shall require the permittee to notify the Office of Environmental Services, Water and Waste Permits Division, at least two business days prior to a month in which the permittee expects to operate at a level higher than the lowest production level identified in the permit. The notice shall specify the anticipated level and the period during which the permittee expects to operate at the alternate level. If the notice covers more than one month, the notice shall specify the reasons for the anticipated production level increase. New notice of discharge at alternate levels is required to cover a period or production level not covered by prior notice or, if during two

consecutive months otherwise covered by a notice, the production level at the permitted facility does not in fact meet the higher level designated in the notice;

(b). the permittee shall comply with the limitations, standards, or prohibitions that correspond to the lowest level of production specified in the permit, unless the permittee has notified the Office of Environmental Services, Water and Waste Permits Division, under Subclause B.2.b.ii.(a) of this Section, in which case the permittee shall comply with the lower of the actual level of production during each month or the level specified in the notice;

(c). the permittee shall submit to the Office of Environmental Compliance, Enforcement Division, with the DMR the level of production that actually occurred during each month and the limitations, standards, or prohibitions applicable to that level of production.

C. - I. ...

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 21:945 (September 1995), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2554 (November 2000), LR 28:470 (March 2002), repromulgated LR 30:230 (February 2004), amended by the Office of Environmental Assessment, LR 31:

### **Chapter 31. General LPDES Program Requirements** **§3115. Public Comments and Requests for Public Hearings**

A. During the public comment period provided under LAC 33:IX.3113, any interested person may submit written comments to the Office of Environmental Services, Water and Waste Permits Division, on the draft permit and may request a public hearing, if no hearing has already been scheduled. A request for a public hearing shall be in writing and shall state the nature of the issues proposed to be raised in the hearing. All comments shall be considered in making the final decision and shall be answered as provided in LAC 33:IX.3125.

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 21:945 (September 1995), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2554 (November 2000), repromulgated LR 30:231 (February 2004), amended by the Office of Environmental Assessment, LR 31:

### **§3117. Public Hearings**

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

B. Any person may submit to the Office of Environmental Services, Water and Waste Permits Division, oral or written statements and data concerning the draft permit. Reasonable limits may be set upon the time allowed for oral statements, and the submission of statements in writing may be required. The public comment period under LAC 33:IX.3113 shall automatically be extended to the close of any public hearing under this Section. The hearing officer may also extend the comment period by so stating at the hearing.

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 21:945 (September 1995), amended by the Office of Environmental

Assessment, Environmental Planning Division, LR 26:2554 (November 2000), repromulgated LR 30:231 (February 2004), amended by the Office of Environmental Assessment, LR 31:

### **Chapter 45. Criteria for Determining Alternative Effluent Limitations under Section 316(a) of the Act**

#### **§4505. Early Screening of Applications for Section 316(a) of the Act Variances**

A. - A.4. ...

B. After submitting the early screening information under Subsection A of this Section, the discharger shall consult with the state administrative authority at the earliest practicable time (but not later than 30 days after the application is filed) to discuss the discharger's early screening information. Within 60 days after the application is filed, the discharger shall submit for the Office of Environmental Services, Water and Waste Permits Division's approval, a detailed plan of study that the discharger will undertake to support its Section 316(a) of the Act demonstration. The discharger shall specify the nature and extent of the following type of information to be included in the plan of study: biological, hydrographical and meteorological data; physical monitoring data; engineering or diffusion models; laboratory studies; representative important species; and other relevant information. In selecting representative important species, special consideration shall be given to species mentioned in applicable water quality standards. After the discharger submits its detailed plan of study, the state administrative authority shall either approve the plan or specify any necessary revisions to the plan. The discharger shall provide any additional information or studies that the state administrative authority subsequently determines necessary to support the demonstration, including such studies or inspections as may be necessary to select representative important species. The discharger may provide any additional information or studies that the discharger feels are appropriate to support the demonstration.

C. - F, Note. ...

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 21:945 (September 1995), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2555 (November 2000), repromulgated LR 30:231 (February 2004), amended by the Office of Environmental Assessment, LR 31:

### **Chapter 57. Toxic Pollutant Effluent Standards and Prohibitions**

#### **§5709. Compliance**

A.1. Within 60 days from the date of promulgation of any toxic pollutant effluent standard or prohibition each owner or operator with a discharge subject to that standard or prohibition must notify the Office of Environmental Services, Water and Waste Permits Division, of such discharge. Such notification shall include such information and follow such procedures as the state administrative authority may require.

A.2. - G. ...

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 21:945 (September 1995), amended by the Office of Environmental



Assessment, Environmental Planning Division, LR 26:2555 (November 2000), repromulgated LR 27:191 (February 2001), LR 30:232 (February 2004), amended by the Office of Environmental Assessment, LR 31:

**Chapter 61. General Pretreatment Regulations for Existing and New Sources of Pollution**

**§6113. Removal Credits**

A. - E.7. ...

F. Continuation and Withdrawal of Authorization

1. Effect of Authorization. Once a POTW has received authorization to grant removal credits for a particular pollutant regulated in a categorical pretreatment standard it may automatically extend that removal credit to the same pollutant when it is regulated in other categorical standards, unless granting the removal credit will cause the POTW to violate the sludge requirements identified in Subparagraph A.3.d of this Section or its LPDES permit limits and conditions as required by Subparagraph A.3.e of this Section. If a POTW elects at a later time to extend removal credits to a certain categorical pretreatment standard, industrial subcategory or one or more industrial users that initially were not granted removal credits, it must notify the Office of Environmental Services, Water and Waste Permits Division.

F.2. - H.2.c. ...

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 21:945 (September 1995), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2555 (November 2000), repromulgated LR 30:232 (February 2004), amended by the Office of Environmental Assessment, LR 31:

**§6117. POTW Pretreatment Programs and/or Authorization to Revise Pretreatment Standards: Submission for Approval**

A. Who Approves Program. A POTW requesting approval of a POTW pretreatment program shall develop a program description that includes the information set forth in Paragraphs B.1-4 of this Section. This description shall be submitted to the Office of Environmental Services, Water and Waste Permits Division, which will make a determination on the request for program approval in accordance with the procedures described in LAC 33:IX.6121.

B. - D. ...

E. Approval Authority Action. Any POTW requesting POTW pretreatment program approval shall submit to the Office of Environmental Services, Water and Waste Permits Division, three copies of the submission described in Subsection B of this Section, and, if appropriate, Subsection D of this Section. Within 60 days after receiving the submission, the Office of Environmental Services, Water and Waste Permits Division, shall make a preliminary determination of whether the submission meets the requirements of Subsection B of this Section and, if appropriate, Subsection D of this Section. If the approval authority makes the preliminary determination that the submission meets these requirements, the approval authority shall:

E.1. - G.2. ...

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 21:945 (September 1995), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2555 (November 2000), repromulgated LR 30:232 (February 2004), amended by the Office of Environmental Assessment, LR 31:

**§6121. Approval Procedures for POTW Pretreatment Programs and POTW Granting of Removal Credits**

The following procedures shall be adopted in approving or denying requests for approval of POTW Pretreatment Programs and applications for removal credit authorization.

A. - B.1.a.ii. ...

b. the public notice shall provide a period of not less than 30 days following the date of the public notice during which time interested persons may submit their written views on the submission to the Office of Environmental Services, Water and Waste Permits Division; and

B.1.c. - F. ...

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 21:945 (September 1995), amended LR 25:1093 (June 1999), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2556 (November 2000), repromulgated LR 30:232 (February 2004), amended by the Office of Environmental Assessment, LR 31:

**§6123. Reporting Requirements for POTWs and Industrial Users**

A. - G.1. ...

2. If sampling performed by an industrial user indicates a violation, the user shall notify the Office of Environmental Services, Water and Waste Permits Division, within 24 hours of becoming aware of the violation. The user shall also repeat the sampling and analysis and submit the results of the repeat analysis to the control authority within 30 days after becoming aware of the violation, except the industrial user is not required to resample if:

G.2.a. - K.2. ...

3. Not later than 14 days following each date in the schedule and the final date for compliance, the POTW shall submit a progress report to the Office of Environmental Services, Water and Waste Permits Division, including, as a minimum, whether or not it complied with the increment of progress to be met on such date and, if not, the date on which it expects to comply with this increment of progress, the reason for delay, and the steps taken by the POTW to return to the schedule established. In no event shall more than nine months elapse between such progress reports to the Office of Environmental Services, Water and Waste Permits Division.

L. - P.4. ...

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 21:945 (September 1995), amended LR 24:2122 (November 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2556 (November 2000), repromulgated LR 30:232 (February 2004), amended by the Office of Environmental Assessment, LR 31:

**§6125. Variances from Categorical Pretreatment Standards for Fundamentally Different Factors**

A. - F. ...

G. Application Deadline

1. Requests for a variance and supporting information must be submitted in writing to the Office of Environmental Services, Water and Waste Permits Division, or to the administrator (or his delegate), as appropriate.

G.2. - J.1.c. ...

2. The public notice shall provide for a period not less than 30 days following the date of the public notice during which time interested persons may review the request and submit their written views on the request to the Office of Environmental Services, Water and Waste Permits Division.

J.3. - L.2.b.iv. ...

c. notify the Office of Environmental Services, Water and Waste Permits Division, and the POTW of his or her determination; and

L.2.d. - M.2. ...

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 21:945 (September 1995), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2556 (November 2000), repromulgated LR 30:232 (February 2004), amended by the Office of Environmental Assessment, LR 31:

**§6135. Modification of POTW Pretreatment Programs**

A. - B.1.g. ...

C. Approval Procedures for Substantial Modifications

1. The POTW shall submit to the Office of Environmental Services, Water and Waste Permits Division, a statement of the basis for the desired program modification, a modified program description (see LAC 33:IX.6117.B), or such other documents the approval authority determines to be necessary under the circumstances.

2. - 4. ...

D. Approval Procedures for Nonsubstantial Modifications

1. The POTW shall notify the Office of Environmental Services, Water and Waste Permits Division, of any other (i.e., nonsubstantial) modifications to its pretreatment program at least 45 days prior to when they are to be implemented by the POTW, in a statement similar to that provided for in Paragraph C.1 of this Section.

D.2. - E. ...

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 21:945 (September 1995), amended LR 24:2122 (November 1998), LR 25:1093 (June 1999), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2556 (November 2000), repromulgated LR 30:232 (February 2004), amended by the Office of Environmental Assessment, LR 31:

**Chapter 65. Additional Requirements Applicable to the LPDES Program**

**§6507. Enforcement Actions**

A. - A.6. ...

B. Exception. In cases where the application is withdrawn by the applicant, a written notification shall be provided to the Office of Environmental Services, Water and Waste Permits Division, stating that no discharge or other

activity that would require a permit from the Office of Environmental Services, Water and Waste Permits Division, is currently taking place. Provided that the application was not made in response to previous enforcement action, the applicant is then exempt from enforcement action for causes listed under Paragraphs A.3 and 4 of this Section.

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 21:945 (September 1995), amended by the Water Pollution Control Division, LR 23:726 (June 1997), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2557 (November 2000), repromulgated LR 30:233 (February 2004), amended by the Office of Environmental Assessment, LR 31:

**Chapter 67. Financial Security**

**§6703. Acceptable Form of Financial Security**

A. - A.1. ...

a. the bond must be submitted to the department at the following address: Louisiana Department of Environmental Quality, Office of Environmental Services, Water and Waste Permits Division, Box 4313, Baton Rouge, LA 70821-4313;

1.b. - 2. ...

a. the letter of credit must be submitted to the department at the following address: Louisiana Department of Environmental Quality, Office of Environmental Services, Water and Waste Permits Division, Box 4313, Baton Rouge, LA 70821-4313;

b. - c. ...

d. the wording of the letter of credit shall be identical to the wording that follows, except that the instructions in brackets are to be replaced with the relevant information and the brackets deleted:

IRREVOCABLE LETTER OF CREDIT

Secretary  
Louisiana Department of Environmental Quality  
Office of Environmental Services  
Water and Waste Permits Division  
Post Office Box 4313  
Baton Rouge, Louisiana 70821-4313  
Dear Sir:

\* \* \*

[See Prior Text in Letter]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Sections 2074(B)(3) and (4) and 2075.2.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Environmental Assessment, Environmental Planning Division, LR 27:46 (January 2001), repromulgated LR 30:233 (February 2004), amended by the Office of Environmental Assessment, LR 30:2028 (September 2004), LR 31:

**Chapter 69. Standards for the Use or Disposal of Sewage Sludge**

**§6901. General Provisions**

A. - G.1.b.vi. ...

2. Methods. The materials listed below are incorporated by reference in this Chapter. The materials are incorporated as they exist on the date of approval, and notice of any change in these materials will be published in the *Louisiana Register*. They are available for inspection at the Office of the Federal Register, 7th Floor, Suite 700, 800 North Capitol Street, NW, Washington, DC, and at the Office of Water Docket, Room L-102, U.S. Environmental

Protection Agency, 401 M Street, SW, Washington, DC. Copies may be obtained from the standard producer or publisher listed in the regulation. Information regarding other sources of these documents is available from the Department of Environmental Quality, Office of Environmental Services, Water and Waste Permits Division. Methods in the materials listed below shall be used to analyze samples of sewage sludge.

G.2.a. - H.Treatment Works. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2074(B)(3)(e).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Environmental Assessment, Environmental Planning Division, LR 28:781 (April 2002), repromulgated LR 30:233 (February 2004), amended by the Office of Environmental Assessment, LR 31:

**§6905. Siting and Operation Requirements for Commercial Blenders, Composters, Mixers, or Preparers of Sewage Sludge**

A. - B.3.c.ii.(e). ...

(f). analyses to be sent to the Office of Environmental Services, Water and Waste Permits Division, confirming that the requirements of Subparagraph B.3.b of this Section have been satisfied;

(g). ...

(h). a statement from the permit holder indicating that, after the closure requirements have been met, the permit holder will file a request for a closure inspection with the Office of Environmental Services, Water and Waste Permits Division, before backfilling takes place. The administrative authority will determine whether the facility has been closed properly.

iii. - v. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2074(B)(3)(e).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Environmental Assessment, Environmental Planning Division, LR 28:794 (April 2002), repromulgated LR 30:233 (February 2004), amended by the Office of Environmental Assessment, LR 31:

**§6907. Financial Assurance Requirements for Commercial Blenders, Composters, Mixers, or Preparers of Sewage Sludge**

A. ...

1. Permit holders and applicants must maintain liability insurance, or its equivalent, for sudden and accidental occurrences in the amount of \$1 million per occurrence and \$1 million annual aggregate, per site, exclusive of legal-defense costs, for claims arising from injury to persons or property, owing to the operation of the site. Evidence of this coverage shall be updated annually and provided to the Office of Environmental Services, Water and Waste Permits Division.

2. - 2.a.iii.(c). ...

(d). cancellation of the policy, whether by the insurer or the insured, will be effective only upon written notice and upon lapse of 60 days after a copy of such written notice is received by the Office of Environmental Services, Water and Waste Permits Division;

(e). any other termination of the policy will be effective only upon written notice and upon lapse of 30 days after a copy of such written notice is received by the Office

of Environmental Services, Water and Waste Permits Division; and

2.a.iii.(f). - 3.c.v. ...

d. The letter of credit must be irrevocable and issued for a period of at least one year unless, at least 120 days before the current expiration date, the issuing institution notifies both the permit holder and the administrative authority by certified mail of a decision not to extend the expiration date. Under the terms of the letter of credit, the 120 days will begin on the date when both the permit holder and the Office of Environmental Services, Water and Waste Permits Division, receive the notice, as evidenced by the return receipts.

e. ...

4. Financial Test

a. To meet this test, the applicant, permit holder, or parent corporation of the applicant (corporate guarantor) or permit holder must submit to the Office of Environmental Services, Water and Waste Permits Division, the documents required by Subsection B of this Section demonstrating that the requirements of Subsection B of this Section have been met. Use of the financial test may be disallowed on the basis of the accessibility of the assets of the permit holder, applicant, or parent corporation (corporate guarantor). If the applicant, permit holder, or parent corporation is using the financial test to demonstrate liability coverage and closure and post-closure care, only one letter from the chief financial officer is required.

4.b. - 5.a.iii.

iv. the guarantor agrees that if, at the end of any fiscal year before termination of the guarantee, the guarantor fails to meet the financial-test criteria, the guarantor shall send within 90 days, by certified mail, notice to the Office of Environmental Services, Water and Waste Permits Division, and to the permit holder or applicant, that he intends to provide alternative financial assurance as specified in this Subsection, in the name of the permit holder or applicant, and that within 120 days after the end of said fiscal year the guarantor shall establish such financial assurance, unless the permit holder or applicant has done so;

v. the guarantor agrees to notify the Office of Environmental Services, Water and Waste Permits Division, by certified mail of a voluntary or involuntary proceeding under Title 11 (Bankruptcy), U.S. Code, naming the guarantor as debtor, within 10 days after commencement of the proceeding;

vi. - xi. ...

b. A corporate guarantee may be used to satisfy the requirements of this Section only if the attorney general(s) or insurance commissioner(s) of the state in which the guarantor is incorporated, and the state in which the facility covered by the guarantee is located, has submitted a written statement to the Office of Environmental Services, Water and Waste Permits Division, that a corporate guarantee is a legally valid and enforceable obligation in that state.

A.6. - B.1.a. ...

b. The applicant or permit holder shall submit to the Office of Environmental Services, Water and Waste Permits Division, the estimated closure date and the estimated cost of closure and post-closure care in accordance with the following procedures.

i. - ii. ...

iii. The cost estimates must be adjusted within 30 days after each anniversary of the date on which the first cost estimate was prepared on the basis of either the inflation factor derived from the Annual Implicit Price Deflator for Gross Domestic Product, as published by the U.S. Department of Commerce in its *Survey of Current Business* or a reestimation of the closure and post-closure costs in accordance with Clauses B.1.b.i-ii of this Section. The permit holder or applicant must revise the cost estimate whenever a change in the closure/post-closure plans increases or decreases the cost of the closure plan. The permit holder or applicant must submit a written notice of any such adjustment to the Office of Environmental Services, Water and Waste Permits Division, within 15 days following such adjustment.

1.b.iv. - 2.d. ...

3. Trust Funds. A permit holder or applicant may satisfy the requirements of this Section by establishing a closure trust fund that conforms to the following requirements and submitting an originally signed duplicate of the trust agreement to the Office of Environmental Services, Water and Waste Permits Division.

a. - g. ...

h. After beginning final closure, a permit holder or any other person authorized by the permit holder to perform closure and/or post-closure may request reimbursement for closure and/or post-closure expenditures by submitting itemized bills to the Office of Environmental Services, Water and Waste Permits Division. Within 60 days after receiving bills for such activities, the administrative authority will determine whether the closure and/or post-closure expenditures are in accordance with the closure plan or otherwise justified, and if so, he or she will instruct the trustee to make reimbursement in such amounts as the administrative authority specifies in writing. If the administrative authority has reason to believe that the cost of closure and/or post-closure will be significantly greater than the value of the trust fund, he may withhold reimbursement for such amounts as he deems prudent until he determines that the permit holder is no longer required to maintain financial assurance.

i. ...

4. Surety Bonds. A permit holder or applicant may satisfy the requirements of this Section by obtaining a surety bond that conforms to the following requirements and submitting the bond to the Office of Environmental Services, Water and Waste Permits Division.

a. - e. ...

f. Whenever the current cost-estimate increases to an amount greater than the penal sum, the permit holder, within 60 days after the increase, must either cause the penal sum to be increased to an amount at least equal to the current closure and post-closure estimate and submit evidence of such increase to the Office of Environmental Services, Water and Waste Permits Division, or obtain other financial assurance as specified in this Section to cover the increase. Whenever the current cost estimate decreases, the penal sum may be reduced to the amount of the current cost estimate following written approval by the administrative authority.

g. - h. ...

5. Performance Bonds. A permit holder or applicant may satisfy the requirements of this Section by obtaining a surety bond that conforms to the following requirements and submitting the bond to the Office of Environmental Services, Water and Waste Permits Division.

a. - e. ...

f. Whenever the current closure cost estimate increases to an amount greater than the penal sum, the permit holder, within 60 days after the increase, must either cause the penal sum to be increased to an amount at least equal to the current closure and post-closure cost estimates and submit evidence of such increase to the Office of Environmental Services, Water and Waste Permits Division, or obtain other financial assurance as specified in this Section. Whenever the current cost estimate decreases, the penal sum may be reduced to the amount of the current cost estimate after written approval of the administrative authority.

g. Under the terms of the bond, the surety may cancel the bond by sending notice of cancellation by certified mail to the permit holder and to the Office of Environmental Services, Water and Waste Permits Division. Cancellation may not occur before 120 days have elapsed beginning on the date that both the permit holder and the administrative authority receive the notice of cancellation, as evidenced by the return receipts.

h. ...

6. Letter of Credit. A permit holder or applicant may satisfy the requirements of this Section by obtaining an irrevocable standby letter of credit that conforms to the following requirements and submitting the letter to the Office of Environmental Services, Water and Waste Permits Division.

a. - c.v. ...

d. The letter of credit must be irrevocable and issued for a period of at least one year, unless, at least 120 days before the current expiration date, the issuing institution notifies both the permit holder and Office of Environmental Services, Water and Waste Permits Division, by certified mail of a decision not to extend the expiration date. Under the terms of the letter of credit, the 120 days will begin on the date when both the permit holder and the administrative authority receive the notice, as evidenced by the return receipts.

e. ...

f. Whenever the current cost estimates increase to an amount greater than the amount of the credit, the permit holder, within 60 days after the increase, must either cause the amount of the credit to be increased so that it at least equals the current closure and post-closure cost estimates and submit evidence of such increase to the Office of Environmental Services, Water and Waste Permits Division, or obtain other financial assurance as specified in this Section to cover the increase. Whenever the current cost estimate decreases, the amount of the credit may be reduced to the amount of the current closure and post-closure cost estimates upon written approval of the administrative authority.

g. - h. ...

7. Insurance. A permit holder or applicant may satisfy the requirements of this Section by obtaining insurance that

conforms to the following requirements and submitting a certificate of such insurance to the Office of Environmental Services, Water and Waste Permits Division.

a. - d. ...

e. After beginning final closure, a permit holder or any other person authorized by the permit holder to perform closure and post-closure may request reimbursement for closure or post-closure expenditures by submitting itemized bills to the Office of Environmental Services, Water and Waste Permits Division. Within 60 days after receiving such bills, the administrative authority will determine whether the expenditures are in accordance with the closure plan or otherwise justified, and if so, he or she will instruct the insurer to make reimbursement in such amounts as the administrative authority specifies in writing.

f. - g. ...

h. The policy must provide that the insurer may not cancel, terminate, or fail to renew the policy except for failure to pay the premium. The automatic renewal of the policy must, at a minimum, provide the insured with the option of renewal at the face amount of the expiring policy. If there is a failure to pay the premium, the insurer may elect to cancel, terminate, or fail to renew the policy by sending notice by certified mail to the permit holder and the Office of Environmental Services, Water and Waste Permits Division. Cancellation, termination, or failure to renew may not occur, however, before 120 days have elapsed, beginning on the date that both the administrative authority and the permit holder receive notice of cancellation, as evidenced by the return receipts. Cancellation, termination, or failure to renew may not occur, and the policy will remain in full force and effect in the event that, on or before the date of expiration:

i. - v. ...

i. Whenever the current cost estimate increases to an amount greater than the face amount of the policy, the permit holder, within 60 days after the increase, must either increase the face amount to at least equal to the current closure and post-closure cost estimates and submit evidence of such increase to the Office of Environmental Services, Water and Waste Permits Division, or obtain other financial assurance as specified in this Section to cover the increase. Whenever the current cost estimate decreases, the face amount may be reduced to the amount of the current closure and post-closure cost estimates following written approval by the administrative authority.

7.j. - 8.a.ii.(c). ...

b. To demonstrate that he or she meets this test, the permit holder, applicant, or parent corporation of the permit holder or applicant must submit the following three items to Office of Environmental Services, Water and Waste Permits Division:

b.i. - c. ...

d. The permit holder, applicant, or parent corporation (if a corporate guarantor) of the permit holder or applicant shall provide to the Office of Environmental Services, Water and Waste Permits Division, a letter from the chief financial officer, the wording of which shall be identical to the wording in Document 9 of LAC 33:IX.7135.Appendix R, except that the instructions in brackets are to be replaced with the relevant information and

the brackets deleted. The letter shall certify the following information:

d.i. - f. ...

g. After initial submission of the items specified in Subparagraph B.8.b of this Section, the permit holder, applicant, or parent corporation of the permit holder or applicant must send updated information to the Office of Environmental Services, Water and Waste Permits Division, within 90 days after the close of each succeeding fiscal year. This information must include all three items specified in Subparagraph B.8.b of this Section.

h. - i.iv. ...

v. guarantor agrees that if, at the end of any fiscal year before termination of the guarantee, the guarantor fails to meet the financial test criteria, the guarantor shall send within 90 days after the end of the fiscal year, by certified mail, notice to the Office of Environmental Services, Water and Waste Permits Division, and to the permit holder or applicant that he intends to provide alternative financial assurance as specified in this Subsection, in the name of the permit holder or applicant, and that within 120 days after the end of such fiscal year, the guarantor shall establish such financial assurance unless the permit holder or applicant has done so;

vi. the guarantor agrees to notify the Office of Environmental Services, Water and Waste Permits Division, by certified mail of a voluntary or involuntary proceeding under Title 11 (Bankruptcy), U.S. Code, naming the guarantor as debtor, within 10 days after commencement of the proceeding;

vii. - viii. ...

ix. the guarantor agrees to remain bound under the guarantee for as long as the permit holder must comply with the applicable financial assurance requirements of this Subsection for the above-listed facilities, except that the guarantor may cancel this guarantee by sending notice by certified mail to the Office of Environmental Services, Water and Waste Permits Division, and the permit holder or applicant. The cancellation will become effective no earlier than 90 days after receipt of such notice by both the administrative authority and the permit holder or applicant, as evidenced by the return receipts;

8.i.x. - 9.c.iv.(b). ...

v. A local government must satisfy the requirements of the financial test at the close of each fiscal year. If the local government owner or operator no longer meets the requirements of the local government financial test, it must, within 210 days following the close of the owner or operator's fiscal year, obtain alternative financial assurance that meets the requirements of this Section, place the required submissions for that assurance in the operating record, and notify the Office of Environmental Services, Water and Waste Permits Division, that the owner or operator no longer meets the criteria of the financial test and that alternate assurance has been obtained.

9.c.vi. - 10.a.i.(b). ...

ii. the guarantee will remain in force unless the guarantor sends notice of cancellation by certified mail to the owner or operator and to the Office of Environmental Services, Water and Waste Permits Division. Cancellation may not occur, however, during the 120 days beginning on the date of receipt of the notice of cancellation by both the

owner or operator and the administrative authority, as evidenced by the return receipts; and

iii. if a guarantee is canceled, the owner or operator must, within 90 days following receipt of the cancellation notice by the owner or operator and the administrative authority, obtain alternate financial assurance, place evidence of that alternate financial assurance in the facility operating record, and notify the Office of Environmental Services, Water and Waste Permits Division. If the owner or operator fails to provide alternate financial assurance within the 90-day period, then the guarantor must provide that alternate assurance within 120 days following the guarantor's notice of cancellation, place evidence of the alternate assurance in the facility operating record, and notify the Office of Environmental Services, Water and Waste Permits Division.

b. - b.ii.(b). ...

iii. If a local government guarantor no longer meets the requirements of Paragraph B.9 of this Section, the owner or operator must, within 90 days, obtain alternate assurance, place evidence of the alternate assurance in the facility operating record, and notify the Office of Environmental Services, Water and Waste Permits Division. If the owner or operator fails to obtain alternate financial assurance within that 90-day period, the guarantor must provide that alternate assurance within the next 30 days.

11. - 12. ...

a. the administrative authority determines that cost estimates are complete and accurate and the owner or operator has submitted a statement from a registered professional engineer to the Office of Environmental Services, Water and Waste Permits Division, so stating;

b. - d. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2074(B)(3)(e).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Environmental Assessment, Environmental Planning Division, LR 28:796 (April 2002), repromulgated LR 30:233 (February 2004), amended by the Office of Environmental Assessment, LR 31:

## Chapter 71. Appendices

### §7135. Appendix R—Financial Assurances Documents

#### Document 1. Liability Endorsement

COMMERCIAL BLENDER, COMPOSTER, OR MIXER OF  
SEWAGE SLUDGE  
LIABILITY ENDORSEMENT

Secretary  
Louisiana Department of Environmental Quality  
Post Office Box 4313  
Baton Rouge, Louisiana 70821-4313  
Attention: Office of Environmental Services,  
Water and Waste Permits Division

Dear Sir:

\* \* \*

[See Prior Text in Letter]

#### Document 2. Certificate of Insurance

COMMERCIAL BLENDER, COMPOSTER, OR MIXER OF  
SEWAGE SLUDGE FACILITY  
CERTIFICATE OF LIABILITY INSURANCE

Secretary  
Louisiana Department of Environmental Quality  
Post Office Box 4313  
Baton Rouge, Louisiana 70821-4313  
Attention: Office of Environmental Services,  
Water and Waste Permits Division

Dear Sir:

\* \* \*

[See Prior Text in Letter]

#### Document 3. Letter of Credit

COMMERCIAL BLENDER, COMPOSTER, OR MIXER OF  
SEWAGE SLUDGE FACILITY  
IRREVOCABLE LETTER OF CREDIT

Secretary  
Louisiana Department of Environmental Quality  
Post Office Box 4313  
Baton Rouge, Louisiana 70821-4313  
Attention: Office of Environmental Services,  
Water and Waste Permits Division

Dear Sir:

\* \* \*

[See Prior Text in Letter]

#### Document 4. Trust Agreement. - Document 6. Performance Bond. ...

#### Document 7. Letter of Credit

COMMERCIAL BLENDER, COMPOSTER, OR MIXER OF  
SEWAGE SLUDGE FACILITY  
IRREVOCABLE LETTER OF CREDIT

Secretary  
Louisiana Department of Environmental Quality  
Post Office Box 4313  
Baton Rouge, Louisiana 70821-4313  
Attention: Office of Environmental Services,  
Water and Waste Permits Division

Dear Sir:

\* \* \*

[See Prior Text in Letter]

#### Document 8. Certificate of Insurance. ...

#### Document 9. Letter from the Chief Financial Officer

COMMERCIAL BLENDER, COMPOSTER, OR MIXER OF  
SEWAGE SLUDGE FACILITY  
LETTER FROM THE CHIEF FINANCIAL OFFICER  
(LIABILITY COVERAGE, CLOSURE, AND/OR POST-  
CLOSURE)

Secretary  
Louisiana Department of Environmental Quality  
Post Office Box 4313  
Baton Rouge, Louisiana 70821-4313  
Attention: Office of Environmental Services,  
Water and Waste Permits Division

Dear Sir:

\* \* \*

[See Prior Text in Letter]

#### Document 10. Corporate Guarantee. ...

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Environmental Assessment, Environmental Planning Division, LR 28:818 (April 2002), repromulgated LR 30:233 (February 2004), amended by the Office of Environmental Assessment, LR 30:2028 (September 2004), LR 31:

## Part XI. Underground Storage Tanks Chapter 3. Registration Requirements, Standards, and Fee Schedule

### §301. Registration Requirements

A. - A.2. ...

3. All existing UST systems previously registered with the department shall be considered to be in compliance with this requirement if the information on file with the department is current and accurate. Maintaining current and accurate information with the department includes notifying the department's Office of Environmental Services, Water and Waste Permits Division, of changes in ownership, or of changes in UST system descriptions resulting from upgrading, by filing an amended registration form within 30

days of the change in ownership or in description of the UST system.

B. New UST Systems. Upon the effective date of these regulations, all owners of new *UST systems* (as defined in LAC 33:XI.103) must, at least 30 days before bringing such tanks into use, register them on an *Underground Storage Tank Registration Form* (UST-REG-01). Registration forms shall be filed with the Office of Environmental Services, Water and Waste Permits Division. The following registration requirements apply to new UST systems:

B.1. - C. ...

1. Any person who sells a UST system shall so notify the Office of Environmental Services, Water and Waste Permits Division, in writing within 30 days after the date of the transaction. A person selling a UST must also notify the person acquiring a regulated UST system of the owner's registration obligations under this Section.

2. Any person who acquires a UST system shall submit to the Office of Environmental Services, Water and Waste Permits Division, an amended registration form within 30 days after the date of acquisition.

3. - 4. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Underground Storage Tank Division, LR 11:1139 (December 1985), amended LR 16:614 (July 1990), LR 17:658 (July 1991), LR 18:727 (July 1992), LR 20:294 (March 1994), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2558 (November 2000), LR 28:475 (March 2002), amended by the Office of Environmental Assessment, LR 31:1066 (May 2005), LR 31:

### §303. Standards for UST Systems

A. - B.4.b.i.(e). ...

ii. Beginning January 20, 1992, all owners and operators must ensure that the individual exercising supervisory control over *installation critical-junctures* (as defined in LAC 33:XI.1303) of a UST system is certified in accordance with LAC 33:XI.Chapter 13. To demonstrate compliance with Subparagraph B.4.a of this Section, all owners and operators must provide a certification of compliance on the *UST Registration of Technical Requirements Form* (UST-REG-02) within 60 days of the introduction of any regulated substance. Forms shall be filed with the Office of Environmental Services, Water and Waste Permits Division.

B.4.c. - C.6.a. ...

b. An amended registration form (UST-REG-02) must be submitted to the Office of Environmental Services, Water and Waste Permits Division, within 30 days after the UST system is upgraded. The owner and operator must certify compliance with Subsection C of this Section on the amended registration form (UST-REG-02). Beginning January 20, 1992, the amended registration forms (UST-REG-01 and 02) shall include the name and department-issued certificate number of the individual exercising supervisory control over those steps in the upgrade that involve *repair-critical junctures* or *installation-critical junctures* (as defined in LAC 33:XI.1303) of a UST system.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste,

Underground Storage Tank Division, LR 11:1139 (December 1985), amended LR 16:614 (July 1990), LR 17:658 (July 1991), LR 18:728 (July 1992), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2558 (November 2000), LR 28:475 (March 2002), amended by the Office of Environmental Assessment, LR 31:1066 (May 2005), LR 31:

### Chapter 9. Out-of-Service UST Systems and Closure §903. Temporary Closure

A. - B.2. ...

3. submit a completed copy of the registration form UST-REG-01 to the Office of Environmental Services, Water and Waste Permits Division, indicating the dates the UST system was temporarily closed.

C. ...

D. When a UST system is temporarily closed for more than 24 months, owners and operators shall complete a site assessment in accordance with LAC 33:XI.907. The results of the assessment and documentation of compliance with the temporary closure requirements in Subsection A of this Section must be submitted in duplicate to the Office of Environmental Compliance, Surveillance Division, within 60 days following the end of the 24-month temporary closure period.

E. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Underground Storage Tank Division, LR 16:614 (July 1990), amended LR 17:658 (July 1991), amended by the Office of Environmental Assessment, LR 31:1074 (May 2005), LR 31:

### Chapter 11. Financial Responsibility §1111. Financial Test of Self-Insurance

A. - C.5.b. ...

D. To demonstrate that it meets the financial test under Subsection B or C of this Section, the chief financial officer of the owner or operator, or guarantor, must sign, within 120 days of the close of each *financial reporting year*, as defined by the 12-month period for which financial statements used to support the financial test are prepared, a letter worded exactly as follows, except that the instructions in brackets are to be replaced by the relevant information and the brackets deleted. To prepare this letter, the owner or operator must use the form required by the department. This form may be obtained from the department's Office of Environmental Services, Water and Waste Permits Division.

LETTER FROM CHIEF FINANCIAL OFFICER

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[See Prior Text in Letter]

E. - F. ...

G. If the owner or operator fails to obtain alternate assurance within 150 days of finding that he or she no longer meets the requirements of the financial test based on the year-end financial statements, or within 30 days of notification by the administrative authority that he or she no longer meets the requirements of the financial test, the owner or operator must notify the Office of Environmental Services, Water and Waste Permits Division, of such failure within 10 days.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste,

Underground Storage Tank Division, LR 16:614 (July 1990), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2560 (November 2000), LR 27:2232 (December 2001), amended by the Office of Environmental Assessment, LR 31:

### **§1113. Guarantee**

A. - A.2. ...

B. Within 120 days of the close of each financial reporting year the guarantor must demonstrate that it meets the financial test criteria of LAC 33:XI.1111 based on year-end financial statements for the latest completed financial reporting year by completing the letter from the chief financial officer described in LAC 33:XI.1111.D and must deliver the letter to the owner or operator. If the guarantor fails to meet the requirements of the financial test at the end of any financial reporting year, within 120 days of the end of that financial reporting year the guarantor shall send by certified mail, before cancellation or nonrenewal of the guarantee, notice to the owner or operator and to the Office of Environmental Services, Water and Waste Permits Division. If the Office of Environmental Services, Water and Waste Permits Division, notifies the guarantor that he no longer meets the requirements of the financial test of LAC 33:XI.1111.B or C and D, the guarantor must notify the owner or operator within 10 days of receiving such notification from the Office of Environmental Services, Water and Waste Permits Division. In both cases, the guarantee will terminate no less than 120 days after the date the owner or operator receives the notification, as evidenced by the return receipt. The owner or operator must obtain alternative coverage as specified in LAC 33:XI.1139.C.

C. - D. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Underground Storage Tank Division, LR 16:614 (July 1990), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2561 (November 2000), amended by the Office of Environmental Assessment, LR 31:

### **§1123. Trust Fund**

A. - C. ...

D. If the value of the trust fund is greater than the required amount of coverage, the owner or operator may submit a written request to the Office of Environmental Services, Water and Waste Permits Division, for release of the excess.

E. If other financial assurance as specified in this Chapter is substituted for all or part of the trust fund, the owner or operator may submit a written request to the Office of Environmental Services, Water and Waste Permits Division, for release of the excess.

F. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Underground Storage Tank Division, LR 16:614 (July 1990), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2561 (November 2000), amended by the Office of Environmental Assessment, LR 31:

### **§1129. Cancellation or Nonrenewal by a Provider of Financial Assurance**

A. - A.2. ...

B. If a provider of financial responsibility cancels or fails to renew for reasons other than incapacity of the provider as specified in LAC 33:XI.1131, the owner or operator must obtain alternate coverage as specified in this Section within 60 days after receipt of the notice of termination. If the owner or operator fails to obtain alternate coverage within 60 days after receipt of the notice of termination, the owner or operator must notify the Office of Environmental Services, Water and Waste Permits Division, of such failure and submit:

1. - 3. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Underground Storage Tank Division, LR 16:614 (July 1990), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2561 (November 2000), amended by the Office of Environmental Assessment, LR 31:

### **§1131. Reporting by Owner or Operator**

A. An owner or operator must submit to the Office of Environmental Services, Water and Waste Permits Division, the appropriate forms listed in LAC 33:XI.1133.B documenting current evidence of financial responsibility as follows.

A.1. - C. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Underground Storage Tank Division, LR 16:614 (July 1990), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2562 (November 2000), amended by the Office of Environmental Assessment, LR 31:

### **§1139. Bankruptcy or Other Incapacity of Owner or Operator or Provider of Financial Assurance**

A. Within 10 days after commencement of a voluntary or involuntary proceeding under Title 11 (Bankruptcy), U.S. Code, naming an owner or operator as debtor, the owner or operator must notify the Office of Environmental Services, Water and Waste Permits Division, by certified mail of such commencement and submit the appropriate forms listed in LAC 33:XI.1133.B documenting current financial responsibility.

B. ...

C. An owner or operator who obtains financial assurance by a mechanism other than the financial test of self-insurance will be deemed to be without the required financial assurance in the event of a bankruptcy or incapacity of its provider of financial assurance, or a suspension or revocation of the authority of the provider of financial assurance to issue a guarantee, insurance policy, risk retention group coverage policy, surety bond, or letter of credit. The owner or operator must obtain alternate financial assurance as specified in this Chapter within 30 days after receiving notice of such an event. If the owner or operator does not obtain alternate coverage within 30 days after such notification, he must notify the Office of Environmental Services, Water and Waste Permits Division.



D. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Underground Storage Tank Division, LR 16:614 (July 1990), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2562 (November 2000), amended by the Office of Environmental Assessment, LR 31:\*\* (July 2005), LR 31:

**Chapter 12. Requirements for Response Action Contractors who Assess and Remediate Motor Fuel Contaminated Sites Eligible for Cost Reimbursement in Accordance with the Motor Fuels Underground Storage Tank Trust Fund (MFUSTTF)**

**§1205. Qualifications**

A. - B. ...

C. The RAC List will be updated once per quarter to include applicants who have met the requirements of this Section. All new applications or annual updates shall be submitted to the Office of Environmental Services, Water and Waste Permits Division, by 4:30 p.m. on or before the fifteenth day of March, June, September, and December.

D. - E. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2194(C) and 2195.10.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Environmental Assessment, Environmental Planning Division, LR 27:523 (April 2001), amended by the Office of Environmental Assessment, LR 31:

**Chapter 13. Certification Requirements for Persons Who Install, Repair, or Close Underground Storage Tank Systems**

**§1305. Categories of Certification and Requirements for Issuance and Renewal of Certificates**

A. - B. ...

1. To qualify for an examination, a person need not be a resident of Louisiana. A person must provide to the Office of Environmental Services, Water and Waste Permits Division, payment of the examination fee and meet the following requirements to be eligible for a UST certification examination.

B.1.a. - E. ...

F. Expiration and Renewal of Certificates

1. All UST certificates and certificate renewals shall expire December 31 of every second year. Applications for certificate renewal and payment of the renewal fee should be submitted to the Office of Environmental Services, Water and Waste Permits Division, by November 1 of each year they expire. A person whose certificate has expired prior to his or her submission of evidence of compliance with Paragraph F.2 of this Section shall be considered a new applicant for certification.

F.2. - G.2. ...

H. Changes in Employment. It is incumbent upon a certified person to provide written notification to the Office of Environmental Services, Water and Waste Permits Division, within 20 days after his or her knowledge of a change in employment.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste,

Underground Storage Tank Division, LR 16:614 (July 1990), amended LR 17:658 (July 1991), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2562 (November 2000), LR 29:691 (May 2003), LR 29:2052 (October 2003), amended by the Office of Environmental Assessment, LR 30:2804 (December 2004), LR 31:

**§1309. Approval of Continuing Training Courses**

A. No course in continuing education submitted to the Office of Environmental Services, Water and Waste Permits Division, will be considered for approval unless the course:

1. - 2. ...

B. Applications for approval of specific training programs shall be submitted to the Office of Environmental Services, Water and Waste Permits Division, in writing. Such submissions shall contain a complete course outline; training material; sample certificates; methodology for verifying attendance; date, time, and location of the course; the name of the offering organization; the credentials of the instructors; and a certification that the technology or methods that will be presented in the training program will satisfy department rules, and state and federal laws governing UST system installation, repair, or closure.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Underground Storage Tank Division, LR 17:658 (July 1991), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2562 (November 2000), amended by the Office of Environmental Assessment, LR 31:

**Part XV. Radiation Protection**

**Chapter 2. Registration of Radiation Machines and Facilities**

**§204. Application for Registration of Radiation Machines and Facilities**

A. ...

1. apply for registration of such facility and each radiation machine with the Office of Environmental Compliance, Emergency and Radiological Services Division, prior to the operation of a radiation machine facility. Application for registration shall be completed on Form DRC-6 furnished by the department upon request in writing and shall contain all the information required by the form and accompanying instructions. The registration of the first radiation producing machine at a facility constitutes registration of the facility itself;

2. - 3 ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Nuclear Energy Division, LR 13:569 (October 1987), amended by the Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 19:1421 (November 1993), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2565 (November 2000), amended by the Office of Environmental Assessment, LR 31:

**§205. Application for Registration of Servicing and Services**

A. Each person who is engaged in the business of installing or offering to install radiation machines or is engaged in the business of furnishing or offering to furnish radiation machine servicing or services in this state shall apply for registration of such services with the Office of

Environmental Compliance, Emergency and Radiological Services Division, within 30 days after the effective date of this Chapter or thereafter prior to furnishing or offering to furnish any such services.

B. Application for registration shall be completed on Form DRC-22 furnished by the Office of Environmental Compliance, Emergency and Radiological Services Division, upon request in writing and shall contain all information required by the form and accompanying instructions.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Nuclear Energy Division, LR 13:569 (October 1987), amended by the Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 19:1421 (November 1993), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2566 (November 2000), amended by the Office of Environmental Assessment, LR 31:

### **§209. Report of Changes**

A. The registrant shall notify the Office of Environmental Compliance, Emergency and Radiological Services Division, in writing before making any change that would render the information contained in the application for registration and/or registration certificate no longer accurate.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Nuclear Energy Division, LR 13:569 (October 1987), amended by the Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 19:1421 (November 1993), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2566 (November 2000), amended by the Office of Environmental Assessment, LR 31:

### **§211. Assembler and/or Transferor Obligation**

A. Any person who sells, leases, transfers, lends, disposes, assembles, or installs radiation machines in this state shall notify the Office of Environmental Compliance, Emergency and Radiological Services Division, at 15-day intervals of:

A.1. - C. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Nuclear Energy Division, LR 13:569 (October 1987), amended by the Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 19:1421 (November 1993), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2566 (November 2000), amended by the Office of Environmental Assessment, LR 31:

### **§212. Reciprocal Recognition of Out-of-State Radiation Machines**

A. ...

1. the person proposing to bring such machine into the state shall give written notice to the Office of Environmental Compliance, Emergency and Radiological Services Division, at least three working days before such machine is to be used in the state. Additional requirements for work involving industrial radiography at temporary job sites may be found in LAC 33:XV.Chapter 5. The notice shall include:

a. - c. ...

2. if, for a specific case, the three-working-day period would impose an undue hardship on the person, upon written application to the Office of Environmental Compliance, Emergency and Radiological Services Division, permission to proceed sooner may be granted.

B. - B.2. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Nuclear Energy Division, LR 13:569 (October 1987), amended by the Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 19:1421 (November 1993), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2566 (November 2000), LR 29:1815 (September 2003), amended by the Office of Environmental Assessment, LR 31:

### **§213. Modification, Revocation, and Termination of Registration Certificate**

A. - C. ...

D. The department will terminate a registration certificate upon written request by the registrant, provided the registrant no longer possesses the registered device or provided the registrant has rendered the unit permanently incapable of producing radiation. The registrant shall notify the Office of Environmental Compliance, Emergency and Radiological Services Division, within 60 days of the final disposition of the X-ray machine.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 19:1421 (November 1993), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2566 (November 2000), amended by the Office of Environmental Assessment, LR 31:

## **Chapter 3. Licensing of Radioactive Material**

### **Subchapter B. Licenses**

### **§320. Types of Licenses**

A. ...

1. General licenses provided in this Chapter are effective without the filing of application with the Office of Environmental Compliance, Emergency and Radiological Services Division, or the issuance of licensing documents to the particular persons, although the filing of certain information with the Office of Environmental Compliance, Emergency and Radiological Services Division, may be required by the particular general license. The general licensee is subject to all other applicable portions of these regulations and to any limitations of the general license.

2. Specific licenses require the submission of an application to the Office of Environmental Compliance, Emergency and Radiological Services Division, and the issuance of a licensing document by the administrative authority. The licensee is subject to all applicable portions of these regulations as well as to any limitations specified in the licensing document. The licensee shall notify the Office of Environmental Compliance, Emergency and Radiological Services Division, in writing before making any change that would render the information contained in the application for license no longer accurate.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Nuclear Energy Division, LR 13:569

(October 1987), amended by the Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 18:34 (January 1992), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2566 (November 2000), LR 29:1816 (September 2003), amended by the Office of Environmental Assessment, LR 31:

### Subchapter C. General Licenses

#### §321. General Licenses: Source Material

A. - E.2. ...

##### 3. Depleted Uranium

a. Persons who receive, acquire, possess, or use depleted uranium pursuant to the general license established by Paragraph E.1 of this Section shall file Form DRC-21, "General License Certificate—Use of Depleted Uranium Under General License," with the Office of Environmental Compliance, Emergency and Radiological Services Division. Form DRC-21 will be furnished by the Office of Environmental Compliance, Emergency and Radiological Services Division, upon written request. The form shall be submitted within 30 days after the first receipt or acquisition of such depleted uranium. The general licensee shall furnish on Form DRC-21 the following information and such other information as may be required by that form:

i. - iii. ...

b. The licensee possessing or using depleted uranium under the general license established by Paragraph E.1 of this Section shall report in writing to the Office of Environmental Compliance, Emergency and Radiological Services Division, any changes in information furnished by him in Form DRC-21, "General License Certificate—Use of Depleted Uranium Under General License." The report shall be submitted within 30 days after the effective date of such change.

4. - 4.c. ...

d. within 30 days of any transfer, shall report in writing to the Office of Environmental Compliance, Emergency and Radiological Services Division, the name and address of the person receiving the depleted uranium pursuant to such transfer; and

4.e. - 5. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Nuclear Energy Division, LR 13:569 (October 1987), amended by the Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 18:34 (January 1992), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2567 (November 2000), amended by the Office of Environmental Assessment, LR 31:

#### §322. General Licenses: Radioactive Material Other Than Source Material

A. - D.3.d. ...

e. upon the occurrence of a failure of or damage to, or any indication of a possible failure of or damage to, the shielding of the radioactive material or the on-off mechanism or indicator, or upon the detection of 0.005 microcurie or more of removable radioactive material, immediately suspend operation of the device until it has been repaired by the manufacturer or other person holding an applicable specific license from the administrative authority, the U.S. Nuclear Regulatory Commission, or any other agreement state or licensing state to repair such devices, or disposed of by transfer to a person authorized by

an applicable specific license to receive the radioactive material contained in the device and, within 30 days, furnish to the Office of Environmental Compliance, Emergency and Radiological Services Division, a report containing a brief description of the event and the remedial action taken;

f. ...

g. except as provided in Subparagraph D.3.h of this Section, transfer or dispose of the device containing radioactive material only by export as provided in 10 CFR Part 110 or by transfer to a specific licensee of the department, the U.S. Nuclear Regulatory Commission, or any other agreement state or licensing state whose specific license authorizes him or her to receive the device and within 30 days after transfer of a device to a specific licensee shall furnish to the Office of Environmental Compliance, Emergency and Radiological Services Division, a report containing identification of the device by manufacturer's name and model number, and the name and address of the person receiving the device. No report is required if the device is transferred to the specific licensee in order to obtain a replacement device;

h. ...

i. where the device remains in use at a particular location. In such case the transferor shall give the transferee a copy of this regulation and any safety documents identified in the label on the device and within 30 days of the transfer, report to the Office of Environmental Compliance, Emergency and Radiological Services Division, the manufacturer's name and model number of device transferred, the name and address of the transferee, and the name and/or position of an individual who may constitute a point of contact between the department and the transferee; or

h.ii. - l. ...

i. annual registration with the Office of Environmental Compliance, Emergency and Radiological Services Division, shall include payment of the fee required by LAC 33:XV.2505. Registration must be done by verifying, correcting, and/or adding to the information provided in a request for registration received from the department. The registration information must be submitted to the department within 30 days of the date of the request for registration or as otherwise indicated in the request;

l.ii. - iii. ...

m. report changes to the mailing address for the location of use (including change in the name of the general licensee) to the Office of Environmental Compliance, Emergency and Radiological Services Division, within 30 days of the effective date of the change. For a portable device, a report of address change is only required for a change in the device's primary place of storage;

D.3.n. - J.4. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Nuclear Energy Division, LR 13:569 (October 1987), amended by the Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 18:34 (January 1992), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2567 (November 2000), LR 27:1226 (August 2001), LR 30:1663 (August 2004), amended by the Office of Environmental Assessment, LR 31:

## Subchapter D. Specific Licenses

### §324. Filing Application for Specific Licenses

A. Applications for specific licenses shall be filed on a form prescribed by the Office of Environmental Compliance, Emergency and Radiological Services Division, or in any other manner specified by the department.

B. - J.13. ...

K. The licensee shall allow the off-site response organizations expected to respond in case of accident 60 days to comment on the licensee's emergency plan before submitting it to the Office of Environmental Compliance, Emergency and Radiological Services Division. The licensee shall provide any comments received within the 60 days to the Office of Environmental Compliance, Emergency and Radiological Services Division, with the emergency plan.

<sup>1</sup>These reporting requirements do not supersede or release licensees of complying with requirements under the Emergency Planning and Community Right-to-Know Act of 1986, Title III, Pub. L. 99-499 or other state or federal reporting requirements.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Nuclear Energy Division, LR 13:569 (October 1987), amended by the Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 18:34 (January 1992), LR 20:179 (February 1994), amended by the Office of the Secretary, LR 22:345 (May 1996), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2567 (November 2000), LR 27:1227 (August 2001), amended by the Office of Environmental Assessment, LR 31:

### §326. Special Requirements for Issuance of Certain Specific Licenses for Radioactive Material

A. - E.1. ...

a. The applicant will have an adequate program for training radiographers and submits to the Office of Environmental Compliance, Emergency and Radiological Services Division, a schedule or description of such program that specifies the:

i. - iv. ...

b. The applicant has established and submits to the Office of Environmental Compliance, Emergency and Radiological Services Division, satisfactory written operating and emergency procedures as described in LAC 33:XV.576.

c. ...

d. The applicant submits to the Office of Environmental Compliance, Emergency and Radiological Services Division, a description of his or her overall organizational structure pertaining to the industrial radiography program, including specified delegations of authority and responsibility for operation of the program.

e. The applicant who desires to conduct his or her own leak tests of sealed sources or exposure devices containing depleted uranium (DU) shielding has established adequate procedures to be followed in testing for possible leakage and contamination and submits to the Office of Environmental Compliance, Emergency and Radiological Services Division, a description of such procedures including:

e.i. - k. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Nuclear Energy Division, LR 13:569

(October 1987), amended by the Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 18:34 (January 1992), LR 24:2092 (November 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2569 (November 2000), LR 27:1228 (August 2001), LR 30:1188 (June 2004), amended by the Office of Environmental Assessment, LR 31:45 (January 2005), LR 31:

### §328. Special Requirements for Specific License to Manufacture, Assemble, Repair, or Distribute Commodities, Products, or Devices that Contain Radioactive Material

A. - A.1. ...

a. the applicant submits to the Office of Environmental Compliance, Emergency and Radiological Services Division, a description of the product or material into which the radioactive material will be introduced, the intended use of the radioactive material, and the product or material into which it is introduced, method of introduction, initial concentration of the radioactive material in the product or material, control methods to ensure that no more than the specified concentration is introduced into the product or material, estimated time interval between introduction and transfer of the product or material, and estimated concentration of the radioactive material in the product or material at the time of transfer;

b. ...

2. Each person licensed under this Subsection shall file an annual report with the Office of Environmental Compliance, Emergency and Radiological Services Division, that shall identify the type and quantity of each product or material into which radioactive material has been introduced during the reporting period; name and address of the person who owned or possessed the product or material into which radioactive material has been introduced, at the time of introduction; the type and quantity of radionuclide introduced into each such product or material; and the initial concentrations of the radionuclide in the product or material at time of transfer of the radioactive material by the licensee. If no transfers of radioactive material have been made pursuant to this Subsection during the reporting period, the report shall so indicate. The report shall cover the year ending June 30 and shall be filed within 30 calendar days thereafter.

B. - B.1.a.ii. ...

iii. the applicant submits copies of prototype labels and brochures, and the Office of Environmental Compliance, Emergency and Radiological Services Division, approves such labels and brochures.

b. - b.iv.(c). ...

c. Each person licensed under this Subsection shall maintain records identifying, by name and address, each person to whom radioactive material is transferred for use under LAC 33:XV.304.B or the equivalent regulations of the licensing state and stating the kinds and quantities of radioactive material transferred. An annual summary report stating the total quantity of each radionuclide transferred under the specific license shall be filed with the Office of Environmental Compliance, Emergency and Radiological Services Division. Each report shall cover the year ending June 30 and shall be filed within 30 calendar days thereafter. If no transfers of radioactive material have been made pursuant to this Subsection during the reporting period, the report shall so indicate.

C. - D.1.a. ...

b. The applicant submits to the Office of Environmental Compliance, Emergency and Radiological Services Division, sufficient information relating to the design, manufacture, prototype testing, quality control, labels, proposed uses, installation, servicing, leak testing, operating and safety instructions, and potential hazards of the device to provide reasonable assurance of the following.

1.b.i. - 4.a. ...

b. Report all transfers of devices to persons for use under the general license in LAC 33:XV.322.D.1 and all receipts of devices from persons licensed under LAC 33:XV.322.D.1 to the Office of Environmental Compliance, Emergency and Radiological Services Division. The report must be submitted on a quarterly basis on a RAD-41 Form or in a clear and legible report containing all of the data required by the form.

b.i. - d. ...

e. Report to the Office of Environmental Compliance, Emergency and Radiological Services Division, all transfers of such devices to persons for use under the general license in LAC 33:XV.322.D. Such reports must be maintained for a period of three years following the date of the recorded event and shall identify each general licensee by name and address, an individual by name and/or position who may constitute a point of contact between the department and the general licensee, the type and model number of device transferred, and the quantity and type of radioactive material contained in the device. If one or more intermediate persons will temporarily possess the device at the intended place of use prior to its possession by the user, the report shall include identification of each intermediate person by name, address, contact, and relationship to the intended user. If no transfers have been made to persons generally licensed under LAC 33:XV.322.D during the reporting period, the report shall so indicate. The report shall cover each calendar quarter and shall be filed within 30 days thereafter.

D.4.f. - J.1.a. ...

b. the applicant submits to the Office of Environmental Compliance, Emergency and Radiological Services Division, evidence that the applicant is at least one of the following:

i. - iv. ...

c. the applicant submits to the Office of Environmental Compliance, Emergency and Radiological Services Division, information on the radionuclide, chemical and physical form, packaging including maximum activity per package, and shielding provided by the radioactive material that is appropriate for safe handling and storage of radiopharmaceuticals by group licensees; and

1.d. - 2.d. ...

e. shall provide to the Office of Environmental Compliance, Emergency and Radiological Services Division, a copy of each individual's certification by the Board Of Pharmaceutical Specialties and the department, licensing state, Nuclear Regulatory Commission, or agreement state license or the permit issued by a licensee of broad scope and a copy of the state pharmacy licensure or registration, no later than 30 days after the date that the licensee allows the individual to work as an authorized

nuclear pharmacist, in accordance with Clauses J.2.b.i and iii of this Section.

J.3. - L.1.a. ...

b. The applicant submits to the Office of Environmental Compliance, Emergency and Radiological Services Division, sufficient information regarding each type of source or device pertinent to an evaluation of its radiation safety, including:

L.1.b.i. - M.1.a. ...

b. the applicant submits to the Office of Environmental Compliance, Emergency and Radiological Services Division, sufficient information relating to the design, manufacture, prototype testing, quality control procedures, labeling or marking, proposed uses, and potential hazards of the industrial product or device to provide reasonable assurance that possession, use, or transfer of the depleted uranium in the product or device is not likely to cause any individual to receive in any period of one calendar quarter a radiation dose in excess of 10 percent of the limits specified in LAC 33:XV.410.A; and

c. the applicant submits to the Office of Environmental Compliance, Emergency and Radiological Services Division, sufficient information regarding the industrial product or device and the presence of depleted uranium for a mass-volume application in the product or device to provide reasonable assurance that unique benefits will accrue to the public because of the usefulness of the product or device.

2. - 4.d.ii. ...

e. report to the Office of Environmental Compliance, Emergency and Radiological Services Division, all transfers of industrial products or devices to persons for use under the general license in LAC 33:XV.321.E. Such report shall identify each general licensee by name and address, an individual by name and/or position who may constitute a point of contact between the department and the general licensee, the type and model number of device transferred, and the quantity of depleted uranium contained in the product or device. The report shall be submitted within 30 days after the end of each calendar quarter in which such a product or device is transferred to the generally licensed person. If no transfers have been made to persons generally licensed under LAC 33:XV.321.E during the reporting period, the report shall so indicate;

f. - g. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Nuclear Energy Division, LR 13:569 (October 1987), amended by the Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 18:34 (January 1992), LR 24:2092 (November 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2569 (November 2000), LR 26:2768 (December 2000), LR 27:1228 (August 2001), LR 30:1664 (August 2004), amended by the Office of Environmental Assessment, LR 31:

### §331. Specific Terms and Conditions of Licenses

A. - C. ...

D. Each licensee shall notify the Office of Environmental Compliance, Emergency and Radiological Services Division, in writing when the licensee decides to permanently discontinue all activities involving materials

authorized under the license. This notification requirement applies to all specific licenses issued under this Chapter.

E. Each licensee shall notify the Office of Environmental Compliance, Emergency and Radiological Services Division, in writing, immediately following the filing of a voluntary or involuntary petition for bankruptcy under any Chapter of Title 11 (Bankruptcy) of the *United States Code* by or against:

E.1. - F. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Nuclear Energy Division, LR 13:569 (October 1987), amended by the Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 18:34 (January 1992), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2571 (November 2000), amended by the Office of Environmental Assessment, LR 31:

### **§332. Expiration and Termination of Licenses and Decommissioning of Sites and Separate Buildings or Outdoor Areas**

A. ...

B. Each licensee shall notify the Office of Environmental Compliance, Emergency and Radiological Services Division, immediately, in writing, and request termination of the license when the licensee decides to terminate all activities involving radioactive material authorized under the license. This notification and request for termination of the license must include the reports and information specified in Subparagraph D.1.e of this Section.

C. - C.1. ...

2. notify the Office of Environmental Compliance, Emergency and Radiological Services Division, in writing, if the licensee decides not to renew the license.

D. - D.1.c. ...

d. submit a completed form to the Office of Environmental Compliance, Emergency and Radiological Services Division, that certifies information concerning the disposition of materials; and

e. submit a radiation survey report to the Office of Environmental Compliance, Emergency and Radiological Services Division, to confirm the absence of radioactive material or to establish the levels of residual radioactive contamination, unless the licensee demonstrates the absence of residual radioactive contamination in some other manner. The licensee shall, as appropriate:

1.e.i. - 5.c.ii.(b). ...

6. Timeliness of Decommissioning

a. Within 60 days of the occurrence of any of the following, each licensee shall provide notification to the Office of Environmental Compliance, Emergency and Radiological Services Division, in writing of such occurrence and either begin decommissioning its site, or any separate building or outdoor area that contains residual radioactivity, so that the building or outdoor area is suitable for release for unrestricted use, or submit within 12 months of notification a decommissioning plan, if required by Paragraph D.2 of this Section, and begin decommissioning upon approval of that plan if:

D.6.a.i. - E.2. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Nuclear Energy Division, LR 13:569 (October 1987), amended by the Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 18:34 (January 1992), LR 24:2094 (November 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2571 (November 2000), LR 26:2768 (December 2000), amended by the Office of Environmental Assessment, LR 31:

### **§361. Registration of Product Information**

A. ...

B. The request for review must be sent by an appropriate method to the Office of Environmental Compliance, Emergency and Radiological Services Division.

C. - F.2. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Environmental Assessment, LR 31:45 (January 2005), amended LR 31:

### **Subchapter E. Reciprocity**

#### **§390. Reciprocal Recognition of Licenses**

A. - A.1. ...

2. For each separate location in Louisiana, the out-of-state licensee notifies the Office of Environmental Compliance, Emergency and Radiological Services Division, in writing at least three working or business days prior to engaging in such activity. Such notification shall indicate the location, period, and type of proposed possession and use within the state and shall be accompanied by a copy of the pertinent licensing document. If, for a specific case, the three working or business day period would impose an undue hardship on the out-of-state licensee, he or she may, upon written application to the Office of Environmental Compliance, Emergency and Radiological Services Division, obtain permission to proceed sooner. The department may waive the requirement for filing additional written notifications following the receipt of the initial written notification from a person engaging in activities under the general license provided in this Subsection.

3. - 5. ...

6. Any out-of-state licensee who establishes a permanent office in Louisiana shall notify the Office of Environmental Compliance, Emergency and Radiological Services Division, within 10 calendar days of establishing such office and shall, upon direction by the department and within 30 calendar days, make application for a radioactive material license in accordance with LAC 33:XV.326.E.

A.7. - B. ...

1. Such person shall file a report with the Office of Environmental Compliance, Emergency and Radiological Services Division, within 30 calendar days after the end of each calendar quarter in which any device is transferred to or installed in this state. Each such report shall identify each general licensee to whom such device is transferred by name and address, the type of device transferred, and the quantity and type of radioactive material contained in the device.

B.2. - C. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Nuclear Energy Division, LR 13:569 (October 1987), amended by the Office of Air Quality and

Radiation Protection, Radiation Protection Division, LR 18:34 (January 1992), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2574 (November 2000), LR 26:2768 (December 2000), amended by the Office of Environmental Assessment, LR 31:

#### **Subchapter Z. Appendices**

#### **§399. Schedules A and B, and Appendices A, B, C, D, E, and F**

Schedule A. - Appendix A. ...

##### **Appendix B**

Criteria Relating to Use of Financial Tests and Parent Company Guarantees for Providing Reasonable Assurance of Funds for Decommissioning

An applicant or licensee may provide reasonable assurance of the availability of funds for decommissioning based on obtaining a parent company guarantee that funds will be available for decommissioning costs and on a demonstration that the parent company passes a financial test. This Appendix establishes criteria for passing the financial test and for obtaining the parent company guarantee.

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

B. The parent company's independent certified public accountant must have compared the data used by the parent company in the financial test, which is derived from the independently audited, year-end financial statements for the latest fiscal year, with the amounts in such financial statement. In connection with that procedure the licensee shall inform the Office of Environmental Compliance, Emergency and Radiological Services Division, within 90 days of any matters coming to the auditor's attention which cause the auditor to believe that the data specified in the financial test should be adjusted and that the company no longer passes the test.

C. ...

D. If the parent company no longer meets the requirements of Subsection A of this Appendix, the licensee must send notice to the Office of Environmental Compliance, Emergency and Radiological Services Division, of intent to establish alternate financial assurance as specified in these regulations. The notice must be sent by certified mail within 90 days after the end of the fiscal year for which the year-end financial data show that the parent company no longer meets the financial test requirements. The licensee must provide alternate financial assurance within 120 days after the end of such fiscal year.

E. ...

1. The parent company guarantee will remain in force unless the guarantor sends notice of cancellation by certified mail to the licensee and the Office of Environmental Compliance, Emergency and Radiological Services Division. Cancellation may not occur, however, during the 120 days beginning on the date of receipt of the notice of cancellation by both the licensee and the department, as evidenced by the return receipt.

2. - 4. ...

Appendix C. - Appendix F. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Nuclear Energy Division, LR 13:569 (October 1987), amended by the Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 18:34 (January 1992), LR 20:180 (February 1994), amended by the

Office of Environmental Assessment, Environmental Planning Division, LR 26:2574 (November 2000), LR 27:1228 (August 2001), amended by the Office of Environmental Assessment, LR 31:46 (January 2005), LR 31:1580 (July 2005), LR 31:

#### **Chapter 4. Standards for Protection against Radiation**

#### **Subchapter C. Surveys and Monitoring**

#### **§430. General**

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

2. Dosimetry reports received from the processor must be recorded and maintained indefinitely or until the Office of Environmental Compliance, Emergency and Radiological Services Division, terminates the license.

D. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 19:1421 (November 1993), amended LR 20:653 (June 1994), LR 22:971 (October 1996), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 29:1468 (August 2003), amended by the Office of Environmental Assessment, LR 31:

#### **Subchapter D. Control of Exposure From External Sources in Restricted Areas**

#### **§436. Control of Access to High Radiation Areas**

A. - B. ...

C. The licensee or registrant may apply to the Office of Environmental Compliance, Emergency and Radiological Services Division, for approval of alternative methods for controlling access to high radiation areas.

D. - G. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Nuclear Energy Division, LR 13:569 (October 1987), amended by the Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 19:1421 (November 1993), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2576 (November 2000), amended by the Office of Environmental Assessment, LR 31:

#### **§438. Control of Access to Very High Radiation Areas—Irradiators**

A. - B.9.b. ...

c. the licensee or registrant shall submit to the Office of Environmental Compliance, Emergency and Radiological Services Division, and adhere to a schedule for periodic tests of the entry control and warning systems;

10. - 11. ...

C. Licensees, registrants, or applicants for licenses or registrations for sources of radiation within the purview of Subsection B of this Section that will be used in a variety of positions or in locations, such as open fields or forests, that make it impracticable to comply with certain requirements of Subsection B of this Section, such as those for the automatic control of radiation levels, may apply to the Office of Environmental Compliance, Emergency and Radiological Services Division, for approval of alternative safety measures. Alternative safety measures shall provide personnel protection at least equivalent to those specified in Subsection B of this Section. At least one of the alternative measures shall include an entry-preventing interlock control based on a measurement of the radiation that ensures the

absence of high radiation levels before an individual can gain access to the area where such sources of radiation are used.

D. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Nuclear Energy Division, LR 13:569 (October 1987), amended by the Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 19:1421 (November 1993), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2576 (November 2000), amended by the Office of Environmental Assessment, LR 31:

#### **Subchapter E. Respiratory Protection and Controls to Restrict Internal Exposure in Restricted Areas**

#### **§442. Use of Individual Respiratory Protection Equipment**

A. - A.1. ...

2. the licensee or registrant may use equipment that has not been tested or certified by NIOSH/MSHA, has not had certification extended by NIOSH/MSHA, or for which there is no schedule for testing or certification, provided the licensee or registrant has submitted to the Office of Environmental Compliance, Emergency and Radiological Services Division, and the Office of Environmental Compliance, Emergency and Radiological Services Division, has approved an application for authorized use of that equipment, including a demonstration by testing, or a demonstration on the basis of test information, that the material and performance characteristics of the equipment are capable of providing the proposed degree of protection under anticipated conditions of use;

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

2. the licensee or registrant shall obtain authorization from the Office of Environmental Compliance, Emergency and Radiological Services Division, before assigning respiratory protection factors in excess of those specified in LAC 33:XV.499. Appendix A. The department may authorize a licensee or registrant to use higher protection factors on receipt of an application that:

B.2.a. - C. ...

D. The licensee or registrant shall notify the Office of Environmental Compliance, Emergency and Radiological Services Division, in writing at least 30 days before the date that respiratory protection equipment is first used pursuant to either Subsection A or B of this Section.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Nuclear Energy Division, LR 13:569 (October 1987), amended by the Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 19:1421 (November 1993), LR 22:972 (October 1996), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2577 (November 2000), LR 29:1469 (August 2003), LR 30:1666 (August 2004), amended by the Office of Environmental Assessment, LR 31:

#### **Subchapter H. Waste Disposal**

#### **§461. Method for Obtaining Approval of Proposed Disposal Procedures**

A. A licensee or registrant or applicant for a license or registration may apply to the Office of Environmental

Compliance, Emergency and Radiological Services Division, for approval of proposed procedures, not otherwise authorized in these regulations, to dispose of licensed or registered sources of radiation generated in the licensee's or registrant's operations. Each application shall include:

1. - 4. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 19:1421 (November 1993), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2577 (November 2000), amended by the Office of Environmental Assessment, LR 31:

#### **Subchapter J. Reports**

#### **§488. Reports of Planned Special Exposures**

A. The licensee or registrant shall submit a written report to the Office of Environmental Compliance, Emergency and Radiological Services Division, within 30 days following any planned special exposure conducted in accordance with LAC 33:XV.415, informing the department that a planned special exposure was conducted and indicating the date the planned special exposure occurred and the information required by LAC 33:XV.475.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 19:1421 (November 1993), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2579 (November 2000), amended by the Office of Environmental Assessment, LR 31:

#### **§490. Reports of Individual Monitoring**

A. - A.3, Footnote <sup>a</sup>. ...

B. Each licensee or registrant in a category listed in Subsection A of this Section shall submit to the Office of Environmental Compliance, Emergency and Radiological Services Division, an annual report of the results of individual monitoring carried out by the licensee or registrant for each individual for whom monitoring was required by LAC 33:XV.431 during that year. The licensee or registrant may include additional data for individuals for whom monitoring was provided but not required. The licensee or registrant shall use department Form DRC-5 or equivalent or electronic media containing all the information required by department Form DRC-5.

C. The licensee or registrant shall file the report required by Subsection B of this Section, covering the preceding year, on or before April 30 of each year. The licensee or registrant shall submit the report to the Office of Environmental Compliance, Emergency and Radiological Services Division.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 19:1421 (November 1993), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2579 (November 2000), amended by the Office of Environmental Assessment, LR 31:

#### **Subchapter K. Additional Requirements**

#### **§496. Vacating Premises**

A. Each specific licensee or registrant shall, no less than 30 days before vacating or relinquishing possession or control of premises that may have been contaminated with



radioactive material as a result of his activities, notify the Office of Environmental Compliance, Emergency and Radiological Services Division, in writing of intent to vacate. When deemed necessary by the department, the licensee shall decontaminate the premises in such a manner as the department may specify.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 19:1421 (November 1993), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2580 (November 2000), amended by the Office of Environmental Assessment, LR 31:

#### **Subchapter Z. Appendices**

#### **§499. Appendices A, B, C, D, E**

Appendix A. - Appendix C, Footnote <sup>1</sup>. ...

#### **Appendix D**

Requirements for Transfer of Low-Level Radioactive Waste for Disposal at Land Disposal Facilities and Manifests

A. - H.2.g. ...

h. notify the shipper and the Office of Environmental Compliance, Emergency and Radiological Services Division, when any shipment, or part of a shipment, has not arrived within 60 days after receipt of an advance manifest, unless notified by the shipper that the shipment has been canceled.

3. - 3.j. ...

k. notify the shipper and the Office of Environmental Compliance, Emergency and Radiological Services Division, when any shipment, or part of a shipment, has not arrived within 60 days after receipt of an advance manifest, unless notified by the shipper that the shipment has been canceled.

4. - 4.b. ...

c. notify the shipper and the Office of Environmental Compliance, Emergency and Radiological Services Division, when any shipment, or part of a shipment, has not arrived within 60 days after receipt of an advance manifest, unless notified by the shipper that the shipment has been canceled.

5. - 5.a. ...

b. be traced and reported. The investigation shall include tracing the shipment and filing a report with the Office of Environmental Compliance, Emergency and Radiological Services Division. Each licensee who conducts a trace investigation shall file a written report with the Office of Environmental Compliance, Emergency and Radiological Services Division, within two weeks of completion of the investigation.

Appendix E. - Appendix E, Footnote<sup>1</sup>. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular R.S. 30:2104.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Nuclear Energy Division, LR 13:569 (October 1987), amended by the Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 19:1421 (November 1993), LR 20:653 (June 1994), LR 22:973 (October 1996), LR 24:2096 (November 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 28:1012 (May 2002), amended by the Office of Environmental Assessment, LR 31:48 (January 2005), LR 31:

## **Chapter 5. Radiation Safety Requirements for Industrial Radiographic Operations**

### **Subchapter B. Personal Radiation Safety Requirements for Radiographers**

#### **§575. Training and Testing**

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

d. The current Form DRC-20, available from the department or the department's website, must be submitted to the Office of Environmental Compliance, Emergency and Radiological Services Division, documenting the on-the-job training.

A.3. - B.5. ...

6. The current Form DRC-20, available from the department or the department's website, must be submitted to the Office of Environmental Compliance, Emergency and Radiological Services Division, documenting the on-the-job training, instruction in the subjects outlined in Appendix A in this Chapter, and successful completion of a company-specific written examination.

B.7. - E. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Nuclear Energy Division, LR 13:569 (October 1987), amended by the Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 20:653 (June 1994), LR 20:999 (September 1994), LR 23:1138 (September 1997), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2583 (November 2000), LR 27:1235 (August 2001), LR 28:1951 (September 2002), LR 29:34 (January 2003), LR 29:1470 (August 2003), amended by the Office of Environmental Assessment, LR 30:2029 (September 2004), LR 31:54 (January 2005), LR 31:

#### **§577. Personnel Monitoring Control**

A. - C. ...

D. Direct reading dosimeters, such as electronic personal dosimeters or pocket dosimeters, shall be read and exposures recorded at least daily with use at the beginning and end of each shift, and records must be maintained for three years or until the Office of Environmental Compliance, Emergency and Radiological Services Division, authorizes their disposition.

E. If an individual's pocket dosimeter is discharged beyond its range (i.e., goes "off-scale"), or an individual's electronic pocket dosimeter reads greater than 2 millisieverts (200 millirems) and the possibility of radiation exposure cannot be ruled out as the cause, industrial radiographic operations by that individual shall cease and the individual's personnel dosimeter shall be sent for processing immediately. The individual shall not return to work with sources of radiation until a determination of the radiation exposure has been made. This determination must be made by the RSO or the RSO's designee. The results of this determination must be recorded and maintained indefinitely or until the Office of Environmental Compliance, Emergency and Radiological Services Division, authorizes their disposition.

F. Records of the pocket dosimeter readings shall be maintained for inspection by the department for three consecutive years. If the dosimeter readings were used to determine external radiation dose, the records shall be

maintained indefinitely or until the Office of Environmental Compliance, Emergency and Radiological Services Division, authorizes their disposition.

G. If a personnel dosimeter is lost or damaged, the worker shall cease work immediately until a replacement personnel dosimeter is provided and the exposure is calculated for the time period from issuance to loss or damage of the personnel dosimeter. The results of the calculated exposure and the time period for which the personnel dosimeter was lost or damaged must be recorded and maintained indefinitely or until the Office of Environmental Compliance, Emergency and Radiological Services Division, authorizes their disposition.

H. - H.4. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Nuclear Energy Division, LR 13:569 (October 1987), amended by the Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 20:653 (June 1994), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2583 (November 2000), LR 27:1235 (August 2001), LR 28:1951 (September 2002), LR 29:35 (January 2003), LR 29:1470 (August 2003), amended by the Office of Environmental Assessment, LR 31:

#### **§578. Reciprocity**

A. - A.2. ...

3. the applicant presents the certification to the Office of Environmental Compliance, Emergency and Radiological Services Division, prior to entry into Louisiana; and

A.4. - B. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 20:1000 (September 1994), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2583 (November 2000), LR 29:35 (January 2003), amended by the Office of Environmental Assessment, LR 31:

#### **§579. Identification (I.D.) Cards for Radiographers or Radiographer Trainees**

A. - A.3. ...

4. Any individual who wishes to replace his/her I.D. card shall submit to the Office of Environmental Compliance, Emergency and Radiological Services Division, a written request for a replacement I.D. card, stating the reason a replacement I.D. card is needed. A non-refundable fee of \$26 shall be paid to the department for each replacement of an I.D. card. The prescribed fee shall be submitted with the written request for a replacement I.D. card. The individual shall maintain a copy of the request in his/her possession while performing industrial radiographic operations until a replacement I.D. card is received from the department.

B. - E.2. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 20:1000 (September 1994), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2584 (November 2000), LR 29:36 (January 2003), LR 29:691 (May 2003), LR 29:2053

(October 2003), amended by the Office of Environmental Assessment, LR 31:

### **Chapter 6. X-Rays in the Healing Arts**

#### **§603. General and Administrative Requirements**

A. - A.10.c. ...

11. Any person proposing to conduct a healing arts screening program shall not initiate such a program without prior approval of the department. When requesting such approval, that person shall submit the information outlined in LAC 33:XV.699.Appendix C to the Office of Environmental Compliance, Emergency and Radiological Services Division. If any information submitted to the department becomes invalid or outdated, the Office of Environmental Compliance, Emergency and Radiological Services Division, shall be immediately notified. See the definition of *healing arts screening* as defined in LAC 33:XV.602.

A.12. - B.3.g. ...

C. Plans Review

1. Except for dedicated mammography radiographic systems, podiatric radiographic systems, panoramic dental radiographic systems, and intraoral dental radiographic systems, prior to construction, the floor plans and equipment arrangement of all new installations, or modifications of existing installations, utilizing X-rays for diagnostic or therapeutic purposes shall be submitted to the Office of Environmental Compliance, Emergency and Radiological Services Division, for review and approval. The required information is specified in LAC 33:XV.699.Appendices A and B.

2. - 4. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Nuclear Energy Division, LR 13:569 (October 1987), amended by the Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 19:1421 (November 1993), LR 22:976 (October 1996), LR 23:1139 (September 1997), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2585 (November 2000), amended by the Office of Environmental Assessment, LR 31:

#### **§608. Therapeutic X-Ray Systems of Less Than 1 MeV**

A. - C.1.a. ...

b. the registrant or licensee shall obtain a written report of the survey from the qualified expert, and a copy of the report shall be transmitted by the registrant or licensee to the Office of Environmental Compliance, Emergency and Radiological Services Division, within 30 calendar days of receipt of the report; and

1.c. - 3. ...

a. the spot-check procedures shall be in writing and shall have been developed by a qualified expert. A copy of the procedures shall be submitted to the Office of Environmental Compliance, Emergency and Radiological Services Division, prior to their implementation;

3.b. - 4.e. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Nuclear Energy Division, LR 13:569 (October 1987), amended by the Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 19:1421

(November 1993), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2586 (November 2000), amended by the Office of Environmental Assessment, LR 31:

#### **§609. X-Ray and Electron Therapy Systems with Energies of 1 MeV and Above**

A. - E.1.a. ...

b. the registrant or licensee shall obtain a written report of the survey from the qualified expert, and a copy of the report shall be transmitted by the registrant or licensee to the Office of Environmental Compliance, Emergency and Radiological Services Division, within 30 days of receipt of the report; and

1.c. - 2....

a. the calibration of systems subject to this Section shall be performed in accordance with an established calibration protocol acceptable to the department before the system is first used for irradiation of a patient and thereafter at intervals that do not exceed 12 months, and after any change that might significantly alter the calibration, spatial distribution, or other characteristics of the therapy beam. The calibration protocol published by the American Association of Physicists in Medicine is accepted as an established protocol. For other protocols, the user shall submit that protocol to the Office of Environmental Compliance, Emergency and Radiological Services Division, for written concurrence that the protocol is acceptable;

2.b. - 3....

a. the spot-check procedures shall be in writing and shall have been developed by a radiological physicist. A copy of the procedure shall be submitted to the Office of Environmental Compliance, Emergency and Radiological Services Division, prior to its implementation;

3.b. - 4.c. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Nuclear Energy Division, LR 13:569 (October 1987), amended by the Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 19:1421 (November 1993), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2586 (November 2000), amended by the Office of Environmental Assessment, LR 31:

### **Chapter 7. Use of Radionuclides in the Healing Arts**

#### **§704. Notifications**

A. A licensee shall provide to the Office of Environmental Compliance, Emergency and Radiological Services Division, a copy of the board certification, the Nuclear Regulatory Commission or agreement state license, or the permit issued by a licensee of broad scope for each individual no later than 30 days after the date that the licensee permits the individual to work as an authorized user, an authorized nuclear pharmacist, or an authorized medical physicist in accordance with LAC 33:XV.703.A.2.

B. A licensee shall notify the Office of Environmental Compliance, Emergency and Radiological Services Division, by letter no later than 30 days after:

1. - 2. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation

Protection, Radiation Protection Division, LR 18:34 (January 1992), amended LR 24:2101 (November 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2587 (November 2000), LR 30:1173 (June 2004), amended by the Office of Environmental Assessment, LR 31:1061 (May 2005), LR 31

#### **§719. Requirements for Possession of Sealed Sources and Brachytherapy Sources**

A. - E.1. ...

2. file a written report with the Office of Environmental Compliance, Emergency and Radiological Services Division, within five days of receiving the leak test results describing the equipment involved, the test results, and the action taken.

F. - O. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 18:34 (January 1992), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2589 (November 2000), LR 30:1176 (June 2004), amended by the Office of Environmental Assessment, LR 31:

#### **§737. Safety Precautions**

A. - A.6. ...

7. submit to the Office of Environmental Compliance, Emergency and Radiological Services Division, an acceptable procedure to measure the thyroid burden of each individual who helps prepare or administer a dosage of iodine-131. Measurements shall be performed within three days after administering the dosage, and records shall include each thyroid burden measurement, date of measurement, the name of the individual whose thyroid burden was measured, and the initials of the individual who made the measurements. The records shall be retained for the period required by LAC 33:XV.472.B.

B. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 18:34 (January 1992), amended LR 24:2105 (November 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2589 (November 2000), LR 30:1178 (June 2004), amended by the Office of Environmental Assessment, LR 31:

#### **§761. Reports of Teletherapy Surveys, Checks, Tests, and Measurements**

A. A licensee shall furnish a copy of the records required in LAC 33:XV.758, 759, and 760, and the output from the teletherapy source expressed as rems (sieverts) per hour at 1 meter from the source as determined during the full calibration required in LAC 33:XV.756 to the Office of Environmental Compliance, Emergency and Radiological Services Division, within 30 days following completion of the action that initiated the record requirement.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 18:34 (January 1992), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2590 (November 2000), amended by the Office of Environmental Assessment, LR 31:

**Chapter 8. Radiation Safety Requirements for Analytical X-Ray Equipment**

**§803. Equipment Requirements**

A. Safety Device. A device which prevents the entry of any portion of an individual's body into the primary X-ray beam path or which causes the beam to be shut off upon entry into its path shall be provided on all open-beam configurations. A registrant or licensee may apply to the Office of Environmental Compliance, Emergency and Radiological Services Division, for an exemption from the requirement of a safety device. Such application shall include:

A.1. - H. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Nuclear Energy Division, LR 13:569 (October 1987), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2591 (November 2000), amended by the Office of Environmental Assessment, LR 31:

**Chapter 9. Radiation Safety Requirements for Particle Accelerators**

**Subchapter B. Radiation Safety Requirements for the Use of Particle Accelerators**

**§907. Shielding and Safety Design Requirements**

A. A qualified expert, specifically accepted in writing by the department, shall be consulted in the design of a particle accelerator installation and shall be called upon to perform a radiation survey when the accelerator is first capable of producing radiation. A copy of the survey shall be submitted to the Office of Environmental Compliance, Emergency and Radiological Services Division.

B. Plans for construction of new accelerator installations shall be submitted to the Office of Environmental Compliance, Emergency and Radiological Services Division, for approval prior to commencement of construction.

C. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Nuclear Energy Division, LR 13:569 (October 1987), amended by the Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 19:1421 (November 1993), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2592 (November 2000), amended by the Office of Environmental Assessment, LR 31:

**§911. Radiation Monitoring Requirements**

A. ...

B. A radiation protection survey shall be performed, documented, and submitted to the Office of Environmental Compliance, Emergency and Radiological Services Division, by a qualified expert specifically approved in writing by the department when changes have been made in shielding, operation, equipment, or occupancy of adjacent areas.

C. - H. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Nuclear Energy Division, LR 13:569 (October 1987), amended by the Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 19:1421

(November 1993), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2592 (November 2000), amended by the Office of Environmental Assessment, LR 31:

**Chapter 10. Notices, Instructions, and Reports to Workers; Inspections**

**§1016. Requests by Workers for Inspections**

A. Any worker or representative of workers believing that a violation of the act, LAC 33:Part XV, or license conditions exists or has occurred in work under a license or registration with regard to radiological working conditions in which the worker is engaged may request an inspection by giving notice of the alleged violation to the Office of Environmental Compliance, Emergency and Radiological Services Division. Any such notice shall be in writing, shall set forth the specific grounds for the notice, and shall be signed by the worker or representative of the workers. A copy shall be provided to the licensee or registrant by the department no later than at the time of inspection except that, upon the request of the worker giving such notice, such worker's name and the names of individuals referred to therein shall not appear in such copy or on any record published, released, or made available by the department, except for good cause shown.

B. - C. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Nuclear Energy Division, LR 13:569 (October 1987), amended by the Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 19:1421 (November 1993), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2593 (November 2000), amended by the Office of Environmental Assessment, LR 31:

**§1017. Inspections Not Warranted: Informal Review**

A. Notification to Complainant and Informal Review

1. If the department determines, with respect to a complaint filed under LAC 33:XV.1016, that an inspection is not warranted because there are no reasonable grounds to believe that a violation exists, is occurring, or has occurred, the department shall notify the complainant in writing of such determination. The complainant may obtain review of such determination by submitting a written statement of position with the administrative authority, who will provide the licensee or registrant with a copy of such statement by certified mail, return receipt requested, excluding, at the request of the complainant, the name of the complainant. The licensee or registrant may submit an opposing written statement of position with the Office of Environmental Compliance, Emergency and Radiological Services Division, that will provide the complainant with a copy of such statement by certified mail, return receipt requested.

A.2. - B. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Nuclear Energy Division, LR 13:569 (October 1987), amended by the Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 19:1421 (November 1993), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2594 (November 2000), amended by the Office of Environmental Assessment, LR 31:

**Chapter 11. Radiation Safety Requirements for Radioactive Mineral Tailings and Industrial By-Product Piles**

**§1103. Sale or Transfer of the Site**

A. The Office of Environmental Compliance, Emergency and Radiological Services Division, shall be given written notice 30 days in advance of any contemplated transfer of right, title or interest in the site by deed, lease or other conveyance. The written notice shall contain the name and address of the proposed purchaser or transferee.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Nuclear Energy Division, LR 13:569 (October 1987), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2594 (November 2000), amended by the Office of Environmental Assessment, LR 31:

**§1104. Abandonment of the Site**

Prior to abandonment of the site, the requirements of this Section shall be fulfilled.

A. - C. ...

D. Detailed plans for compliance with Subsections A, B, and C of this Section shall be submitted to the Office of Environmental Compliance, Emergency and Radiological Services Division, for review and approval.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Nuclear Energy Division, LR 13:569 (October 1987), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2594 (November 2000), amended by the Office of Environmental Assessment, LR 31:

**Chapter 13. Licensing Requirements for Land Disposal of Radioactive Waste**

**Subchapter A. General Provisions**

**§1303. License Required**

A. ...

B. Each person shall file an application with the Office of Environmental Compliance, Emergency and Radiological Services Division, pursuant to LAC 33:XV.324 of these regulations and obtain a license as provided in this Chapter before commencement of construction of a land disposal facility. Failure to comply with this requirement may be grounds for denial of a license.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Nuclear Energy Division, LR 13:569 (October 1987), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2595 (November 2000), amended by the Office of Environmental Assessment, LR 31:

**§1309. Institutional Information**

The institutional information submitted to the Office of Environmental Compliance, Emergency and Radiological Services Division, by the applicant shall include:

A. - B. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Nuclear Energy Division, LR 13:569 (October 1987), amended by the Office of Environmental

Assessment, Environmental Planning Division, LR 26:2595 (November 2000), amended by the Office of Environmental Assessment, LR 31:

**§1314. Contents of Application for Site Closure and Stabilization**

A. Prior to final closure of the disposal site, or as otherwise directed by the department, the applicant shall submit an application to the Office of Environmental Compliance, Emergency and Radiological Services Division, to amend the license for closure. This closure application shall include a final revision and specific details of the disposal site closure plan included as part of the license application submitted under LAC 33:XV.1307.G that includes each of the following:

A.1. - B. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Nuclear Energy Division, LR 13:569 (October 1987), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2596 (November 2000), amended by the Office of Environmental Assessment, LR 31:

**Subchapter C. Technical Requirements for Land Disposal Facilities**

**§1325. Land Disposal Facility Operation and Disposal Site Closure**

A. - A.11. ...

12. Proposals for disposal of waste that is not generally acceptable for near-surface disposal because the waste form and disposal methods must be different and, in general, more stringent than those specified for Class C waste, may be submitted to the Office of Environmental Compliance, Emergency and Radiological Services Division, for approval.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Nuclear Energy Division, LR 13:569 (October 1987), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2596 (November 2000), amended by the Office of Environmental Assessment, LR 31:

**Subchapter D. Financial Assurances**

**§1331. Funding for Disposal Site Closure and Stabilization**

A. - B. ...

C. The licensee's financial or surety arrangement shall be submitted annually for review by the Office of Environmental Compliance, Emergency and Radiological Services Division, to ensure that sufficient funds will be available for completion of the closure plan.

D. ...

E. The financial or surety arrangement shall be written for a specified period of time and shall be automatically renewed unless the person who issues the surety notified the Office of Environmental Compliance, Emergency and Radiological Services Division, the beneficiary [the site owner], and the principal [the licensee] not less than 90 days prior to the renewal date of its intention not to renew. In such a situation, the licensee must submit a replacement surety within 30 days after notification of cancellation. If the licensee fails to provide a replacement surety acceptable to

the department, the beneficiary may collect on the original surety.

F. - H. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Nuclear Energy Division, LR 13:569 (October 1987), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2597 (November 2000), amended by the Office of Environmental Assessment, LR 31:

### **§1332. Financial Assurances for Institutional Controls**

A. Prior to the issuance of the license, the applicant shall provide for Office of Environmental Compliance, Emergency and Radiological Services Division approval, a binding arrangement between the applicant and the disposal site owner that ensures that sufficient funds will be available to cover the costs of monitoring and any required maintenance during the institutional control period. The binding arrangement shall be reviewed annually by the department to ensure that changes in inflation, technology, and disposal facility operations are reflected in the arrangements.

B. Subsequent changes to the binding arrangement specified in Subsection A of this Section relevant to institutional control shall be submitted to the Office of Environmental Compliance, Emergency and Radiological Services Division, for prior approval.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Nuclear Energy Division, LR 13:569 (October 1987), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2597 (November 2000), amended by the Office of Environmental Assessment, 31:

### **Subchapter E. Records, Reports, Tests, and Inspections**

#### **§1333. Maintenance of Records, Reports, and Transfers**

A. - E. ...

F. Each licensee authorized to dispose of waste received from other persons shall file a copy of its financial report or a certified financial statement annually with the Office of Environmental Compliance, Emergency and Radiological Services Division, in order to update the information base for determining financial qualifications.

G. Each licensee authorized to dispose of waste received from other persons, in accordance with this Chapter, shall submit annual reports to the Office of Environmental Compliance, Emergency and Radiological Services Division. Reports shall be submitted by the end of the first calendar quarter of each year for the preceding year.

G.1. - J.2. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Nuclear Energy Division, LR 13:569 (October 1987), amended by the Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 24:2111 (November 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2598 (November 2000), LR 27:1238 (August 2001), amended by the Office of Environmental Assessment, LR 31:

## **Chapter 14. Regulation and Licensing of Naturally Occurring Radioactive Material (NORM)**

### **§1407. Surveys**

A. - B. ...

C. Upon completion of survey(s) of equipment and facilities that verify that NORM regulated by this Chapter is not present, an individual may submit documentation to the Office of Environmental Compliance, Emergency and Radiological Services Division, indicating that the equipment and facilities are exempt from the requirements of this Chapter pursuant to LAC 33:XV.1404.

D. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 21:26 (January 1995), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2599 (November 2000), amended by the Office of Environmental Assessment, LR 31:

### **§1408. General License**

A. ...

1. Persons subject to the general license shall notify the Office of Environmental Compliance, Emergency and Radiological Services Division, by filing the Notification of NORM Form (Form RPD-36) with the department.

2. A confirmatory survey showing the presence of NORM in excess of exempt levels provided in LAC 33:XV.1404 shall be submitted to the Office of Environmental Compliance, Emergency and Radiological Services Division.

3. Each general licensee performing on-site maintenance on contaminated facilities, sites, or equipment or the excavation of land shall establish and submit to the Office of Environmental Compliance, Emergency and Radiological Services Division, for approval written procedures as outlined in LAC 33:XV.1499. Appendix B to ensure worker protection and for the survey (or screening) of sites and equipment.

4. ...

5. Each general licensee shall establish and submit to the Office of Environmental Compliance, Emergency and Radiological Services Division, for approval written procedures for the survey (or screening) of sites and equipment to ensure that NORM is not released for unrestricted use except under the provisions of LAC 33:XV.1417.

6. - 6.a....

b. To store NORM waste in a container for up to 365 days from generation, a general licensee must first submit a written NORM waste management plan to the Office of Environmental Compliance, Emergency and Radiological Services Division, and receive authorization from the department. The general licensee may store NORM waste in containers up to 365 days from generation under the written NORM waste management plan while waiting for department determination.

A.7. - E. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation

Protection, Radiation Protection Division, LR 21:26 (January 1995), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2599 (November 2000), amended by the Office of Environmental Assessment, LR 31:

**§1410. General Licenses: Pipe Yards, Storage Yards, or Production Equipment Yards**

A. - A.1. ...

2. a program is developed and submitted to the Office of Environmental Compliance, Emergency and Radiological Services Division, for approval to screen incoming shipments to ensure that the 50-microrentgens-per-hour limit is not exceeded for individual pieces of tubular goods or equipment;

3. a program is developed and submitted to the Office of Environmental Compliance, Emergency and Radiological Services Division, for approval to ensure worker protection, as outlined in LAC 33:XV.1499.Appendix B;

4. a program is developed and submitted to the Office of Environmental Compliance, Emergency and Radiological Services Division, for approval to control soil contamination;

5. a program is developed and submitted to the Office of Environmental Compliance, Emergency and Radiological Services Division, for approval to prevent release of NORM contamination beyond the site boundary;

6. a program is developed and submitted to the Office of Environmental Compliance, Emergency and Radiological Services Division, for approval for surveying and decontamination to ensure that soil contamination is not allowed to exceed 200 picocuries per gram of radium-226 or radium-228 or an exposure rate of 50 microrentgens per hour at one meter from the soil at any time;

7. a plan for cleanup is submitted to the Office of Environmental Compliance, Emergency and Radiological Services Division, within 180 days of the discovery of NORM contaminated soil in excess of the limit in Paragraph A.6 of this Section. The plan shall include a schedule for cleanup that is to be approved by the department. The general licensee may include in this plan an application to the department for a one time authorization to perform this cleanup or use a specific licensee; and

A.8. - B. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Nuclear Energy, Nuclear Energy Division, LR 15:736 (September 1989), amended by the Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 18:605 (June 1992), LR 21:26 (January 1995), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2599 (November 2000), LR 30:1189 (June 2004), amended by the Office of Environmental Assessment, LR 31:

**§1417. Release for Unrestricted Use**

A. - A.3. ...

B. If closure activities involve construction with a subsurface impact to a depth greater than three feet, prior approval by the Office of Environmental Compliance, Emergency and Radiological Services Division, must be attached as part of the application addressing the certification of the groundwater quality. All pits, ponds, and lagoons must comply with departmental regulations and/or policies dealing with groundwater quality.

C. Unless otherwise directed in writing by the department, in order to release property for unrestricted use, a licensee shall submit a plan for the decontamination to the Office of Environmental Compliance, Emergency and Radiological Services Division, for approval. Upon approval, the licensee shall implement the plan in accordance with such approval.

C.1. - E. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 18:607 (June 1992), amended LR 21:28 (January 1995), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2600 (November 2000), amended by the Office of Environmental Assessment, LR 31:

**§1418. NORM Manifests**

A. - C.6. ...

7. The licensee receiving a shipment is required to report to the Office of Environmental Compliance, Emergency and Radiological Services Division, and to the licensee initiating the shipment any irregularities between the NORM actually received by the designated facility and the NORM described on the manifest, or any other irregularities, within 15 days. If the designated facility or receiving licensee is outside the state of Louisiana, the generating or originating licensee must report the irregularities to the department.

D. - E.3. ...

a. notify the Office of Environmental Compliance, Emergency and Radiological Services Division, in writing within seven days;

b. ...

c. report the results of the investigation to the Office of Environmental Compliance, Emergency and Radiological Services Division.

F. - G. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 18:608 (June 1992), amended LR 21:28 (January 1995), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2600 (November 2000), amended by the Office of Environmental Assessment, LR 31:

**§1420. Financial Security Requirements for NORM Treaters or Storers**

A. - B. ...

C. On the effective date of these rules, current licenses in effect may continue, provided that the required security arrangements are submitted to the Office of Environmental Compliance, Emergency and Radiological Services Division, within 120 days.

D. - E. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 18:609 (June 1992), amended LR 21:30 (January 1995), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2601 (November 2000), amended by the Office of Environmental Assessment, LR 31:

## **Chapter 15. Transportation of Radioactive Material**

### **§1515. Reports**

A. The licensee shall report to the Office of Environmental Compliance, Emergency and Radiological Services Division, within 30 days:

1. - 3. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Nuclear Energy Division, LR 13:569 (October 1987), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:1269 (June 2000), LR 26:2602 (November 2000), amended by the Office of Environmental Assessment, LR 31:

### **§1516. Advance Notification of Transport of Nuclear Waste**

A. - C.6. ...

D. The notification required by LAC 33:XV.1516.A shall be made in writing to the office of each appropriate governor or governor's designee and to the Office of Environmental Compliance, Emergency and Radiological Services Division. A notification delivered by mail must be postmarked at least seven days before the beginning of the seven-day period during which departure of the shipment is estimated to occur. A notification delivered by messenger must reach the office of the governor, or governor's designee, at least four days before the beginning of the seven-day period during which departure of the shipment is estimated to occur. A copy of the notification shall be retained by the licensee for three years.

E. The licensee shall notify each appropriate governor, or governor's designee, and the Office of Environmental Compliance, Emergency and Radiological Services Division, of any changes to schedule information provided in accordance with Subsection A of this Section. Such notification shall be by telephone to a responsible individual in the office of the governor, or governor's designee, of the appropriate state or states. The licensee shall maintain for three years a record of the name of the individual contacted.

F. Each licensee who cancels a nuclear waste shipment, for which advance notification has been sent, shall send a cancellation notice to the governor, or governor's designee, of each appropriate state and to the Office of Environmental Compliance, Emergency and Radiological Services Division. A copy of the notice shall be retained by the licensee for three years.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Nuclear Energy Division, LR 13:569 (October 1987), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:1270 (June 2000), LR 26:2602 (November 2000), amended by the Office of Environmental Assessment, LR 30:2029 (September 2004), amended by the Office of Environmental Assessment, LR 31:

## **Chapter 17. Licensing and Radiation Safety Requirements for Irradiators**

### **§1707. Start of Construction**

A. An applicant for a license shall not begin construction of a new irradiator prior to the submission to the Office of Environmental Compliance, Emergency and Radiological Services Division, of both an application for a license for the irradiator and any fee required by the applicable state

requirement or statute. As used in this Chapter, the term *construction* includes the construction of any portion of the permanent irradiator structure on the site but does not include engineering and design work, purchase of a site, site surveys or soil testing, site preparation, site excavation, construction of warehouse or auxiliary structures, and other similar tasks. Any activities undertaken prior to the issuance of a license are entirely at the risk of the applicant and have no bearing on the issuance of a license with respect to the requirements of the appropriate state statute, rules, regulations, and orders issued under the appropriate state statute.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 24:2113 (November 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2603 (November 2000), amended by the Office of Environmental Assessment, LR 31:

### **§1711. Request for Written Statements**

A. Each license is issued with the condition that the licensee shall, at any time before expiration of the license and upon the department's request, submit a written statement to the Office of Environmental Compliance, Emergency and Radiological Services Division, to enable the department to determine whether the license should be modified, suspended, or revoked.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 24:2113 (November 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2603 (November 2000), amended by the Office of Environmental Assessment, LR 31:

### **§1755. Records and Retention Periods**

A. - A.2. ...

3. a copy of the current operating and emergency procedures required by LAC 33:XV.1737 until superseded or the Office of Environmental Compliance, Emergency and Radiological Services Division, terminates the license. Records of the radiation safety officer's review and approval of changes in procedures, as required by LAC 33:XV.1737.C.3, shall be retained for three years from the date of the change;

A.4. - B. ...

1. a copy of the license, the license conditions, documents incorporated into the license by reference, and amendments thereto until superseded by new documents or until the Office of Environmental Compliance, Emergency and Radiological Services Division, terminates the license for documents not superseded;

2. personnel dosimeter evaluations required by LAC 33:XV.1739 until the Office of Environmental Compliance, Emergency and Radiological Services Division, terminates the license;

3. - 5. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 24:2120 (November 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2604 (November 2000),



LR 29:1471 (August 2003), amended by the Office of Environmental Assessment, LR 31:

## **Chapter 20. Radiation Safety Requirements for Wireline Service Operations and Subsurface Tracer Studies**

### **§2014. Leak Testing of Sealed Sources**

A. ...

B. Method of Testing. Tests for leakage shall be performed only by persons specifically authorized to perform such tests by the Office of Environmental Compliance, Emergency and Radiological Services Division, the U.S. Nuclear Regulatory Commission, an agreement state, or a licensing state. The wipe of a sealed source must be performed using a leak test kit or method approved by the department, the U.S. Nuclear Regulatory Commission, or an agreement state. The test sample shall be taken from the surface of the source, source holder, or from the surface of the device in which the source is stored or mounted and on which one might expect contamination to accumulate. The test sample shall be analyzed for radioactive contamination by a person approved by the department, the U.S. Nuclear Regulatory Commission, or an agreement state to perform the analysis. The analysis shall be capable of detecting the presence of 0.005 microcurie (185 Bq) of radioactive material on the test sample.

C. - E.5. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Nuclear Energy Division, LR 13:569 (October 1987), amended by the Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 18:34 (January 1992), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2604 (November 2000), LR 29:1471 (August 2003), LR 30:1667 (August 2004), amended by the Office of Environmental Assessment, LR 31:

### **§2017. Design, Performance, and Certification Criteria for Sealed Sources Used in Downhole Operations**

A. Each sealed source, except those containing radioactive material in gaseous form, used in downhole operations and manufactured after October 20, 1988, shall be certified by the manufacturer, or other testing organization acceptable to the Office of Environmental Compliance, Emergency and Radiological Services Division, to meet the following minimum criteria:

A.1. - B. ...

C. Each sealed source, except those containing radioactive material in gaseous form, used in downhole operations after October 20, 1988, shall be certified by the manufacturer, or other testing organization acceptable to the Office of Environmental Compliance, Emergency and Radiological Services Division, as meeting the sealed source performance requirements for oil well-logging as contained in the American National Standard N542, "Sealed Radioactive Sources, Classification," in effect on October 20, 1987.

D. Certification documents shall be kept and maintained for inspection by the Office of Environmental Compliance, Emergency and Radiological Services Division, for a period of two years after source disposal. If the source is abandoned downhole, the certification documents shall be maintained until the Office of Environmental Compliance, Emergency

and Radiological Services Division, authorizes disposition in writing.

E. - E.2. ...

3. The requirements in Subparagraphs E.1.a-c of this Section do not apply to energy compensation sources (ECSs). ECSs must be registered with the U.S. Nuclear Regulatory Commission, an agreement state, or the Office of Environmental Compliance, Emergency and Radiological Services Division.

F. - G.2. ...

H. Use of a Sealed Source in a Well Without a Surface Casing. The licensee may use a sealed source in a well without a surface casing for protecting fresh water aquifers only if the licensee follows a procedure for reducing the probability of the source becoming lodged in the well. The procedure must be approved by the Office of Environmental Compliance, Emergency and Radiological Services Division.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Nuclear Energy Division, LR 13:569 (October 1987), amended by the Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 18:34 (January 1992), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2605 (November 2000), LR 29:1472 (August 2003), amended by the Office of Environmental Assessment, LR 31:55 (January 2005), LR 31:

## **Subchapter A. Requirements for Personnel Safety**

### **§2022. Personnel Monitoring**

A. ...

B. Personnel monitoring records shall be maintained for inspection until the Office of Environmental Compliance, Emergency and Radiological Services Division, authorizes disposition.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Nuclear Energy Division, LR 13:569 (October 1987), amended by the Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 18:34 (January 1992), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2605 (November 2000), LR 29:1472 (August 2003), amended by the Office of Environmental Assessment, LR 31:

## **Chapter 25. Fee Schedule**

### **§2506. Reciprocal Agreements—Licenses and Registrants**

A. Persons operating within Louisiana under the provisions of LAC 33:XV.212 or LAC 33:XV.390 shall submit to the Office of Environmental Compliance, Emergency and Radiological Services Division, the annual fee of the applicable category before the first entry into the state. The fee will allow reciprocal recognition of the license or registration for one year from the date of receipt.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Nuclear Energy Division, LR 13:569 (October 1987), amended by the Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 18:718 (July 1992), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2607 (November 2000),

LR 29:1816 (September 2003), amended by the Office of Environmental Assessment, LR 31:

#### **§2507. Reimbursements**

A. One-half of the annual fee will be reimbursed to the licensee or registrant upon receipt of a written request to terminate the license or registration, provided that the request has been received by the Office of Environmental Compliance, Emergency and Radiological Services Division, within 180 days after the annual fee due date, and the fee has not been delinquent. Requests for termination of the license or registration received after 180 days of the annual fee due date will not entitle the licensee or registrant to reimbursement of any portion of the annual fee. No interest, legal or otherwise, will be paid on the funds withheld prior to reimbursement.

B. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Nuclear Energy Division, LR 13:569 (October 1987), amended by the Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 18:718 (July 1992), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2607 (November 2000), amended by the Office of Environmental Assessment, LR 31:

#### **§2508. Determination of Fee**

A. - C. ...

D. Electronic products that are in storage are subject to the same initial application fee and annual maintenance fee unless the X-ray unit is rendered permanently incapable of producing radiation and this fact is documented in writing to the Office of Environmental Compliance, Emergency and Radiological Services Division.

E. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Nuclear Energy Division, LR 13:569 (October 1987), amended by the Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 18:718 (July 1992), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:1441 (July 2000), LR 26:2607 (November 2000), amended by the Office of Environmental Assessment, LR 31:

A public hearing will be held on August 25, 2005, at 1:30 p.m. in the Galvez Building, Oliver Pollock Conference Room, 602 N. Fifth Street, Baton Rouge, LA 70802. Interested persons are invited to attend and submit oral comments on the proposed amendments. Should individuals with a disability need an accommodation in order to participate, contact Judith A. Schuerman, Ph.D., at the address given below or at (225) 219-3550. Free parking is available across the street in the Galvez parking garage when the parking ticket is validated by department personnel at the hearing.

All interested persons are invited to submit written comments on the proposed regulation. Persons commenting should reference this proposed regulation by OS065. Such comments must be received no later than September 1, 2005, at 4:30 p.m., and should be sent to Judith A. Schuerman, Ph.D., Office of the Secretary, Legal Affairs and Regulation Development Division, Box 4302, Baton Rouge, LA 70821-4302 or to FAX (225) 219-3582 or by e-mail to [judith.schuerman@la.gov](mailto:judith.schuerman@la.gov). Copies of this proposed

regulation can be purchased by contacting the DEQ Public Records Center at (225) 219-3168. Check or money order is required in advance for each copy of OS065. This regulation is available on the Internet at [www.deq.louisiana.gov](http://www.deq.louisiana.gov) under Rules and Regulations.

This proposed regulation is available for inspection at the following DEQ office locations from 8 a.m. until 4:30 p.m.: 602 N. Fifth Street, Baton Rouge, LA 70802; 1823 Highway 546, West Monroe, LA 71292; State Office Building, 1525 Fairfield Avenue, Shreveport, LA 71101; 1301 Gadwall Street, Lake Charles, LA 70615; 201 Evans Road, Building 4, Suite 420, New Orleans, LA 70123; 111 New Center Drive, Lafayette, LA 70508; 110 Barataria Street, Lockport, LA 70374.

Wilbert F. Jordan, Jr.  
Assistant Secretary

### **FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES RULE TITLE: Organizational Changes Under New Administration**

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

There are no expected implementation costs or savings to state or local governmental units from the proposed rule.

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

There is no estimated effect on revenue collections of state or local governmental units from the proposed rule.

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

There are no estimated costs and/or economic benefits to directly affected persons or nongovernmental groups from the proposed rule.

#### **IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)**

There is no estimated effect on competition and employment from the proposed rule.

Wilbert F. Jordan, Jr.  
Assistant Secretary  
0507#020

Robert E. Hosse  
General Government Section Director  
Legislative Fiscal Office

### **NOTICE OF INTENT**

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

Total Dissolved Carbon Dioxide Testing  
(LAC 35:I.1720)

The Louisiana State Racing Commission hereby gives notice that it intends to amend LAC 35:I.1720 "Total Dissolved Carbon Dioxide Testing" by lowering the post-race allowable levels of, and providing for pre-race testing of, TCO<sub>2</sub> (paragraphs B2-3). The commission finds this action necessary to be consistent with other racing jurisdictions. This proposed Rule has no known impact on family formation, stability, and/or autonomy as described in R.S. 49:972.

**Title 35  
HORSE RACING**

**Part I. General Provisions**

**Chapter 17. Corrupt and Prohibited Practices**

**§1720. Total Dissolved Carbon Dioxide Testing**

A. - B1. ...

2. Blood samples for TCO<sub>2</sub> may be drawn prior to, or after, the race. Samples drawn after the race shall not be drawn earlier than 90 minutes following official post time. Samples drawn pre-race shall be drawn prior to the official post time.

3. The pre- or post-race TCO<sub>2</sub> level in the blood shall not exceed 36.0 milliequivalents per liter (mEq/L).

4. - 6. ...

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

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Racing Commission LR 26:1992 (September 2000), amended by the Office of the Governor, Division of Administration, Racing Commission LR 31:

The domicile office of the Louisiana State Racing Commission is open from 8:30 a.m. to 5 p.m., and interested parties may contact Charles A. Gardiner III, Executive Director, or C. A. Rieger, Assistant Director, at (504) 483-4000 (holidays and weekends excluded), or by fax (504) 483-4898, for more information. All interested persons may submit written comments relative to this proposed Rule through Friday, August 12, 2005, to 320 North Carrollton Avenue, Suite 2-B, New Orleans, LA 70119-5100.

Charles A. Gardiner III  
Executive Director

**FISCAL AND ECONOMIC IMPACT STATEMENT  
FOR ADMINISTRATIVE RULES**

**RULE TITLE: Total Dissolved Carbon Dioxide Testing**

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

Other than one-time costs directly associated with the publication of this rule there are no additional costs to the Commission as a result of this action. Testing costs will be absorbed by the existing equine testing contract, which expires 6/30/06. However, beyond the current contract, there is the potential of an increase in costs as a result of this rule implementation and this type of testing.

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

There is no estimated effect on revenue collections of local and state governmental units.

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

This action benefits horsemen by ensuring an equal playing field of racing between race horses by providing for pre- and post-race testing for total dissolved carbon dioxide (TCO<sub>2</sub>). Additionally, allowable levels have been slightly lowered to comply with industry standards.

**IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)**

There is no anticipated effect on competition and employment.

Charles A Gardiner III  
Executive Director  
0507#058

H. Gordon Monk  
Acting Legislative Fiscal Officer  
Legislative Fiscal Office

**NOTICE OF INTENT**

**Department of Health and Hospitals  
Board of Nursing**

**Definition of Terms and Administration  
of Anesthetic Agents  
(LAC 46:XLVII.3703 and 3705)**

Notice is hereby given, in accordance with the provisions of the Administrative Procedures Act, R.S.49:950 et seq., that the Louisiana State Board of Nursing (board) pursuant to the authority vested in the board by R.S.37:918 and R.S. 37:935, intends to adopt Rules amending the Professional and Occupational Standards to implement Act 642 of the 2004 Louisiana Legislature to provide authority for registered nurses to administer anesthetic agents in accordance with an order of an authorized prescriber to certain patients in accordance with rules and regulations promulgated by the board. These Rules provide the required direction for the safe implementation of Act 642. The proposed amendments of the Rules are set forth below.

**Title 46  
PROFESSIONAL AND OCCUPATIONAL  
STANDARDS**

**Part XLVII. Nurses**

**Subpart 2. Registered Nurses**

**Chapter 37. Nursing Practice**

**§3703. Definition of Terms Applying to Nursing  
Practice**

\*\*\*

*Executing Health Care Regimes as Prescribed by a Licensed Physician, Dentist or Authorized Prescriber*—carrying out the medical orders of a physician, dentist or other authorized prescriber licensed in Louisiana.

1. Registered nurses may, based on their individual judgment of each situation, accept verbal orders initiated by an authorized prescriber and transmitted through a licensed or certified health care practitioner, provided the order is related to the said practitioner's scope of practice.

2. Registered nurses may execute standing orders of an authorized prescriber provided the said prescriber initiates the standing orders and provided, further, that the said orders do not require the nurse to make a medical diagnosis or to engage in prescriptive activity or to administer anesthetic agents other than in accordance with R.S. 37:930.D and E, R.S. 37:935 and LAC 46:XLVII.3705.

3. Registered nurses employed in the public school system are authorized to execute health care regimens prescribed by physicians licensed in adjacent states, pursuant to R.S. 17:436(B)(3)(a) and R.S. 17:436.1(B)(1)(a).

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AUTHORITY NOTE: Promulgated in accordance with R.S. 37:918, R.S. 37:911, R.S. 37:913 and R.S. 37:935.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Nursing LR 7:79 (March 1981), amended LR 10:598 (August 1984), LR 12:677 (October 1986), amended by the Department of Health and Hospitals, Board of Nursing, LR 24:1293 (July 1998), LR 31:

**§3705. Administration of Anesthetic Agents**

A. Registered nurses, who are not certified registered nurse anesthetists, may administer anesthetic agents to intubated patients in critical care settings, and may titrate

and continue infusion of local anesthetic agents through the use of epidural catheters for pain management, excluding obstetric patients, provided that the following conditions are met.

1. There is an institutional policy and plan for registered nurses (non-CRNAs) to administer anesthetic agents to intubated patients in critical care settings, and to titrate and continue infusion of local anesthetic agents through the use of epidural catheters for pain management for patients other than obstetric patients that includes:

a. a clear statement of the purpose and goal of the treatment;

b. written protocols, with documentation of acceptance of the protocols by the medical staff of the agency;

c. policies and procedures to include but not be limited to the following:

i. preparation of solution;

ii. initiation of infusion;

iii. responding to emergency situations;

iv. maximum dose per hour of an anesthetic agent which can be administered by a registered nurse, who is not a certified registered nurse anesthetist, as approved by the medical staff; and

v. criteria for documentation of the procedure.

2. No anesthetic agent may be administered by a registered nurse, who is not a certified registered nurse anesthetist pursuant to this part unless there is a medical order by an authorized prescriber. Any orders to change the rate of infusion must be a medical order or in lieu of a specific order to change the rate of infusion, there are clearly stated criteria, by the authorizing prescriber, for adjusting the rate of infusion. However, in an emergency situation, the registered nurse may decrease the rate of infusion before calling the authorized prescriber.

B. Further, registered nurses, who are not certified registered nurse anesthetists, may titrate and continue infusion of local anesthetic agents through the use of epidural catheters for pain management, excluding obstetric patients, provided that the following conditions are met.

1. There is documentation that the registered nurse has successfully completed a course of instruction, which includes but is not limited to didactic instruction and supervised clinical practice on the following:

a. anatomy and physiology of the spinal cord and column;

b. purpose of the epidural catheter for pain management;

c. catheter placement and signs and symptoms of misplacement;

d. effects of medication administered epidurally;

e. untoward reaction to medication and management;

f. complications; and

g. nursing care responsibilities:

i. observation;

ii. procedures;

iii. catheter maintenance;

iv. proper calibration and operation of infusion pump, and

v. removal of the epidural catheter.

2. Competencies shall be measured initially during orientation and on an annual basis.

C. The administration of anesthetic agents to intubated patients in critical care settings, and the titration and continuance of infusion of local anesthetic agents through the use of epidural catheters for pain management for patients may not be delegated or assigned by a registered nurse to anyone other than a registered nurse who meets the criteria set forth in this standard.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:935.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Nursing, LR 31:

#### **Family Impact Statement**

The Louisiana State Board of Nursing hereby issues this Family Impact Statement: The proposed Rule related to the definition of terms applying to nursing practice and administration of anesthetic agents will have no known impact on family formation, stability, and autonomy, as set forth in R.S.49:972.

Interested persons may submit written comments on the proposed rules to Barbara L. Morvant, Executive Director, Louisiana State Board of Nursing, 3510 N. Causeway Blvd, Suite 601, Metairie, LA 70002. The deadline for receipt of all written comments is 4:30 p.m. on August 10, 2005.

Barbara L. Morvant  
Executive Director

#### **FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES RULE TITLE: Definition of Terms and Administration of Anesthetic Agents**

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

It is anticipated that no additional staff or operating expenses will be needed to implement these changes. The only cost for implementation is for the publication of the rule change in the *Louisiana Register*, which is estimated to be approximately \$300 in fiscal year 2005/06.

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

There is no estimated effect on revenue collections.

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

Implementation of the proposed rule will require registered nurses to document completion of a course of instruction regarding the administration of local anesthetic agents through the use of epidural catheters for pain management.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no anticipated effect on competition and employment.

Barbara L. Morvant  
Executive Director  
0507#18

H. Gordon Monk  
Acting Legislative Fiscal Officer  
Legislative Fiscal Office

## NOTICE OF INTENT

### Department of Insurance Office of the Commissioner

#### Regulation 33—Medicare Supplement Insurance Minimum Standards (LAC 37:XIII.Chapter 5)

In accordance with R.S. 49:953(B) of the Administrative Procedure Act, the Department of Insurance proposes to incorporate the revisions required by the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (MMA) into Regulation 33—Medicare Supplement Insurance Minimum Standards (LAC 37:XIII.Chapter 5)(*Federal Register* / Vol. 70, No. 57 / Friday, March 25, 2005, page 15394). With passage of the MMA, there is an immediate need for states to amend their Medigap regulations in order to maintain certification of their regulatory programs. MMA authorizes the Secretary of the U.S. Department of Health and Human Services (DHHS) to impose its own regulatory scheme for Medigap plans in the event that states do not comply with the provisions of MMA by September 8, 2005. Therefore, this Rule herein is hereby proposed to avoid sanctions or penalties from the Centers for Medicare and Medicaid Services (CMS) in the form of having Louisiana's certification of its regulatory programs preempted by CMS.

The text of this proposed Rule may be viewed in the Emergency Rule section of this *Louisiana Register*.

#### Family Impact Statement

1. The Effect on the Stability of the Family. The proposed regulation should have no measurable impact 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 regulation should have no impact on the rights and authority of parents regarding the education and supervision of their children.

3. The Effect on the Functioning of the Family. The proposed regulation should have no direct impact on the functioning of the family.

4. The Effect on Family Earnings and Budget. The proposed regulation should have no direct impact on family earnings and budget.

5. The Effect on the Behavior and Personal Responsibility of Children. The proposed regulation should have no impact 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 regulation should have no impact on the ability of the family or a local governmental unit to perform the function as contained in the Rule.

Interested persons may obtain a copy of this proposed regulation, and may submit oral or written comments to Claire Lemoine, Chief Health Care Attorney, Department of Insurance, P.O. Box 94214, Baton Rouge, LA 70804-9214, telephone (225) 219-0606. Comments will be accepted through the close of business at 4:30 p.m. on August 25, 2005.

J. Robert Wooley  
Commissioner

## FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

### RULE TITLE: Regulation 33—Medicare Supplement Insurance Minimum Standards

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

No implementation costs to state or local governmental units are expected as a result of Regulation 33. The regulation brings Louisiana into line with the latest federal guidelines related to Medicare supplement insurance minimum standards. The Department of Insurance routinely reviews and approves/disapproves policy forms for sale in the state and handles consumer complaints; therefore, no implementation costs or savings are expected.

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

It is not anticipated that implementation of Regulation 33 will have any impact upon the revenue collections of state or local governmental units.

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

The adoption of the Regulation 33 is expected to benefit consumers of Medicare supplement insurance policies through making it easier for them to compare such policies and to understand the coverage(s) provided by such policies. It is impossible to affix a monetary impact to this benefit.

#### IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

Regulation 33 should have no impact upon employment and competition in the state.

Chad M. Brown  
Deputy Commissioner  
Management and Finance  
0507#050

Robert E. Hosse  
General Government Section Director  
Legislative Fiscal Office

## NOTICE OF INTENT

### Department of Insurance Office of the Commissioner

#### Regulation Number 47—Actuarial Opinion and Memorandum Regulation (LAC 37:XIII.Chapter 21)

Under the authority of the Louisiana Insurance Code, R.S. 22:1 et seq., and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the Commissioner of the Louisiana Department of Insurance hereby gives notice of the department's intent to fully repeal its current Regulation 47 entitled "Actuarial Memoranda" as promulgated in the February 20, 1994 *Louisiana Register*, Volume 20, Number 2, page 194, et seq. and simultaneously enact a replacement Regulation 47 entitled "Actuarial Opinion and Memorandum" developed from the National Association of Insurance Commissioners (NAIC) Model Act of the same name. This new Regulation will replace and supersede in all respects the prior Regulation of the same number.

**Title 37**  
**INSURANCE**

**Part XIII. Regulations**

**Chapter 21. Regulation Number 47—Actuarial  
Opinion and Memorandum Regulation**

**§2101. Purpose**

A. The purpose of this Regulation is to prescribe:

1. requirements for statements of actuarial opinion that are to be submitted in accordance with R.S. 22:162.1, and for memoranda in support thereof;
2. rules applicable to the appointment of an appointed actuary; and
3. guidance as to the meaning of "adequacy of reserves."

AUTHORITY NOTE: Promulgated in accordance with R.S.22:3, 22:162.1 and the Administrative Procedure Act, R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 31:

**§2103. Authority**

A. This Regulation is issued pursuant to the authority vested in the Commissioner of Insurance of the State of Louisiana under R.S. 22:162.1. This Regulation will take effect for annual statements for the year 2005.

AUTHORITY NOTE: Promulgated in accordance with R.S.22:3, 22:162.1 and the Administrative Procedure Act, R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 31:

**§2105. Scope**

A. This Regulation shall apply to all life insurance companies and fraternal benefit societies doing business in this state and to all life insurance companies and fraternal benefit societies that are authorized to reinsure life insurance, annuities or accident and health insurance business in this state. This Regulation shall be applied in a manner that allows the appointed actuary to utilize his or her professional judgment in performing the asset analysis and developing the actuarial opinion and supporting memoranda, consistent with relevant actuarial standards of practice. However, the commissioner shall have the authority to specify methods of actuarial analysis particular to a company's business profile and may include specific actuarial methods and assumptions including, where appropriate, simplified actuarial methods and assumptions, when, in the commissioner's judgment, such specifications are necessary, or sufficient, to meet the objective of rendering an acceptable opinion as to the adequacy of the reserves and related items.

B. This Regulation shall be applicable to all annual statements filed with the office of the commissioner after the effective date of this Regulation. A statement of opinion on the adequacy of the reserves and related actuarial items based on an asset adequacy analysis in accordance with §2111 of this Regulation, and a memorandum in support thereof in accordance with §2113 of this Regulation, shall be required each year.

AUTHORITY NOTE: Promulgated in accordance with R.S.22:3, 22:162.1 and the Administrative Procedure Act, R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 31:

**§2107. Definitions**

*Actuarial Opinion*—the opinion of an appointed actuary regarding the adequacy of the reserves and related actuarial items based on an asset adequacy analysis in accordance with §2111 of this Regulation and with applicable Actuarial Standards of Practice.

*Actuarial Standards Board*—the board established by the American Academy of Actuaries to develop and promulgate standards of actuarial practice.

*Annual Statement*—that statement required by Section R.S. 22:1451 of the Insurance Law to be filed by the company with the office of the commissioner annually.

*Appointed Actuary*—an individual who is appointed or retained in accordance with the requirements set forth in §2109.C. of this Regulation to provide the actuarial opinion and supporting memorandum as required by R.S. 22:162.1.

*Asset Adequacy Analysis*—an analysis that meets the standards and other requirements referred to in §2109.D. of this Regulation.

*Commissioner*—the Insurance Commissioner of this state.

*Company*—a life insurance company, fraternal benefit society or reinsurer subject to the provisions of this Regulation.

*Qualified Actuary*—an individual who meets the requirements set forth in §2109.B. of this Regulation.

AUTHORITY NOTE: Promulgated in accordance with R.S.22:3, 22:162.1 and the Administrative Procedure Act, R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 31:

**§2109. General Requirements**

A. Submission of Statement of Actuarial Opinion

1. There is to be included on or attached to Page 1 of the annual statement for each year beginning with the year in which this Regulation becomes effective the statement of an appointed actuary, entitled "Statement of Actuarial Opinion," setting forth an opinion relating to reserves and related actuarial items held in support of policies and contracts, in accordance with §2111 of this Regulation.

2. Upon written request by the company, the commissioner may grant an extension of the date for submission of the statement of actuarial opinion.

B. Qualified Actuary. A "qualified actuary" is an individual who:

1. is a member in good standing of the American Academy of Actuaries;

2. is qualified to sign statements of actuarial opinion for life and health insurance company annual statements in accordance with the American Academy of Actuaries qualification standards for actuaries signing such statements;

3. is familiar with the valuation requirements applicable to life and health insurance companies;

4. has not been found by the commissioner (or if so found has subsequently been reinstated as a qualified actuary), following appropriate notice and hearing to have:

a. violated any provision of, or any obligation imposed by, the insurance law or other law in the course of his or her dealings as a qualified actuary;

b. been found guilty of fraudulent or dishonest practices;

c. demonstrated his or her incompetency, lack of cooperation, or untrustworthiness to act as a qualified actuary;

d. submitted to the commissioner during the past five years, pursuant to this Regulation, an actuarial opinion or memorandum that the commissioner rejected because it did not meet the provisions of this Regulation including standards set by the Actuarial Standards Board; or

e. resigned or been removed as an actuary within the past five years as a result of acts or omissions indicated in any adverse report on examination or as a result of failure to adhere to generally acceptable actuarial standards; and

5. has not failed to notify the commissioner of any action taken by any commissioner of any other state similar to that under Paragraph 4 above.

C. **Appointed Actuary.** An "appointed actuary" is a qualified actuary who is appointed or retained to prepare the Statement of Actuarial Opinion required by this Regulation, either directly by or by the authority of the board of directors through an executive officer of the company other than the qualified actuary. The company shall give the commissioner timely written notice of the name, title (and, in the case of a consulting actuary, the name of the firm) and manner of appointment or retention of each person appointed or retained by the company as an appointed actuary and shall state in the notice that the person meets the requirements set forth in Subsection B. Once notice is furnished, no further notice is required with respect to this person, provided that the company shall give the commissioner timely written notice in the event the actuary ceases to be appointed or retained as an appointed actuary or to meet the requirements set forth in Subsection B. If any person appointed or retained as an appointed actuary replaces a previously appointed actuary, the notice shall so state and give the reasons for replacement.

D. **Standards for Asset Adequacy Analysis.** The asset adequacy analysis required by this Regulation:

1. shall conform to the Standards of Practice as promulgated from time to time by the Actuarial Standards Board and on any additional standards under this Regulation, which standards are to form the basis of the statement of actuarial opinion in accordance with this Regulation; and

2. shall be based on methods of analysis as are deemed appropriate for such purposes by the Actuarial Standards Board;

3. shall comply with the commissioner's specific method of actuarial analysis when the commissioner has specified a method of actuarial analysis to be in effect for a particular company. When a conflict exists between a commissioner specified method of actuarial analysis and the standards of Paragraphs 1 and 2, the commissioner's specific method of actuarial analysis prevails.

E. **Liabilities to be Covered**

1. Under authority of R.S. 22:162.1, the statement of actuarial opinion shall apply to all in force business on the statement date, whether directly issued or assumed, regardless of when or where issued, e.g., reserves of Exhibits 5, 6 and 7, and claim liabilities in Exhibit 8, Part 1 and equivalent items in the separate account statement or statements.

2. If the appointed actuary determines as the result of asset adequacy analysis that a reserve should be held in addition to the aggregate reserve held by the company and calculated in accordance with methods set forth in the

Standard Valuation Law, the company shall establish the additional reserve.

3. Additional reserves established under Paragraph 2 above and deemed not necessary in subsequent years may be released. Any amounts released shall be disclosed in the actuarial opinion for the applicable year. The release of such reserves would not be deemed an adoption of a lower standard of valuation.

**AUTHORITY NOTE:** Promulgated in accordance with R.S.22:3, 22:162.1 and the Administrative Procedure Act, R.S. 49:950 et seq.

**HISTORICAL NOTE:** Promulgated by the Department of Insurance, Office of the Commissioner, LR 31:

#### **§2111. Statement of Actuarial Opinion Based on an Asset Adequacy Analysis**

A. **General Description.** The statement of actuarial opinion submitted in accordance with this Section shall consist of:

1. a paragraph identifying the appointed actuary and his or her qualifications (see Paragraph B.1);

2. a scope paragraph identifying the subjects on which an opinion is to be expressed and describing the scope of the appointed actuary's work, including a tabulation delineating the reserves and related actuarial items that have been analyzed for asset adequacy and the method of analysis, (see Paragraph B.2) and identifying the reserves and related actuarial items covered by the opinion that have not been so analyzed;

3. a reliance paragraph describing those areas, if any, where the appointed actuary has deferred to other experts in developing data, procedures or assumptions, (e.g., anticipated cash flows from currently owned assets, including variation in cash flows according to economic scenarios (see Paragraph B.3), supported by a statement of each such expert in the form prescribed by Subsection E; and

4. an opinion paragraph expressing the appointed actuary's opinion with respect to the adequacy of the supporting assets to mature the liabilities (see Paragraph B.6);

5. one or more additional paragraphs will be needed in individual company cases as follows:

a. if the appointed actuary considers it necessary to state a qualification of his or her opinion;

b. if the appointed actuary must disclose an inconsistency in the method of analysis or basis of asset allocation used at the prior opinion date with that used for this opinion;

c. if the appointed actuary must disclose whether additional reserves as of the prior opinion date are released as of this opinion date, and the extent of the release;

d. if the appointed actuary chooses to add a paragraph briefly describing the assumptions that form the basis for the actuarial opinion.

B. **Recommended Language.** The following paragraphs are to be included in the statement of actuarial opinion in accordance with this section. Language is that which in typical circumstances should be included in a statement of actuarial opinion. The language may be modified as needed to meet the circumstances of a particular case, but the appointed actuary should use language that clearly expresses his or her professional judgment. However, in any event the

opinion shall retain all pertinent aspects of the language provided in this Section.

1. The opening paragraph should generally indicate the appointed actuary's relationship to the company and his or her qualifications to sign the opinion.

a. For a company actuary, the opening paragraph of the actuarial opinion should include a statement such as:

"I, [name], am [title] of [insurance company name] and a member of the American Academy of Actuaries. I was appointed by, or by the authority of, the Board of Directors of said insurer to render this opinion as stated in the letter to the commissioner dated [insert date]. I meet the Academy qualification standards for rendering the opinion and am familiar with the valuation requirements applicable to life and health insurance companies."

b. For a consulting actuary, the opening paragraph should include a statement such as:

"I, [name], a member of the American Academy of Actuaries, am associated with the firm of [name of consulting firm]. I have been appointed by, or by the authority of, the Board of Directors of [name of company] to render this opinion as stated in the letter to the commissioner dated [insert date]. I meet the Academy qualification standards for rendering the opinion and am familiar with the valuation requirements applicable to life and health insurance companies."

2. The scope paragraph should include a statement such as:

"I have examined the actuarial assumptions and actuarial methods used in determining reserves and related actuarial items listed below, as shown in the annual statement of the company, as prepared for filing with state regulatory officials, as of December 31, 20[ ]. Tabulated below are those reserves and related actuarial items which have been subjected to asset adequacy analysis."

Asset Adequacy Tested Amounts—Reserves and Liabilities					
Statement Item	Formula Reserves (1)	Additional Actuarial Reserves (a) (2)	Analysis Method (b)	Other Amount (3)	Total Amount (1)+(2)+(3) (4)
<b>Exhibit 5</b>					
A Life Insurance					
B Annuities					
C Supplementary Contracts Involving Life Contingencies					
D Accidental Death Benefit					
E Disability - Active					
F Disability - Disabled					
G Miscellaneous					
Total (Exhibit 5 Item 1, Page 3)					
<b>Exhibit 6</b>					
A Active Life Reserve					
B Claim Reserve					
Total (Exhibit 6 Item 2, Page 3)					
<b>Exhibit 7</b>					
Premium and Other Deposit Funds (Column 5, Line 14)					
Guaranteed Interest Contracts (Column 2, Line 14)					
Other (Column 6, Line 14)					
Supplemental Contracts and Annuities Certain (Column 3, Line 14)					

Asset Adequacy Tested Amounts—Reserves and Liabilities					
Statement Item	Formula Reserves (1)	Additional Actuarial Reserves (a) (2)	Analysis Method (b)	Other Amount (3)	Total Amount (1)+(2)+(3) (4)
Dividend Accumulations or Refunds (Column 4, Line 14)					
Total Exhibit 7 (Column 1, Line 14)					
<b>Exhibit 8, Part 1</b>					
1 Life (Page 3, Line 4.1)					
2 Health (Page 3 Line 4.2)					
Total Exhibit 11, Part 1					
Separate Accounts (Page 3 of the Annual Statement of the Separate Accounts, Lines 1, 2, 3.1, 3.2, 3.3)					
<b>TOTAL RESERVES</b>					

IMR (General Account, Page ___ Line ___)	
(Separate Accounts, Page ___ Line ___)	
AVR (Page ___ Line ___)	(c)
Net Deferred and Uncollected Premium	

Notes:

- The additional actuarial reserves are the reserves established under Paragraphs (2) of Section 2109.E.
- The appointed actuary should indicate the method of analysis, determined in accordance with the standards for asset adequacy analysis referred to in Section 2109.D of this Regulation, by means of symbols that should be defined in footnotes to the table.
- Allocated amount of Asset Valuation Reserve (AVR).

3. If the appointed actuary has relied on other experts to develop certain portions of the analysis, the reliance paragraph should include a statement such as:

"I have relied on [name], [title] for [e.g., "anticipated cash flows from currently owned assets, including variations in cash flows according to economic scenarios" or "certain critical aspects of the analysis performed in conjunction with forming my opinion"], as certified in the attached statement. I have reviewed the information relied upon for reasonableness."

A statement of reliance on other experts should be accompanied by a statement by each of the experts in the form prescribed by §2111.E.

4. If the appointed actuary has examined the underlying asset and liability records, the reliance paragraph should include a statement such as:

"My examination included such review of the actuarial assumptions and actuarial methods and of the underlying basic asset and liability records and such tests of the actuarial calculations as I considered necessary. I also reconciled the underlying basic asset and liability records to [exhibits and schedules listed as applicable] of the company's current annual statement."

5. If the appointed actuary has not examined the underlying records, but has relied upon data (e.g., listings and summaries of policies in force or asset records) prepared by the company, the reliance paragraph should include a statement such as:

"In forming my opinion on [specify types of reserves] I relied upon data prepared by [name and title of company officer certifying in force records or other data] as certified in the attached statements. I evaluated that data for reasonableness and consistency. I also reconciled that data to [exhibits and schedules to be listed as applicable] of the company's current annual statement. In other respects, my



examination included review of the actuarial assumptions and actuarial methods used and tests of the calculations I considered necessary."

The section shall be accompanied by a statement by each person relied upon in the form prescribed by Subsection E.

6. The opinion paragraph should include a statement such as:

"In my opinion the reserves and related actuarial values concerning the statement items identified above:

a. are computed in accordance with presently accepted actuarial standards consistently applied and are fairly stated, in accordance with sound actuarial principles;

b. are based on actuarial assumptions that produce reserves at least as great as those called for in any contract provision as to reserve basis and method, and are in accordance with all other contract provisions;

c. meet the requirements of the Insurance Law and Regulation of the state of [state of domicile]; and are at least as great as the minimum aggregate amounts required by the state in which this statement is filed;

d. are computed on the basis of assumptions consistent with those used in computing the corresponding items in the annual statement of the preceding year-end (with any exceptions noted below); and

e. include provision for all actuarial reserves and related statement items which ought to be established.

The reserves and related items, when considered in light of the assets held by the company with respect to such reserves and related actuarial items including, but not limited to, the investment earnings on the assets, and the considerations anticipated to be received and retained under the policies and contracts, make adequate provision, according to presently accepted actuarial standards of practice, for the anticipated cash flows required by the contractual obligations and related expenses of the company. (At the discretion of the commissioner, this language may be omitted for an opinion filed on behalf of a company doing business only in this state and in no other state.)

The actuarial methods, considerations and analyses used in forming my opinion conform to the appropriate Standards of Practice as promulgated by the Actuarial Standards Board, which standards form the basis of this statement of opinion.

This opinion is updated annually as required by statute. To the best of my knowledge, there have been no material changes from the applicable date of the annual statement to the date of the rendering of this opinion which should be considered in reviewing this opinion.

or

The following material changes which occurred between the date of the statement for which this opinion is applicable and the date of this opinion should be considered in reviewing this opinion: (Describe the change or changes.)

Note: Choose one of the above two paragraphs, whichever is applicable.

<p>The impact of unanticipated events subsequent to the date of this opinion is beyond the scope of this opinion. The analysis of asset adequacy portion of this opinion should be viewed recognizing that the company's future experience may not follow all the assumptions used in the analysis.</p> <p>_____</p> <p>Signature of Appointed Actuary</p> <p>_____</p> <p>Address of Appointed Actuary</p> <p>_____</p> <p>Telephone Number of Appointed Actuary</p> <p>_____</p> <p>Date"</p>
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C. Assumptions for New Issues

1. The adoption for new issues or new claims or other new liabilities of an actuarial assumption that differs from a corresponding assumption used for prior new issues or new claims or other new liabilities is not a change in actuarial assumptions within the meaning of this §2111.

D. Adverse Opinions

1. If the appointed actuary is unable to form an opinion, then he or she shall refuse to issue a statement of actuarial opinion. If the appointed actuary's opinion is adverse or qualified, then he or she shall issue an adverse or qualified actuarial opinion explicitly stating the reasons for the opinion. This statement should follow the scope paragraph and precede the opinion paragraph.

E. Reliance on Information Furnished by Other Persons

1. If the appointed actuary relies on the certification of others on matters concerning the accuracy or completeness of any data underlying the actuarial opinion, or the appropriateness of any other information used by the appointed actuary in forming the actuarial opinion, the actuarial opinion should so indicate the persons the actuary is relying upon and a precise identification of the items subject to reliance. In addition, the persons on whom the appointed actuary relies shall provide a certification that precisely identifies the items on which the person is providing information and a statement as to the accuracy, completeness or reasonableness, as applicable, of the items. This certification shall include the signature, title, company, address and telephone number of the person rendering the certification, as well as the date on which it is signed.

F. Alternate Option

1. The commissioner may provide an alternative filing option for domestic insurance companies that allows for the preparation of an alternative form of opinion. The commissioner shall provide specific criteria for such an alternative filing option and instructions for the associated testing and documentation.

2. The Standard Valuation Law gives the commissioner broad authority to accept the valuation of a foreign insurer when that valuation meets the requirements applicable to a company domiciled in this state in the aggregate. As an alternative to the requirements of Subsection B.6.(a)(iii), the commissioner may make one or more of the following additional approaches available to the opining actuary.

a. A statement that the reserves "meet the requirements of the insurance laws and Regulations of the state of [state of domicile] and the formal written standards and conditions of this state for filing an opinion based on the law of the state of domicile." If the commissioner chooses to allow this alternative, a formal written list of standards and conditions shall be made available. If a company chooses to use this alternative, the standards and conditions in effect on July 1 of a calendar year shall apply to statements for that calendar year, and they shall remain in effect until they are revised or revoked. If no list is available, this alternative is not available.

b. statement that the reserves "meet the requirements of the insurance laws and Regulations of the

state of [state of domicile] and I have verified that the company's request to file an opinion based on the law of the state of domicile has been approved and that any conditions required by the commissioner for approval of that request have been met." If the commissioner chooses to allow this alternative, a formal written statement of such allowance shall be issued no later than March 31 of the year it is first effective. It shall remain valid until rescinded or modified by the commissioner. The rescission or modifications shall be issued no later than March 31 of the year they are first effective. Subsequent to that statement being issued, if a company chooses to use this alternative, the company shall file a request to do so, along with justification for its use, no later than April 30 of the year of the opinion to be filed. The request shall be deemed approved on October 1 of that year if the commissioner has not denied the request by that date.

c. A statement that the reserves "meet the requirements of the insurance laws and Regulations of the state of [state of domicile] and I have submitted the required comparison as specified by this state."

i. If the commissioner chooses to allow this alternative, a formal written list of products (to be added to the table in Clause ii below) for which the required comparison shall be provided will be published. If a company chooses to use this alternative, the list in effect on July 1 of a calendar year shall apply to statements for that calendar year, and it shall remain in effect until it is revised or revoked. If no list is available, this alternative is not available.

ii. If a company desires to use this alternative, the appointed actuary shall provide a comparison of the gross nationwide reserves held to the gross nationwide reserves that would be held under NAIC codification standards. Gross nationwide reserves are the total reserves calculated for the total company in force business directly sold and assumed, indifferent to the state in which the risk resides, without reduction for reinsurance ceded. The information provided shall be at least:

(1) Product Type	(2) Death Benefit or Account Value	(3) Reserves Held	(4) Codification Reserves	(5) Codification Standard

iii. The information listed shall include all products identified by either the state of filing or any other states subscribing to this alternative.

iv. If there is no codification standard for the type of product or risk in force or if the codification standard does not directly address the type of product or risk in force, the appointed actuary shall provide detailed disclosure of the specific method and assumptions used in determining the reserves held.

v. The comparison provided by the company is to be kept confidential to the same extent and under the same conditions as the actuarial memorandum.

3. Notwithstanding the above, the commissioner may reject an opinion based on the laws and Regulations of the state of domicile and require an opinion based on the laws of this state. If a company is unable to provide the opinion within 60 days of the request or such other period of time

determined by the commissioner after consultation with the company, the commissioner may contract an independent actuary at the company's expense to prepare and file the opinion.

AUTHORITY NOTE: Promulgated in accordance with R.S.22:3, 22:162.1 and the Administrative Procedure Act, R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 31:

**§2113. Description of Actuarial Memorandum Including an Asset Adequacy Analysis and Regulatory Asset Adequacy Issues Summary**

**A. General**

1. In accordance with R.S. 22:162.1, the appointed actuary shall prepare a memorandum to the company describing the analysis done in support of his or her opinion regarding the reserves. The memorandum shall be made available for examination by the commissioner upon his or her request but shall be returned to the company after such examination and shall not be considered a record of the insurance department or subject to automatic filing with the commissioner.

2. In preparing the memorandum, the appointed actuary may rely on, and include as a part of his or her own memorandum, memoranda prepared and signed by other actuaries who are qualified within the meaning of §2109.B. of this Regulation, with respect to the areas covered in such memoranda, and so state in their memoranda.

3. If the commissioner requests a memorandum and no such memorandum exists or if the commissioner finds that the analysis described in the memorandum fails to meet the standards of the Actuarial Standards Board or the standards and requirements of this Regulation, the commissioner may designate a qualified actuary to review the opinion and prepare such supporting memorandum as is required for review. The reasonable and necessary expense of the independent review shall be paid by the company but shall be directed and controlled by the commissioner.

4. The reviewing actuary shall have the same status as an examiner for purposes of obtaining data from the company and the work papers and documentation of the reviewing actuary shall be retained by the commissioner; provided, however, that any information provided by the company to the reviewing actuary and included in the work papers shall be considered as material provided by the company to the commissioner and shall be kept confidential to the same extent as is prescribed by law with respect to other material provided by the company to the commissioner pursuant to the statute governing this Regulation. The reviewing actuary shall not be an employee of a consulting firm involved with the preparation of any prior memorandum or opinion for the insurer pursuant to this Regulation for any one of the current year or the preceding three years.

5. In accordance with R.S. 22:162.1, the appointed actuary shall prepare a regulatory asset adequacy issues summary, the contents of which are specified in Subsection C. The regulatory asset adequacy issues summary will be submitted no later than March 15 of the year following the year for which a statement of actuarial opinion based on asset adequacy is required. The regulatory asset adequacy issues summary is to be kept confidential to the same extent and under the same conditions as the actuarial memorandum.

B. Details of the Memorandum Section Documenting Asset Adequacy Analysis

1. When the opinion provided under the domestic company alternative filing option as referred to in §2111.F.1, then an alternative memorandum shall be prepared in accordance with specific instructions of the commissioner and the company shall be exempt from the requirements of §2113, otherwise, the memorandum shall demonstrate that the analysis has been done in accordance with the standards for asset adequacy referred to in §2109.D. of this Regulation and any additional standards under this Regulation. It shall specify:

- a. for reserves:
  - i. product descriptions including market description, underwriting and other aspects of a risk profile and the specific risks the appointed actuary deems significant;
  - ii. source of liability in force;
  - iii. reserve method and basis;
  - iv. investment reserves;
  - v. reinsurance arrangements;
  - vi. identification of any explicit or implied guarantees made by the general account in support of benefits provided through a separate account or under a separate account policy or contract and the methods used by the appointed actuary to provide for the guarantees in the asset adequacy analysis;
  - vii. documentation of assumptions to test reserves for the following:
    - (a). lapse rates (both base and excess);
    - (b). interest crediting rate strategy;
    - (c). mortality;
    - (d). policyholder dividend strategy;
    - (e). competitor or market interest rate;
    - (f). annuitization rates;
    - (g). commissions and expenses; and
    - (h). morbidity;

The documentation of the assumptions shall be such that an actuary reviewing the actuarial memorandum could form a conclusion as to the reasonableness of the assumptions.

2. for assets:
  - a. portfolio descriptions, including a risk profile disclosing the quality, distribution and types of assets;
  - b. investment and disinvestment assumptions;
  - c. source of asset data;
  - d. asset valuation bases; and
  - e. documentation of assumptions made for:
    - i. default costs;
    - ii. bond call function;
    - iii. mortgage prepayment function;
    - iv. determining market value for assets sold due to disinvestment strategy; and
    - v. determining yield on assets acquired through the investment strategy.

The documentation of the assumptions shall be such that an actuary reviewing the actuarial memorandum could form a conclusion as to the reasonableness of the assumptions.

3. for the analysis basis:
  - a. methodology;
  - b. rationale for inclusion or exclusion of different blocks of business and how pertinent risks were analyzed;

- c. rationale for degree of rigor in analyzing different blocks of business (include in the rationale the level of "materiality" that was used in determining how rigorously to analyze different blocks of business);

- d. criteria for determining asset adequacy (include in the criteria the precise basis for determining if assets are adequate to cover reserves under "moderately adverse conditions" or other conditions as specified in relevant actuarial standards of practice); and

- e. whether the impact of federal income taxes was considered and the method of treating reinsurance in the asset adequacy analysis;

4. summary of material changes in methods, procedures, or assumptions from prior year's asset adequacy analysis;

5. summary of results; and

6. conclusions.

C. Details of the Regulatory Asset Adequacy Issues Summary

1. The regulatory asset adequacy issues summary shall include:

- a. descriptions of the scenarios tested (including whether those scenarios are stochastic or deterministic) and the sensitivity testing done relative to those scenarios. If negative ending surplus results under certain tests in the aggregate, the actuary should describe those tests and the amount of additional reserve as of the valuation date which, if held, would eliminate the negative aggregate surplus values. Ending surplus values shall be determined by either extending the projection period until the in force and associated assets and liabilities at the end of the projection period are immaterial or by adjusting the surplus amount at the end of the projection period by an amount that appropriately estimates the value that can reasonably be expected to arise from the assets and liabilities remaining in force;

- b. the extent to which the appointed actuary uses assumptions in the asset adequacy analysis that are materially different than the assumptions used in the previous asset adequacy analysis;

- c. the amount of reserves and the identity of the product lines that had been subjected to asset adequacy analysis in the prior opinion but were not subject to analysis for the current opinion;

- d. comments on any interim results that may be of significant concern to the appointed actuary;

- e. the methods used by the actuary to recognize the impact of reinsurance on the company's cash flows, including both assets and liabilities, under each of the scenarios tested; and

- f. whether the actuary has been satisfied that all options whether explicit or embedded, in any asset or liability (including but not limited to those affecting cash flows embedded in fixed income securities) and equity-like features in any investments have been appropriately considered in the asset adequacy analysis.

2. The regulatory asset adequacy issues summary shall contain the name of the company for which the regulatory asset adequacy issues summary is being supplied and shall be signed and dated by the appointed actuary rendering the actuarial opinion.

D. Conformity to Standards of Practice. The memorandum shall include a statement:

"Actuarial methods, considerations and analyses used in the preparation of this memorandum conform to the appropriate Standards of Practice as promulgated by the Actuarial Standards Board, which standards form the basis for this memorandum."

E. Use of Assets Supporting the Interest Maintenance Reserve and the Asset Valuation Reserve

1. An appropriate allocation of assets in the amount of the interest maintenance reserve (IMR), whether positive or negative, shall be used in any asset adequacy analysis. Analysis of risks regarding asset default may include an appropriate allocation of assets supporting the asset valuation reserve (AVR); these AVR assets may not be applied for any other risks with respect to reserve adequacy. Analysis of these and other risks may include assets supporting other mandatory or voluntary reserves available to the extent not used for risk analysis and reserve support.

2. The amount of the assets used for the AVR shall be disclosed in the table of reserves and liabilities of the opinion and in the memorandum. The method used for selecting particular assets or allocated portions of assets shall be disclosed in the memorandum.

F. Documentation. The appointed actuary shall retain on file, for at least seven years, sufficient documentation so that it will be possible to determine the procedures followed, the analyses performed, the bases for assumptions and the results obtained.

AUTHORITY NOTE: Promulgated in accordance with R.S.22:3, 22:162.1 and the Administrative Procedure Act, R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 31:

Persons interested in obtaining copies of the Rule or in making comments relative to these proposals may do so at the public hearing or by writing to Barry E. Ward, Department of Insurance, P.O. Box 94214, Baton Rouge, LA 70804-9214. Comments will be accepted through the close of business at 4:30 p.m. August 25, 2005.

On August 26, 2005, beginning at 9 a.m., the Department of Insurance will hold a public hearing in the Poydras Building's Plaza Hearing Room located at 1702 N. Third Street, Baton Rouge, LA, 70804 to allow for public commentary concerning the proposed repeal of current Regulation 47 and the enactment of the proposed Regulation 47 as set forth below.

J. Robert Wooley  
Commissioner

## FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

### RULE TITLE: Regulation Number 47—Actuarial Opinion and Memorandum Regulation

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

No implementation costs to state or local governmental units are expected as a result of Replacement Regulation 47, which brings Louisiana into compliance with the NAIC Model. Life insurers are already required to make annual filings, among them the actuarial opinion and memorandum in support thereof, which are reviewed by DOI staff. Adoption of this

Regulation does not increase workload or create new work for DOI.

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

It is not anticipated that implementation of replacement Regulation 47 will have any impact upon the revenue collections of state or local governmental units.

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

The adoption of replacement Regulation 47 will bring Louisiana into compliance with the NAIC model. No costs or benefits to directly affected persons or non-governmental groups are expected. Insurers are already required to file annually an actuarial opinion and memorandum in support thereof; this Regulation does not impose any additional burden upon those companies.

#### IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

Replacement Regulation 47, should have no impact upon employment and competition in the state.

Chad M. Brown  
Deputy Commissioner  
0507#077

Robert E. Hosse  
General Government Section Director  
Legislative Fiscal Office

## NOTICE OF INTENT

### Department of Insurance Office of the Commissioner

#### Regulation Number 84—2001 CSO Mortality Table (LAC 37:XIII.Chapter 107)

Under the authority of the Louisiana Insurance Code, R.S. 22:1 et seq., and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the Commissioner of the Louisiana Department of Insurance hereby gives notice of the department's intent to promulgate its Regulation 84. The purpose of this Regulation is to recognize, approve, permit and prescribe the use of the 2001 Commissioners Standard Ordinary Mortality Table (CSO) as authorized by R.S. 22:163.B(1)(a) in determining the minimum valuation standard and R.S. 22:168.G(8)(f) in determining the minimum nonforfeiture standard. This table will not apply to industrial insurers as defined in R.S. 22:251.

### Title 37 INSURANCE

#### Part XIII. Regulations

#### Chapter 107. Regulation Number 84—Recognition and Use of the 2001 CSO Mortality Table in Determining Minimum Reserve Liabilities and Nonforfeiture Benefits

#### §10701. Authority

A. This regulation is promulgated by the Commissioner of Insurance pursuant to authority granted under the Louisiana Insurance Code, Title 22, §22:1 et seq., particularly the Standard Valuation Law, see Title 22, §163.B(1)(a) and the Standard Nonforfeiture Law for Life Insurance, see Title 22 §168.G(8)(f).

AUTHORITY NOTE: Promulgated in accordance with R.S.22:3, 22:163, 22:168 and the Administrative Procedure Act, R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 31:

### §10703. Purpose

A. The purpose of this regulation is to recognize, permit and prescribe the use of the 2001 Commissioners Standard Ordinary (CSO) Mortality Table in accordance with R.S. 22:163.B(1)(a) (the Standard Valuation Law for Life Insurance), R.S. 22:168.G(8)(f) (the Standard Nonforfeiture Law for Life Insurance) and Sections 10909A and Sections 10909B of Regulation 85.

AUTHORITY NOTE: Promulgated in accordance with R.S.22:3, 22:163, 22:168 and the Administrative Procedure Act, R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 31:

### §10705. Definitions

*2001 CSO Mortality Table*—that mortality table, consisting of separate rates of mortality for male and female lives, developed by the American Academy of Actuaries CSO Task Force from the Valuation Basic Mortality Table developed by the Society of Actuaries Individual Life Insurance Valuation Mortality Task Force, and adopted by the NAIC in December 2002. The 2001 CSO Mortality Table is included in the *Proceedings of the NAIC (2nd Quarter 2002)*. Unless the context indicates otherwise, the "2001 CSO Mortality Table" includes both the ultimate form of that table and the select and ultimate form of that table and includes both the smoker and nonsmoker mortality tables and the composite mortality tables. It also includes both the age-nearest-birthday and age-last-birthday bases of the mortality tables.

*2001 CSO Mortality Table (F)*—that mortality table consisting of the rates of mortality for female lives from the 2001 CSO Mortality Table.

*2001 CSO Mortality Table (M)*—that mortality table consisting of the rates of mortality for male lives from the 2001 CSO Mortality Table.

*Composite Mortality Tables*—mortality tables with rates of mortality that do not distinguish between smokers and nonsmokers.

*Smoker and Nonsmoker Mortality Tables*—mortality tables with separate rates of mortality for smokers and nonsmokers.

AUTHORITY NOTE: Promulgated in accordance with R.S.22:3, 22:163, 22:168 and the Administrative Procedure Act, R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 31:

### §10707. 2001 CSO Mortality Table

A. At the election of the company for any one or more specified plans of insurance and subject to the conditions stated in this regulation, the 2001 CSO Mortality Table may be used as the minimum standard for policies issued on or after January 1, 2005 and before the date specified in Subsection B to which R.S. 22:163.B(1)(a), R.S. 22:168.G(8)(f) and Sections 10909A and B of Regulation 85 are applicable. If the company elects to use the 2001 CSO Mortality Table, it shall do so for both valuation and nonforfeiture purposes. Notwithstanding the preceding, the commissioner may specify restrictions on the use of this table for certain categories of life insurance for which the use of this table's mortality assumption is not representative of the business' underlying mortality experience.

B. Subject to the conditions stated in this regulation, the 2001 CSO Mortality Table shall be used in determining minimum standards for policies issued on and after January 1, 2009, to which R.S. 22:163.B(1)(a), R.S. 22:168.G(8)(f) and Sections 10909A and B of Regulation 85 are applicable.

AUTHORITY NOTE: Promulgated in accordance with R.S.22:3, 22:163, 22:168 and the Administrative Procedure Act, R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 31:

### §10709. Conditions

A. For each plan of insurance with separate rates for smokers and nonsmokers an insurer may use:

1. composite mortality tables to determine minimum reserve liabilities and minimum cash surrender values and amounts of paid-up nonforfeiture benefits;

2. smoker and nonsmoker mortality tables to determine the valuation net premiums and additional minimum reserves, if any, required by R.S. 22:163.B(8)(a) and use composite mortality tables to determine the basic minimum reserves, minimum cash surrender values and amounts of paid-up nonforfeiture benefits; or

3. smoker and nonsmoker mortality to determine minimum reserve liabilities and minimum cash surrender values and amounts of paid-up nonforfeiture benefits.

B. For plans of insurance without separate rates for smokers and nonsmokers the composite mortality tables shall be used.

C. For the purpose of determining minimum reserve liabilities and minimum cash surrender values and amounts of paid-up nonforfeiture benefits, the 2001 CSO Mortality Table may, at the option of the company for each plan of insurance, be used in its ultimate or select and ultimate form, subject to the restrictions of Section 10911 of Regulation 85 relative to use of the select and ultimate form.

D. When the 2001 CSO Mortality Table is the minimum reserve standard for any plan for a company, the actuarial opinion in the annual statement filed with the commissioner shall be based on an asset adequacy analysis as specified in Sections 2109A(1) of Regulation 47 of the Louisiana Insurance Regulations. A commissioner may exempt a company from this requirement if it only does business in this state and in no other state.

AUTHORITY NOTE: Promulgated in accordance with R.S.22:3, 22:163, 22:168 and the Administrative Procedure Act, R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 31:

### §10711. Applicability of the 2001 CSO Mortality Table to Regulation 85

A. The 2001 CSO Mortality Table may be used in applying Regulation 85 in the following manner, subject to the transition dates for use of the 2001 CSO Mortality Table in §10707 of this Regulation.

1. Section 10905A(2)(b): The net level reserve premium is based on the ultimate mortality rates in the 2001 CSO Mortality Table.

2. Section 10907: All calculations are made using the 2001 CSO Mortality Rate, and, if elected, the optional minimum mortality standard for deficiency reserves stipulated in §10909.B of this Regulation. The value of " $q_{x+k+t-1}$ " is the valuation mortality rate for deficiency reserves in policy year  $k+t$ , but using the unmodified select

mortality rates if modified select mortality rates are used in the computation of deficiency reserves.

3. Section 10909.A: The 2001 CSO Mortality Table is the minimum standard for basic reserves.

4. Section 10909.B: The 2001 CSO Mortality Table is the minimum standard for deficiency reserves. If select mortality rates are used, they may be multiplied by X percent for durations in the first segment, subject to the conditions specified in Sections 10909B.3.a. through i. In demonstrating compliance with those conditions, the demonstrations may not combine the results of tests that utilize the 1980 CSO Mortality Table with those tests that utilize the 2001 CSO Mortality Table, unless the combination is explicitly required by regulation or necessary to be in compliance with relevant Actuarial Standards of Practice.

5. Section 10911.C: The valuation mortality table used in determining the tabular cost of insurance shall be the ultimate mortality rates in the 2001 CSO Mortality Table.

6. Section 10911.E.4: The calculations specified in §10911.E shall use the ultimate mortality rates in the 2001 CSO Mortality Table.

7. Section 10911.F.4: The calculations specified in §10911.F shall use the ultimate mortality rates in the 2001 CSO Mortality Table.

8. Section 10911.G.2: The calculations specified in §10911.G shall use the ultimate mortality rates in the 2001 CSO Mortality Table.

9. Section 10913.A.1.b: The one-year valuation premium shall be calculated using the ultimate mortality rates in the 2001 CSO Mortality Table.

B. Nothing in this section shall be construed to expand the applicability of Regulation 85 to include life insurance policies exempted under §10905.A of Regulation 85.

AUTHORITY NOTE: Promulgated in accordance with R.S.22:3, 22:163, 22:168 and the Administrative Procedure Act, R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 31:

#### **§10713. Gender-Blended Tables**

A. For any ordinary life insurance policy delivered or issued for delivery in this state on and after January 1, 2005, that utilizes the same premium rates and charges for male and female lives or is issued in circumstances where applicable law does not permit distinctions on the basis of gender, a mortality table that is a blend of the 2001 CSO Mortality Table (M) and the 2001 CSO Mortality Table (F) may, at the option of the company for each plan of insurance, be substituted for the 2001 CSO Mortality Table for use in determining minimum cash surrender values and amounts of paid-up nonforfeiture benefits. No change in minimum valuation standards is implied by this Subsection of the regulation.

B. The company may choose from among the blended tables developed by the American Academy of Actuaries CSO Task Force and adopted by the NAIC in December 2002.

C. It shall not, in and of itself, be a violation of R.S. 22:1211 et seq. for an insurer to issue the same kind of policy of life insurance on both a sex-distinct and sex-neutral basis.

AUTHORITY NOTE: Promulgated in accordance with R.S.22:3, 22:163, 22:168 and the Administrative Procedure Act, R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 31:

#### **§10715. Separability**

A. If any provision of this regulation or its application to any person or circumstance is for any reason held to be invalid, the remainder of the regulation and the application of the provision to other persons or circumstances shall not be affected.

AUTHORITY NOTE: Promulgated in accordance with R.S.22:3, 22:163, 22:168 and the Administrative Procedure Act, R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 31:

#### **§10717. Effective Date**

A. The approximate effective date for this Regulation is November 1, 2005.

AUTHORITY NOTE: Promulgated in accordance with R.S.22:3, 22:163, 22:168 and the Administrative Procedure Act, R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 31:

Persons interested in obtaining copies of the Rule or in making comments relative to these proposals may do so at the public hearing or by writing to Barry E. Ward, Department of Insurance, P.O. Box 94214, Baton Rouge, LA 70804-9214. Comments will be accepted through the close of business at 4:30 p.m. August 25, 2005.

On August 26, 2005, beginning at 10 a.m., the Department of Insurance will hold a public hearing in the Poydras Building's Plaza Hearing Room located at 1702 N. Third Street, Baton Rouge, LA, 70802 to allow for public commentary concerning the proposed promulgation of its Regulation 84 as set forth below.

J. Robert Wooley  
Commissioner

### **FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES RULE TITLE: Regulation Number 84 2001 CSO Mortality Table**

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

No implementation costs to state or local governmental units are expected as a result of Regulation 84. The regulation brings Louisiana into use of the updated CSO Mortality Table (2001) in determining minimum reserve liabilities and nonforfeiture benefits.

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

It is not anticipated that the enactment of Regulation 84 will have any impact upon the revenue collections of state or local governmental units.

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

The enactment of Regulation 84 is expected to result in lower premiums as lifespans are longer under the new CSO-i.e. a longer lifespan on which to base premiums results in lower premiums as the policyholder is expected to pay over a longer period of time. This decrease in premiums should be offset by sale of more policies and/or policies at higher limits because

the policies cost less. The net result of the lower premiums and anticipated higher sales should be eligible.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

Regulation 84 should have no impact upon employment and competition in the state.

Chad M. Brown  
Deputy Commissioner  
0507#078

Robert E. Hosse  
General Government Section Director  
Legislative Fiscal Office

**NOTICE OF INTENT**

**Department of Insurance  
Office of the Commissioner**

Valuation of Life Insurance Policies  
(LAC 37:XIII.Chapter 109)

Under the authority of the Louisiana Insurance Code, R.S. 22:1 et seq., and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the Commissioner of the Louisiana Department of Insurance hereby gives notice of the department's intent to promulgate its Regulation 85 which prescribes a statutory reserve valuation basis for term life insurance, and universal life insurance with special coverage guarantees. This valuation basis gives recognition to the unique premium payment and coverage patterns of the term and universal life products, and will produce adequate but not excessive statutory reserves.

**Title 37  
INSURANCE**

**Part XIII. Regulations**

**Chapter 109. Regulation Number 85**

**§10901. Purpose**

A. The purpose of this regulation is to provide:

1. tables of select mortality factors and rules for their use;
2. rules concerning a minimum standard for the valuation of plans with nonlevel premiums or benefits; and
3. rules concerning a minimum standard for the valuation of plans with secondary guarantees.

B. The method for calculating basic reserves defined in this regulation will constitute the Commissioners' Reserve Valuation Method for policies to which this regulation is applicable.

AUTHORITY NOTE: Promulgated in accordance with R.S.22:3, 22:163, 22:168 and the Administrative Procedure Act, R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 31:

**§10903. Authority**

A. This regulation is promulgated by the Commissioner of Insurance pursuant to authority granted under the Louisiana Insurance Code, Title 22, Section 22:1 et seq., particularly the Standard Valuation Law, see Title 22, §163.B.1.a and the Standard Nonforfeiture Law for Life Insurance, see Title 22 §168.G.(8)(f).

AUTHORITY NOTE: Promulgated in accordance with R.S.22:3, 22:163, 22:168 and the Administrative Procedure Act, R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 31:

**§10905. Applicability**

A. This regulation shall apply to all life insurance policies, with or without nonforfeiture values, issued on or after the effective date of this regulation, subject to the following exceptions and conditions.

1. Exceptions

a. This regulation shall not apply to any individual life insurance policy issued on or after the effective date of this regulation if the policy is issued in accordance with and as a result of the exercise of a reentry provision contained in the original life insurance policy of the same or greater face amount, issued before the effective date of this regulation, that guarantees the premium rates of the new policy. This regulation also shall not apply to subsequent policies issued as a result of the exercise of such a provision, or a derivation of the provision, in the new policy.

b. This regulation shall not apply to any universal life policy that meets all the following requirements:

- i. secondary guarantee period, if any, is five years or less;
- ii. specified premium for the secondary guarantee period is not less than the net level reserve premium for the secondary guarantee period based on the CSO valuation tables as defined in §10907.F and the applicable valuation interest rate; and
- iii. the initial surrender charge is not less than 100 percent of the first year annualized specified premium for the secondary guarantee period.

c. This regulation shall not apply to any variable life insurance policy that provides for life insurance, the amount or duration of which varies according to the investment experience of any separate account or accounts.

d. This regulation shall not apply to any variable universal life insurance policy that provides for life insurance, the amount or duration of which varies according to the investment experience of any separate account or accounts.

e. This regulation shall not apply to a group life insurance certificate unless the certificate provides for a stated or implied schedule of maximum gross premiums required in order to continue coverage in force for a period in excess of one year.

2. Conditions

a. Calculation of the minimum valuation standard for policies with guaranteed nonlevel gross premiums or guaranteed nonlevel benefits (other than universal life policies), or both, shall be in accordance with the provisions of §10911.

b. Calculation of the minimum valuation standard for flexible premium and fixed premium universal life insurance policies, that contain provisions resulting in the ability of a policyholder to keep a policy in force over a secondary guarantee period shall be in accordance with the provisions of §10913.

AUTHORITY NOTE: Promulgated in accordance with R.S.22:3, 22:163, 22:168 and the Administrative Procedure Act, R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 31:

**§10907. Definitions**

A. For purposes of this regulation:

*Basic Reserves*—reserves calculated in accordance with R.S. 22:163.B.(4)(a).

*Contract Segmentation Method—*

a. the method of dividing the period from issue to mandatory expiration of a policy into successive segments, with the length of each segment being defined as the period from the end of the prior segment (from policy inception, for the first segment) to the end of the latest policy year as determined below. All calculations are made using the 1980 CSO valuation tables, as defined in Subsection F of this Section, (or any other valuation mortality table adopted by the National Association of Insurance Commissioners (NAIC) after the effective date of this regulation and promulgated by regulation by the commissioner for this purpose), and, if elected, the optional minimum mortality standard for deficiency reserves stipulated in §10909B of this regulation;

b. the length of a particular contract segment shall be set equal to the minimum of the value  $t$  for which  $G_t$  is greater than  $R_t$  (if  $G_t$  never exceeds  $R_t$  the segment length is deemed to be the number of years from the beginning of the segment to the mandatory expiration date of the policy), where  $G_t$  and  $R_t$  are defined as follows:

$$GP_{x+k+t}$$

$$G_t = \frac{GP_{x+k+t}}{GP_{x+k+t-1}}$$

$$GP_{x+k+t-1}$$

where:

$x$  = original issue age;

$k$  = the number of years from the date of issue to the beginning of the segment;

$t$  = 1, 2, ...;  $t$  is reset to 1 at the beginning of each segment;

$GP_{x+k+t-1}$  = Guaranteed gross premium per thousand of face amount for year  $t$  of the segment, ignoring policy fees only if level for the premium paying period of the policy.

$$q_{x+k+t}$$

$R_t$  = \_\_\_\_\_, However,  $R_t$  may be increased or

$q_{x+k+t-1}$  decreased by one percent in any policy year, at the company's option, but  $R_t$  shall not be less than one;

where:

$x$ ,  $k$  and  $t$  are as defined above, and

$q_{x+k+t-1}$  = valuation mortality rate for deficiency reserves in policy year  $k+t$  but using the mortality of §10909B.2 if §10909B.3 is elected for deficiency reserves.

However, if  $GP_{x+k+t}$  is greater than 0 and  $GP_{x+k+t-1}$  is equal to 0,  $G_t$  shall be deemed to be 1000. If  $GP_{x+k+t}$  and  $GP_{x+k+t-1}$  are both equal to 0,  $G_t$  shall be deemed to be 0.

*Deficiency Reserves*—the excess, if greater than zero, of:

a. Minimum reserves calculated in accordance with R.S. 22:163.B.(8)(a) over

b. Basic reserves.

*Guaranteed Gross Premiums*—the premiums under a policy of life insurance that are guaranteed and determined at issue.

*Maximum Valuation Interest Rates*—the interest rates defined in R.S. 22:163.B.(3)(a) are to be used in determining the minimum standard for the valuation of life insurance policies.

*1980 CSO Valuation Tables*—the Commissioners 1980 Standard Ordinary Mortality Table (1980 CSO Table) without ten-year selection factors, incorporated into the 1980

amendments to the NAIC Standard Valuation Law, and variations of the 1980 CSO Table approved by the NAIC, such as the smoker and nonsmoker versions approved in December 1983.

*Scheduled Gross Premium*—the smallest illustrated gross premium at issue for other than universal life insurance policies. For universal life insurance policies, scheduled gross premium means the smallest specified premium described in §10913.A.3, if any, or else the minimum premium described in §10913.A.4.

*Segmented Reserves*—reserves calculated using segments produced by the contract segmentation method, equal to the present value of all future guaranteed benefits less the present value of all future net premiums to the mandatory expiration of a policy, where the net premiums within each segment are a uniform percentage of the respective guaranteed gross premiums within the segment. The uniform percentage for each segment is such that, at the beginning of the segment, the present value of the net premiums within the segment equals:

a. the present value of the death benefits within the segment; plus

b. the present value of any unusual guaranteed cash value (see §10911.D) occurring at the end of the segment; less

c. any unusual guaranteed cash value occurring at the start of the segment; plus

d. for the first segment only, the excess of the Clause i over Clause ii, as follows:

i. a net level annual premium equal to the present value, at the date of issue, of the benefits provided for in the first segment after the first policy year, divided by the present value, at the date of issue, of an annuity of one per year payable on the first and each subsequent anniversary within the first segment on which a premium falls due. However, the net level annual premium shall not exceed the net level annual premium on the 19-year premium whole life plan of insurance of the same renewal year equivalent level amount at an age one year higher than the age at issue of the policy;

ii. a net one year term premium for the benefits provided for in the first policy year;

e. the length of each segment is determined by the *contract segmentation method*, as defined in this Section;

f. the interest rates used in the present value calculations for any policy may not exceed the maximum valuation interest rate, determined with a guarantee duration equal to the sum of the lengths of all segments of the policy;

g. for both basic reserves and deficiency reserves computed by the segmented method, present values shall include future benefits and net premiums in the current segment and in all subsequent segments.

*Tabular Cost of Insurance*—the net single premium at the beginning of a policy year for one-year term insurance in the amount of the guaranteed death benefit in that policy year.

*Ten-Year Select Factors*—the select factors adopted with the 1980 amendments to the NAIC Standard Valuation Law.

*Unitary Reserves*—



1. the present value of all future guaranteed benefits less the present value of all future modified net premiums, where:

a. guaranteed benefits and modified net premiums are considered to the mandatory expiration of the policy; and

b. modified net premiums are a uniform percentage of the respective guaranteed gross premiums, where the uniform percentage is such that, at issue, the present value of the net premiums equals the present value of all death benefits and pure endowments, plus the excess of Clause i over Clause ii, as follows:

i. a net level annual premium equal to the present value, at the date of issue, of the benefits provided for after the first policy year, divided by the present value, at the date of issue, of an annuity of one per year payable on the first and each subsequent anniversary of the policy on which a premium falls due. However, the net level annual premium shall not exceed the net level annual premium on the 19-year premium whole life plan of insurance of the same renewal year equivalent level amount at an age one year higher than the age at issue of the policy;

ii. a net one year term premium for the benefits provided for in the first policy year;

2. the interest rates used in the present value calculations for any policy may not exceed the maximum valuation interest rate, determined with a guarantee duration equal to the length from issue to the mandatory expiration of the policy.

*Universal Life Insurance Policy*—any individual life insurance policy under the provisions of which separately identified interest credits (other than in connection with dividend accumulations, premium deposit funds, or other supplementary accounts) and mortality or expense charges are made to the policy.

AUTHORITY NOTE: Promulgated in accordance with R.S.22:3, 22:163, 22:168 and the Administrative Procedure Act, R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 31:

#### **§10909. General Calculation Requirements for Basic Reserves and Premium Deficiency Reserves**

A. At the election of the company for any one or more specified plans of life insurance, the minimum mortality standard for basic reserves may be calculated using the 1980 CSO valuation tables with select mortality factors (or any other valuation mortality table adopted by the NAIC after the effective date of this regulation and promulgated by regulation by the commissioner for this purpose). If select mortality factors are elected, they may be:

1. the 10-year select mortality factors incorporated into the 1980 amendments to the NAIC Standard Valuation Law;

2. the select mortality factors in §10915; or

3. any other table of select mortality factors adopted by the NAIC after the effective date of this regulation and promulgated by regulation by the commissioner for the purpose of calculating basic reserves.

B. Deficiency reserves, if any, are calculated for each policy as the excess, if greater than zero, of the quantity A over the basic reserve. The quantity A is obtained by recalculating the basic reserve for the policy using guaranteed gross premiums instead of net premiums when the guaranteed gross premiums are less than the

corresponding net premiums. At the election of the company for any one or more specified plans of insurance, the quantity A and the corresponding net premiums used in the determination of quantity A may be based upon the 1980 CSO valuation tables with select mortality factors (or any subsequent valuation mortality table adopted by the NAIC once promulgated by regulation by the commissioner). If select mortality factors are elected, they may be:

1. the 10-year select mortality factors incorporated into the 1980 amendments to the NAIC Standard Valuation Law;

2. the select mortality factors in §10915 of this regulation;

3. for durations in the first segment, X percent of the select mortality factors in §10915, subject to the following:

a. X may vary by policy year, policy form, underwriting classification, issue age, or any other policy factor expected to affect mortality experience;

b. X shall not be less than 20 percent;

c. X shall not decrease in any successive policy years;

d. X is such that, when using the valuation interest rate used for basic reserves, Clause i is greater than or equal to Clause ii:

i. the actuarial present value of future death benefits, calculated using the mortality rates resulting from the application of X;

ii. the actuarial present value of future death benefits calculated using anticipated mortality experience without recognition of mortality improvement beyond the valuation date;

e. X is such that the mortality rates resulting from the application of X are at least as great as the anticipated mortality experience, without recognition of mortality improvement beyond the valuation date, in each of the first five years after the valuation date;

f. the appointed actuary shall increase X at any valuation date where it is necessary to continue to meet all the requirements of Subsection B.3;

g. the appointed actuary may decrease X at any valuation date as long as X does not decrease in any successive policy years and as long as it continues to meet all the requirements of Paragraph B.3; and

h. the appointed actuary shall specifically take into account the adverse effect on expected mortality and lapsation of any anticipated or actual increase in gross premiums;

i. if X is less than 100 percent at any duration for any policy, the following requirements shall be met:

i. the appointed actuary shall annually prepare an actuarial opinion and memorandum for the company in conformance with the requirements of §2111 of Regulation 47; and

ii. the appointed actuary shall annually opine for all policies subject to this regulation as to whether the mortality rates resulting from the application of X meet the requirements of Paragraph B.3. This opinion shall be supported by an actuarial report, subject to appropriate Actuarial Standards of Practice promulgated by the Actuarial Standards Board of the American Academy of Actuaries. The X factors shall reflect anticipated future mortality, without recognition of mortality improvement beyond the

valuation date, taking into account relevant emerging experience;

4. any other table of select mortality factors adopted by the NAIC after the effective date of this regulation and promulgated by regulation by the commissioner for the purpose of calculating deficiency reserves.

C. This Subsection applies to both basic reserves and deficiency reserves. Any set of select mortality factors may be used only for the first segment. However, if the first segment is less than 10 years, the appropriate 10-year select mortality factors incorporated into the 1980 amendments to the NAIC Standard Valuation Law may be used thereafter through the tenth policy year from the date of issue.

D. In determining basic reserves or deficiency reserves, guaranteed gross premiums without policy fees may be used where the calculation involves the guaranteed gross premium but only if the policy fee is a level dollar amount after the first policy year. In determining deficiency reserves, policy fees may be included in guaranteed gross premiums, even if not included in the actual calculation of basic reserves.

E. Reserves for policies that have changes to guaranteed gross premiums, guaranteed benefits, guaranteed charges, or guaranteed credits that are unilaterally made by the insurer after issue and that are effective for more than one year after the date of the change shall be the greatest of the following:

1. reserves calculated ignoring the guarantee;
2. reserves assuming the guarantee was made at issue;

and

3. reserves assuming that the policy was issued on the date of the guarantee.

F. The commissioner may require that the company document the extent of the adequacy of reserves for specified blocks, including but not limited to policies issued prior to the effective date of this regulation. This documentation may include a demonstration of the extent to which aggregation with other non-specified blocks of business is relied upon in the formation of the appointed actuary opinion pursuant to and consistent with the requirements of §2111.A.2 of Regulation 47.

AUTHORITY NOTE: Promulgated in accordance with R.S.22:3, 22:163, 22:168 and the Administrative Procedure Act, R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 31:

**§10911. Calculation of Minimum Valuation Standard for Policies with Guaranteed Nonlevel Gross Premiums or Guaranteed Nonlevel Benefits (Other than Universal Life Policies)**

A. Basic Reserves. Basic reserves shall be calculated as the greater of the segmented reserves and the unitary reserves. Both the segmented reserves and the unitary reserves for any policy shall use the same valuation mortality table and selection factors. At the option of the insurer, in calculating segmented reserves and net premiums, either of the adjustments described in Paragraph 1 or 2 below may be made.

1. Treat the unitary reserve, if greater than zero, applicable at the end of each segment as a pure endowment and subtract the unitary reserve, if greater than zero, applicable at the beginning of each segment from the present value of guaranteed life insurance and endowment benefits for each segment.

2. Treat the guaranteed cash surrender value, if greater than zero, applicable at the end of each segment as a pure endowment; and subtract the guaranteed cash surrender value, if greater than zero, applicable at the beginning of

each segment from the present value of guaranteed life insurance and endowment benefits for each segment.

#### B. Deficiency Reserves

1. The deficiency reserve at any duration shall be calculated:

- a. on a unitary basis if the corresponding basic reserve determined by Subsection A is unitary;
- b. on a segmented basis if the corresponding basic reserve determined by Subsection A is segmented; or
- c. on the segmented basis if the corresponding basic reserve determined by Subsection A is equal to both the segmented reserve and the unitary reserve.

2. This Subsection shall apply to any policy for which the guaranteed gross premium at any duration is less than the corresponding modified net premium calculated by the method used in determining the basic reserves, but using the minimum valuation standards of mortality (specified in §10909.B) and rate of interest.

3. Deficiency reserves, if any, shall be calculated for each policy as the excess if greater than zero, for the current and all remaining periods, of the quantity A over the basic reserve, where A is obtained as indicated in §10909.B.

4. For deficiency reserves determined on a segmented basis, the quantity A is determined using segment lengths equal to those determined for segmented basic reserves.

C. Minimum Value. Basic reserves may not be less than the tabular cost of insurance for the balance of the policy year, if mean reserves are used. Basic reserves may not be less than the tabular cost of insurance for the balance of the current modal period or to the paid-to-date, if later, but not beyond the next policy anniversary, if mid-terminal reserves are used. The tabular cost of insurance shall use the same valuation mortality table and interest rates as that used for the calculation of the segmented reserves. However, if select mortality factors are used, they shall be the 10-year select factors incorporated into the 1980 amendments of the NAIC Standard Valuation Law. In no case may total reserves (including basic reserves, deficiency reserves and any reserves held for supplemental benefits that would expire upon contract termination) be less than the amount that the policy-owner would receive (including the cash surrender value of the supplemental benefits, if any, referred to above), exclusive of any deduction for policy loans, upon termination of the policy.

#### D. Unusual Pattern of Guaranteed Cash Surrender Values

1. For any policy with an unusual pattern of guaranteed cash surrender values, the reserves actually held prior to the first unusual guaranteed cash surrender value shall not be less than the reserves calculated by treating the first unusual guaranteed cash surrender value as a pure endowment and treating the policy as an  $n$  year policy providing term insurance plus a pure endowment equal to the unusual cash surrender value, where  $n$  is the number of years from the date of issue to the date the unusual cash surrender value is scheduled.

2. The reserves actually held subsequent to any unusual guaranteed cash surrender value shall not be less than the reserves calculated by treating the policy as an  $n$  year policy providing term insurance plus a pure endowment equal to the next unusual guaranteed cash surrender value, and treating any unusual guaranteed cash surrender value at the end of the prior segment as a net single premium, where:

a.  $n$  is the number of years from the date of the last unusual guaranteed cash surrender value prior to the valuation date to the earlier of:

i. the date of the next unusual guaranteed cash surrender value, if any, that is scheduled after the valuation date; or

ii. the mandatory expiration date of the policy; and

b. the net premium for a given year during the  $n$  year period is equal to the product of the net to gross ratio and the respective gross premium; and

c. the net to gross ratio is equal to Clause i divided by Clause ii as follows:

i. the present value, at the beginning of the  $n$  year period, of death benefits payable during the  $n$  year period plus the present value, at the beginning of the  $n$  year period, of the next unusual guaranteed cash surrender value, if any, minus the amount of the last unusual guaranteed cash surrender value, if any, scheduled at the beginning of the  $n$  year period;

ii. the present value, at the beginning of the  $n$  year period, of the scheduled gross premiums payable during the  $n$  year period.

3. For purposes of this Subsection, a policy is considered to have an unusual pattern of guaranteed cash surrender values if any future guaranteed cash surrender value exceeds the prior year's guaranteed cash surrender value by more than the sum of:

a. one hundred ten percent of the scheduled gross premium for that year;

b. one hundred ten percent of one year's accrued interest on the sum of the prior year's guaranteed cash surrender value and the scheduled gross premium using the nonforfeiture interest rate used for calculating policy guaranteed cash surrender values; and

c. five percent of the first policy year surrender charge, if any.

E. Optional Exemption for Yearly Renewable Term Reinsurance. At the option of the company, the following approach for reserves on YRT reinsurance may be used.

1. Calculate the valuation net premium for each future policy year as the tabular cost of insurance for that future year.

2. Basic reserves shall never be less than the tabular cost of insurance for the appropriate period, as defined in Subsection C.

#### 3. Deficiency Reserves

a. For each policy year, calculate the excess, if greater than zero, of the valuation net premium over the respective maximum guaranteed gross premium.

b. Deficiency reserves shall never be less than the sum of the present values, at the date of valuation, of the excesses determined in accordance with Subparagraph a above.

4. For purposes of this subsection, the calculations use the maximum valuation interest rate and the 1980 CSO mortality tables with or without 10-year select mortality factors, or any other table adopted after the effective date of this regulation by the NAIC and promulgated by regulation by the commissioner for this purpose.

5. A reinsurance agreement shall be considered YRT reinsurance for purposes of this subsection if only the mortality risk is reinsured.

6. If the assuming company chooses this optional exemption, the ceding company's reinsurance reserve credit shall be limited to the amount of reserve held by the assuming company for the affected policies.

F. Optional Exemption for Attained-Age-Based Yearly Renewable Term Life Insurance Policies. At the option of the company, the following approach for reserves for attained-age-based YRT life insurance policies may be used.

1. Calculate the valuation net premium for each future policy year as the tabular cost of insurance for that future year.

2. Basic reserves shall never be less than the tabular cost of insurance for the appropriate period, as defined in §10911.C.

3. Deficiency Reserves

a. For each policy year, calculate the excess, if greater than zero, of the valuation net premium over the respective maximum guaranteed gross premium.

b. Deficiency reserves shall never be less than the sum of the present values, at the date of valuation, of the excesses determined in accordance with Subparagraph a above.

4. For purposes of this subsection, the calculations use the maximum valuation interest rate and the 1980 CSO valuation tables with or without 10-year select mortality factors, or any other table adopted after the effective date of this regulation by the NAIC and promulgated by regulation by the commissioner for this purpose.

5. A policy shall be considered an attained-age-based YRT life insurance policy for purposes of this subsection if:

a. the premium rates (on both the initial current premium scale and the guaranteed maximum premium scale) are based upon the attained age of the insured such that the rate for any given policy at a given attained age of the insured is independent of the year the policy was issued; and

b. the premium rates (on both the initial current premium scale and the guaranteed maximum premium scale) are the same as the premium rates for policies covering all insureds of the same sex, risk class, plan of insurance and attained age.

6. For policies that become attained-age-based YRT policies after an initial period of coverage, the approach of this subsection may be used after the initial period if:

a. the initial period is constant for all insureds of the same sex, risk class and plan of insurance; or

b. the initial period runs to a common attained age for all insureds of the same sex, risk class and plan of insurance; and

c. after the initial period of coverage, the policy meets the conditions of Paragraph 5 above.

7. If this election is made, this approach shall be applied in determining reserves for all attained-age-based YRT life insurance policies issued on or after the effective date of this regulation.

G. Exemption from Unitary Reserves for Certain *n*-Year Renewable Term Life Insurance Policies. Unitary basic reserves and unitary deficiency reserves need not be calculated for a policy if the following conditions are met:

1. The policy consists of a series of *n*-year periods, including the first period and all renewal periods, where *n* is the same for each period, except that for the final renewal period, *n* may be truncated or extended to reach the expiry age, provided that this final renewal period is less than 10 years and less than twice the size of the earlier *n*-year periods, and for each period, the premium rates on both the initial current premium scale and the guaranteed maximum premium scale are level;

2. The guaranteed gross premiums in all *n*-year periods are not less than the corresponding net premiums based upon the 1980 CSO Table with or without the ten-year select mortality factors; and

3. There are no cash surrender values in any policy year.

H. Exemption from Unitary Reserves for Certain Juvenile Policies. Unitary basic reserves and unitary deficiency reserves need not be calculated for a policy if the following conditions are met, based upon the initial current premium scale at issue:

1. at issue, the insured is age 24 or younger;

2. until the insured reaches the end of the juvenile period, which shall occur at or before age 25, the gross premiums and death benefits are level, and there are no cash surrender values; and

3. after the end of the juvenile period, gross premiums are level for the remainder of the premium paying period, and death benefits are level for the remainder of the life of the policy.

AUTHORITY NOTE: Promulgated in accordance with R.S.22:3, 22:163, 22:168 and the Administrative Procedure Act, R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 31:

**§10913. Calculation of Minimum Valuation Standard for Flexible Premium and Fixed Premium Universal Life Insurance Policies that Contain Provisions Resulting in the Ability of a Policy owner to Keep a Policy in Force over a Secondary Guarantee Period**

A. General

1. Policies with a secondary guarantee include:

a. a policy with a guarantee that the policy will remain in force at the original schedule of benefits, subject only to the payment of specified premiums;

b. a policy in which the minimum premium at any duration is less than the corresponding one year valuation premium, calculated using the maximum valuation interest rate and the 1980 CSO valuation tables with or without 10-year select mortality factors, or any other table adopted after the effective date of this regulation by the NAIC and promulgated by regulation by the commissioner for this purpose; or

c. a policy with any combination of Subparagraph a and b.

2. A secondary guarantee period is the period for which the policy is guaranteed to remain in force subject only to a secondary guarantee. When a policy contains more than one secondary guarantee, the minimum reserve shall be the greatest of the respective minimum reserves at that valuation date of each unexpired secondary guarantee, ignoring all other secondary guarantees. Secondary guarantees that are unilaterally changed by the insurer after

issue shall be considered to have been made at issue. Reserves described in Subsections B and C below shall be recalculated from issue to reflect these changes.

3. Specified premiums mean the premiums specified in the policy, the payment of which guarantees that the policy will remain in force at the original schedule of benefits, but which otherwise would be insufficient to keep the policy in force in the absence of the guarantee if maximum mortality and expense charges and minimum interest credits were made and any applicable surrender charges were assessed.

4. For purposes of this Section, the minimum premium for any policy year is the premium that, when paid into a policy with a zero account value at the beginning of the policy year, produces a zero account value at the end of the policy year. The minimum premium calculation shall use the policy cost factors (including mortality charges, loads and expense charges) and the interest crediting rate, which are all guaranteed at issue.

5. The one-year valuation premium means the net one-year premium based upon the original schedule of benefits for a given policy year. The one-year valuation premiums for all policy years are calculated at issue. The select mortality factors defined in §10909.B.2, 3, and 4 may not be used to calculate the one-year valuation premiums.

6. The one-year valuation premium should reflect the frequency of fund processing, as well as the distribution of deaths assumption employed in the calculation of the monthly mortality charges to the fund.

B. Basic Reserves for the Secondary Guarantees. Basic reserves for the secondary guarantees shall be the segmented reserves for the secondary guarantee period. In calculating the segments and the segmented reserves, the gross premiums shall be set equal to the specified premiums, if any, or otherwise to the minimum premiums, that keep the policy in force and the segments will be determined according to the contract segmentation method as defined in §10907.B.

C. Deficiency Reserves for the Secondary Guarantees. Deficiency reserves, if any, for the secondary guarantees shall be calculated for the secondary guarantee period in the same manner as described in §10911.B with gross premiums set equal to the specified premiums, if any, or otherwise to the minimum premiums that keep the policy in force.

D. Minimum Reserves. The minimum reserves during the secondary guarantee period are the greater of:

1. the basic reserves for the secondary guarantee plus the deficiency reserve, if any, for the secondary guarantees; or
2. the minimum reserves required by other rules or regulations governing universal life plans.

AUTHORITY NOTE: Promulgated in accordance with R.S.22:3, 22:163, 22:168 and the Administrative Procedure Act, R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 31:

**§10915. Select Mortality Factors—Appendix**

A. This appendix contains tables of select mortality factors that are the bases to which the respective percentage of §§10909.A2, 10909.B.2 and 10909.B.3 are applied.

B. The six tables of select mortality factors contained herein include:

1. male aggregate;
2. male nonsmoker;
3. male smoker;
4. female aggregate;
5. female nonsmoker; and
6. female smoker.

C. These tables apply to both age last birthday and age nearest birthday mortality tables.

D. For sex-blended mortality tables, compute select mortality factors in the same proportion as the underlying mortality. For example, for the 1980 CSO-B Table, the calculated select mortality factors are 80 percent of the appropriate male table in this Appendix, plus 20 percent of the appropriate female table in this Appendix.

**Select Mortality Factors**

Male, Aggregate																				
Issue	Duration																			
Age	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20+
0-15	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100
16	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100
17	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100
18	96	98	98	99	99	100	100	90	92	92	92	92	93	93	96	97	98	98	99	100
19	83	84	84	87	87	87	79	79	79	81	81	82	82	82	85	88	91	94	97	100
20	69	71	71	74	74	69	69	67	69	70	71	71	71	71	74	79	84	90	95	100
21	66	68	69	71	66	66	67	66	67	70	70	70	70	71	71	77	83	88	94	100
22	65	66	66	63	63	64	64	64	65	68	68	68	68	69	71	77	83	88	94	100
23	62	63	59	60	62	62	63	63	64	65	65	67	67	69	70	76	82	88	94	100
24	60	56	56	59	59	60	61	61	61	64	64	64	66	67	70	76	82	88	94	100
25	52	53	55	56	58	58	60	60	60	63	62	63	64	67	69	75	81	88	94	100
26	51	52	55	56	58	58	57	61	61	62	63	64	66	69	66	73	80	86	93	100
27	51	52	55	57	58	60	61	61	60	63	63	64	67	66	67	74	80	87	93	100
28	49	51	56	58	60	60	61	62	62	63	64	66	65	66	68	74	81	87	94	100

29	49	51	56	58	60	61	62	62	62	64	64	62	66	67	70	76	82	88	94	100
30	49	50	56	58	60	60	62	63	63	64	62	63	67	68	71	77	83	88	94	100
31	47	50	56	58	60	62	63	64	64	62	63	66	68	70	72	78	83	89	94	100
32	46	49	56	59	60	62	63	66	62	63	66	67	70	72	73	78	84	89	95	100
33	43	49	56	59	62	63	64	62	65	66	67	70	72	73	75	80	85	90	95	100
34	42	47	56	60	62	63	61	63	66	67	70	71	73	75	76	81	86	90	95	100
35	40	47	56	60	63	61	62	65	67	68	71	73	74	76	76	81	86	90	95	100
36	38	42	56	60	59	61	63	65	67	68	70	72	74	76	77	82	86	91	95	100
37	38	45	56	57	61	62	63	65	67	68	70	72	74	76	76	81	86	90	95	100
38	37	44	53	58	61	62	65	66	67	69	69	73	75	76	77	82	86	91	95	100
39	37	41	53	58	62	63	65	65	66	68	69	72	74	76	76	81	86	90	95	100
40	34	40	53	58	62	63	65	65	66	68	68	71	75	76	77	82	86	91	95	100

Male, Aggregate																				
Issue	Duration																			
Age	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20+
41	34	41	53	58	62	63	65	64	64	66	68	70	74	76	77	82	86	91	95	100
42	34	43	53	58	61	62	63	63	63	64	66	69	72	75	77	82	86	91	95	100
43	34	43	54	59	60	61	63	62	62	64	66	67	72	74	77	82	86	91	95	100
44	34	44	54	58	59	60	61	60	61	62	64	67	71	74	77	82	86	91	95	100
45	34	45	53	58	59	60	60	60	59	60	63	66	71	74	77	82	86	91	95	100
46	31	43	52	56	57	58	59	59	59	60	63	67	71	74	75	80	85	90	95	100
47	32	42	50	53	55	56	57	58	59	60	65	68	71	74	75	80	85	90	95	100
48	32	41	47	52	54	56	57	57	57	61	65	68	72	73	74	79	84	90	95	100
49	30	40	46	49	52	54	55	56	57	61	66	69	72	73	74	79	84	90	95	100
50	30	38	44	47	51	53	54	56	57	61	66	71	72	73	75	80	85	90	95	100
51	28	37	42	46	49	53	54	56	57	61	66	71	72	73	75	80	85	90	95	100
52	28	35	41	45	49	51	54	56	57	61	66	71	72	74	75	80	85	90	100	100
53	27	35	39	44	48	51	53	55	57	61	67	71	74	75	76	81	86	100	100	100
54	27	33	38	44	48	50	53	55	57	61	67	72	74	75	76	81	100	100	100	100
55	25	32	37	43	47	50	53	55	57	61	68	72	74	75	78	100	100	100	100	100
56	25	32	37	43	47	49	51	54	56	61	67	70	73	74	100	100	100	100	100	100
57	24	31	38	43	47	49	51	54	56	59	66	69	72	100	100	100	100	100	100	100
58	24	31	38	43	48	48	50	53	56	59	64	67	100	100	100	100	100	100	100	100
59	23	30	39	43	48	48	51	53	55	58	63	100	100	100	100	100	100	100	100	100
60	23	30	39	43	48	47	50	52	53	57	100	100	100	100	100	100	100	100	100	100
61	23	30	39	43	49	49	50	52	53	75	100	100	100	100	100	100	100	100	100	100
62	23	30	39	44	49	49	51	52	75	75	100	100	100	100	100	100	100	100	100	100
63	22	30	39	45	50	50	52	75	75	75	100	100	100	100	100	100	100	100	100	100
64	22	30	39	45	50	51	75	75	75	75	100	100	100	100	100	100	100	100	100	100
65	22	30	39	45	50	65	70	70	70	70	100	100	100	100	100	100	100	100	100	100
66	22	30	39	45	60	65	70	70	70	70	100	100	100	100	100	100	100	100	100	100
67	22	30	39	60	60	65	70	70	70	70	100	100	100	100	100	100	100	100	100	100
68	23	32	55	60	60	65	70	70	70	70	100	100	100	100	100	100	100	100	100	100
69	23	52	55	60	60	65	70	70	70	70	100	100	100	100	100	100	100	100	100	100
70	48	52	55	60	60	65	70	70	70	70	100	100	100	100	100	100	100	100	100	100

Male, Aggregate																				
Issue	Duration																			

Age	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20+
71	48	52	55	60	60	65	70	70	70	70	100	100	100	100	100	100	100	100	100	100
72	48	52	55	60	60	65	70	70	70	70	100	100	100	100	100	100	100	100	100	100
73	48	52	55	60	60	65	70	70	70	70	100	100	100	100	100	100	100	100	100	100
74	48	52	55	60	60	65	70	70	70	70	100	100	100	100	100	100	100	100	100	100
75	48	52	55	60	60	65	70	70	70	70	100	100	100	100	100	100	100	100	100	100
76	48	52	55	60	60	65	70	70	70	100	100	100	100	100	100	100	100	100	100	100
77	48	52	55	60	60	65	70	70	100	100	100	100	100	100	100	100	100	100	100	100
78	48	52	55	60	60	65	70	100	100	100	100	100	100	100	100	100	100	100	100	100
79	48	52	55	60	60	65	100	100	100	100	100	100	100	100	100	100	100	100	100	100
80	48	52	55	60	60	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100
81	48	52	55	60	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100
82	48	52	55	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100
83	48	52	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100
84	48	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100
85+	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100

Male, Non-Smoker																				
Issue	Duration																			
Age	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20+
0-15	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100
16	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100
17	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100
18	93	95	96	98	99	100	100	90	92	92	92	92	95	95	96	97	98	98	99	100
19	80	81	83	86	87	87	79	79	79	81	81	82	83	83	86	89	92	94	97	100
20	65	68	69	72	74	69	69	67	69	70	71	71	72	72	75	80	85	90	95	100
21	63	66	68	71	66	66	67	66	67	70	70	70	71	71	73	78	84	89	95	100
22	62	65	66	62	63	64	64	64	67	68	68	68	70	70	73	78	84	89	95	100
23	60	62	58	60	62	62	63	63	64	67	68	68	67	69	71	77	83	88	94	100
24	59	55	56	58	59	60	61	61	63	65	67	66	66	69	71	77	83	88	94	100
25	52	53	55	56	58	58	60	60	61	64	64	64	64	67	70	76	82	88	94	100
26	51	53	55	56	58	60	61	61	61	63	64	64	66	69	67	74	80	87	93	100
27	51	52	55	58	60	60	61	61	62	63	64	66	67	66	67	74	80	87	93	100
28	49	52	57	58	60	61	63	62	62	64	66	66	63	66	68	74	81	87	94	100
29	49	51	57	60	61	61	62	62	63	64	66	63	65	67	68	74	81	87	94	100
30	49	51	57	60	61	62	63	63	63	64	62	63	66	68	70	76	82	88	94	100
31	47	50	57	60	60	62	63	64	64	62	63	65	67	70	71	77	83	88	94	100
32	46	50	57	60	62	63	64	64	62	63	65	66	68	71	72	78	83	89	94	100
33	45	49	56	60	62	63	64	62	63	65	66	68	71	73	74	79	84	90	95	100
34	43	48	56	62	63	64	62	62	65	66	67	70	72	74	74	79	84	90	95	100
35	41	47	56	62	63	61	62	63	66	67	68	70	72	74	75	80	85	90	95	100
36	40	47	56	62	59	61	62	63	66	67	68	70	72	74	75	80	85	90	95	100
37	38	45	56	58	59	61	62	63	66	67	67	69	71	73	74	79	84	90	95	100
38	38	45	53	58	61	62	63	65	65	67	68	70	72	74	73	78	84	89	95	100
39	37	41	53	58	61	62	63	64	65	67	68	70	71	73	73	78	84	89	95	100
40	34	41	53	58	61	62	63	64	64	66	67	69	71	73	72	78	83	89	94	100

Male, Non-Smoker																				
Issue	Duration																			
Age	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20+
41	34	41	53	58	61	61	62	62	63	65	65	67	69	71	71	77	83	88	94	100

Male, Non-Smoker																				
Issue	Duration																			
42	34	43	53	58	60	61	62	61	61	63	64	66	67	69	71	77	83	88	94	100
43	32	43	53	58	60	61	60	60	60	60	62	64	66	68	69	75	81	88	94	100
44	32	44	52	57	59	60	60	59	59	58	60	62	65	67	69	75	81	88	94	100
45	32	44	52	57	59	60	59	57	57	57	59	61	63	66	68	74	81	87	94	100
46	32	42	50	54	56	57	57	56	55	56	59	61	63	65	67	74	80	87	93	100
47	30	40	48	52	54	55	55	54	54	55	59	61	62	63	66	73	80	86	93	100
48	30	40	46	49	51	52	53	53	54	55	57	61	62	63	63	70	78	85	93	100
49	29	39	43	48	50	51	50	51	53	54	57	61	61	62	62	70	77	85	92	100
50	29	37	42	45	47	48	49	50	51	54	57	61	61	61	61	69	77	84	92	100
51	27	35	40	43	45	47	48	50	51	53	57	60	61	61	62	70	77	85	92	100
52	27	34	39	42	44	45	48	49	50	53	56	60	60	62	62	70	77	85	100	100
53	25	31	37	41	44	45	47	49	50	51	56	59	61	61	62	70	77	100	100	100
54	25	30	36	39	43	44	47	48	49	51	55	59	59	61	62	70	100	100	100	100
55	24	29	35	38	42	43	45	48	49	50	56	58	59	61	62	100	100	100	100	100
56	23	29	35	38	42	42	44	47	48	50	55	57	58	59	100	100	100	100	100	100
57	23	28	35	38	42	42	43	45	47	49	53	55	56	100	100	100	100	100	100	100
58	22	28	33	37	41	41	43	45	45	47	51	53	100	100	100	100	100	100	100	100
59	22	26	33	37	41	41	42	44	44	46	50	100	100	100	100	100	100	100	100	100
60	20	26	33	37	41	40	41	42	42	45	100	100	100	100	100	100	100	100	100	100
61	20	26	33	37	41	40	41	42	42	75	100	100	100	100	100	100	100	100	100	100
62	19	25	32	38	40	40	41	42	75	75	100	100	100	100	100	100	100	100	100	100
63	19	25	33	36	40	40	41	75	75	75	100	100	100	100	100	100	100	100	100	100
64	18	24	32	36	39	40	75	75	75	75	100	100	100	100	100	100	100	100	100	100
65	18	24	32	36	39	65	70	70	70	70	100	100	100	100	100	100	100	100	100	100
66	18	24	32	36	60	65	70	70	70	70	100	100	100	100	100	100	100	100	100	100
67	18	24	32	60	60	65	70	70	70	70	100	100	100	100	100	100	100	100	100	100
68	18	24	55	60	60	65	70	70	70	70	100	100	100	100	100	100	100	100	100	100
69	18	52	55	60	60	65	70	70	70	70	100	100	100	100	100	100	100	100	100	100
70	48	52	55	60	60	65	70	70	70	70	100	100	100	100	100	100	100	100	100	100

Male, Non-Smoker																				
Issue	Duration																			
Age	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20+
71	48	52	55	60	60	65	70	70	70	70	100	100	100	100	100	100	100	100	100	100
72	48	52	55	60	60	65	70	70	70	70	100	100	100	100	100	100	100	100	100	100
73	48	52	55	60	60	65	70	70	70	70	100	100	100	100	100	100	100	100	100	100
74	48	52	55	60	60	65	70	70	70	70	100	100	100	100	100	100	100	100	100	100
75	48	52	55	60	60	65	70	70	70	70	100	100	100	100	100	100	100	100	100	100
76	48	52	55	60	60	65	70	70	70	100	100	100	100	100	100	100	100	100	100	100
77	48	52	55	60	60	65	70	70	100	100	100	100	100	100	100	100	100	100	100	100
78	48	52	55	60	60	65	70	100	100	100	100	100	100	100	100	100	100	100	100	100
79	48	52	55	60	60	65	100	100	100	100	100	100	100	100	100	100	100	100	100	100
80	48	52	55	60	60	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100
81	48	52	55	60	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100
82	48	52	55	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100
83	48	52	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100
84	48	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100
85+	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100



Male, Smoker																				
Issue	Duration																			
Age	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20+
0-15	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100
16	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100
17	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100
18	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100
19	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100
20	98	100	100	100	100	100	100	99	99	99	100	99	99	99	100	100	100	100	100	100
21	95	98	99	100	95	96	96	95	96	97	97	96	96	96	96	97	98	98	99	100
22	92	95	96	90	90	93	93	92	93	95	95	93	93	92	93	94	96	97	99	100
23	90	92	85	88	88	89	89	89	90	90	90	90	89	90	92	94	95	97	98	100
24	87	81	82	85	84	86	88	86	86	88	88	86	86	88	89	91	93	96	98	100
25	77	78	79	82	81	83	83	82	83	85	84	84	84	85	86	89	92	94	97	100
26	75	77	79	82	82	83	83	82	83	84	84	84	84	85	81	85	89	92	96	100
27	73	75	78	82	82	83	83	82	82	82	82	84	84	80	81	85	89	92	96	100
28	71	73	79	82	81	82	83	81	81	82	82	82	80	80	81	85	89	92	96	100
29	69	72	78	81	81	82	82	81	81	81	81	77	80	80	81	85	89	92	96	100
30	68	71	78	81	81	81	82	81	81	81	76	77	80	80	81	85	89	92	96	100
31	65	70	77	81	79	81	82	81	81	76	77	79	81	81	83	86	90	93	97	100
32	63	67	77	78	79	81	81	81	76	77	77	80	83	83	85	88	91	94	97	100
33	60	65	74	78	79	79	81	76	77	77	79	80	83	85	85	88	91	94	97	100
34	57	62	74	77	79	79	75	76	77	79	79	81	83	85	87	90	92	95	97	100
35	53	60	73	77	79	75	75	76	77	79	80	82	84	86	88	90	93	95	98	100
36	52	59	71	75	74	75	75	76	77	79	79	81	83	85	87	90	92	95	97	100
37	49	58	70	71	74	74	75	76	77	78	79	81	84	86	86	89	92	94	97	100
38	48	55	66	70	72	74	74	75	76	78	79	81	83	85	87	90	92	95	97	100
39	45	50	65	70	72	72	74	74	75	77	79	81	84	86	86	89	92	94	97	100
40	41	49	63	68	71	72	73	74	74	76	78	80	83	85	86	89	92	94	97	100

Male, Smoker																				
Issue	Duration																			
Age	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20+
41	40	49	63	68	71	72	72	72	73	75	76	78	81	84	85	88	91	94	97	100
42	40	49	62	68	70	71	71	71	71	73	75	76	81	83	85	88	91	94	97	100
43	39	50	62	67	69	69	70	70	70	71	73	76	79	83	85	88	91	94	97	100
44	39	50	60	66	68	69	68	69	69	69	71	74	79	81	85	88	91	94	97	100
45	37	50	60	66	68	68	68	67	67	67	69	73	78	81	85	88	91	94	97	100
46	37	48	58	63	65	67	66	66	66	67	71	74	78	81	84	87	90	94	97	100
47	36	47	55	61	63	64	64	64	65	67	71	75	79	81	84	87	90	94	97	100
48	35	46	53	58	60	62	63	63	65	67	72	75	79	81	83	86	90	93	97	100
49	34	45	51	56	58	59	61	62	63	67	72	77	80	81	83	86	90	93	97	100
50	34	43	49	53	55	57	60	61	63	67	73	78	80	81	81	85	89	92	96	100
51	32	42	47	52	55	57	60	61	63	67	73	78	80	83	84	87	90	94	97	100
52	32	40	46	50	54	56	60	61	63	67	73	78	81	84	85	88	91	94	100	100
53	30	37	44	49	54	56	59	61	65	67	74	79	83	85	87	90	92	100	100	100
54	30	36	43	48	53	55	59	61	65	67	74	80	84	85	89	91	100	100	100	100
55	29	35	42	47	53	55	59	61	65	67	75	80	84	86	90	100	100	100	100	100
56	28	35	42	47	53	55	57	60	63	68	74	79	83	85	100	100	100	100	100	100
57	28	35	42	47	53	54	57	60	64	67	74	78	81	100	100	100	100	100	100	100

58	26	33	43	48	54	54	56	59	63	67	73	78	100	100	100	100	100	100	100	100
59	26	33	43	48	54	53	57	59	63	66	73	100	100	100	100	100	100	100	100	100
60	25	33	43	48	54	53	56	58	62	66	100	100	100	100	100	100	100	100	100	100
61	25	33	43	49	55	55	57	59	63	75	100	100	100	100	100	100	100	100	100	100
62	25	33	43	50	56	56	58	61	75	75	100	100	100	100	100	100	100	100	100	100
63	24	33	45	51	56	56	59	75	75	75	100	100	100	100	100	100	100	100	100	100
64	24	34	45	51	57	57	75	75	75	75	100	100	100	100	100	100	100	100	100	100
65	24	34	45	52	57	65	70	70	70	70	100	100	100	100	100	100	100	100	100	100
66	24	35	45	53	60	65	70	70	70	70	100	100	100	100	100	100	100	100	100	100
67	25	35	45	60	60	65	70	70	70	70	100	100	100	100	100	100	100	100	100	100
68	25	36	55	60	60	65	70	70	70	70	100	100	100	100	100	100	100	100	100	100
69	27	52	55	60	60	65	70	70	70	70	100	100	100	100	100	100	100	100	100	100
70	48	52	55	60	60	65	70	70	70	70	100	100	100	100	100	100	100	100	100	100

Male, Smoker																				
Issue	Duration																			
Age	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20+
71	48	52	55	60	60	65	70	70	70	70	100	100	100	100	100	100	100	100	100	100
72	48	52	55	60	60	65	70	70	70	70	100	100	100	100	100	100	100	100	100	100
73	48	52	55	60	60	65	70	70	70	70	100	100	100	100	100	100	100	100	100	100
74	48	52	55	60	60	65	70	70	70	70	100	100	100	100	100	100	100	100	100	100
75	48	52	55	60	60	65	70	70	70	70	100	100	100	100	100	100	100	100	100	100
76	48	52	55	60	60	65	70	70	70	100	100	100	100	100	100	100	100	100	100	100
77	48	52	55	60	60	65	70	70	100	100	100	100	100	100	100	100	100	100	100	100
78	48	52	55	60	60	65	70	100	100	100	100	100	100	100	100	100	100	100	100	100
79	48	52	55	60	60	65	100	100	100	100	100	100	100	100	100	100	100	100	100	100
80	48	52	55	60	60	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100
81	48	52	55	60	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100
82	48	52	55	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100
83	48	52	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100
84	48	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100
85+	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100

Female, Aggregate																				
Issue	Duration																			
Age	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20+
0-15	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100
16	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100
17	99	100	100	100	100	100	100	100	93	95	96	97	97	100	100	100	100	100	100	100
18	83	83	84	84	84	84	86	78	78	79	82	84	85	88	88	90	93	95	98	100
19	65	66	68	68	68	68	63	63	64	66	69	71	72	74	75	80	85	90	95	100
20	48	50	51	51	51	47	48	48	49	51	56	57	58	61	63	70	78	85	93	100
21	47	48	50	51	47	47	48	49	51	53	57	60	61	64	64	71	78	86	93	100
22	44	47	48	45	47	47	48	49	53	54	60	61	63	64	66	73	80	86	93	100
23	42	45	44	45	47	47	49	51	53	54	61	64	64	67	69	75	81	88	94	100

24	39	40	42	44	47	47	50	51	54	56	64	64	66	69	70	76	82	88	94	100
25	34	38	41	44	47	47	50	53	56	57	64	67	69	71	73	78	84	89	95	100
26	34	38	41	45	49	49	51	56	58	59	66	69	70	73	70	76	82	88	94	100
27	34	38	41	47	50	51	54	57	59	60	69	70	73	70	71	77	83	88	94	100
28	34	37	43	47	53	53	56	59	62	63	70	73	70	72	74	79	84	90	95	100
29	34	38	43	49	54	56	58	60	63	64	73	70	72	74	75	80	85	90	95	100
30	35	38	43	50	56	56	59	63	66	67	70	71	74	75	76	81	86	90	95	100
31	35	38	43	51	56	58	60	64	67	65	71	72	74	75	76	81	86	90	95	100
32	35	39	45	51	56	59	63	66	65	66	72	72	75	76	76	81	86	90	95	100
33	36	39	44	52	58	62	64	65	66	67	72	74	75	76	76	81	86	90	95	100
34	36	40	45	52	58	63	63	66	67	68	74	74	76	76	76	81	86	90	95	100
35	36	40	45	53	59	61	65	67	68	70	75	74	75	76	75	80	85	90	95	100
36	36	40	45	53	55	62	65	67	68	70	74	74	74	75	75	80	85	90	95	100
37	36	41	47	52	57	62	65	67	68	69	72	72	73	75	74	79	84	90	95	100
38	34	41	44	52	57	63	66	68	69	70	72	71	72	74	75	80	85	90	95	100
39	34	40	45	53	58	63	66	68	69	69	70	70	70	73	74	79	84	90	95	100
40	32	40	45	53	58	65	65	67	68	69	70	69	70	73	73	78	84	89	95	100

Female, Aggregate																				
Issue	Duration																			
Age	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20+
41	32	40	45	53	57	63	64	67	68	68	69	69	69	73	74	79	84	90	95	100
42	32	40	45	52	56	61	63	65	66	68	69	68	70	74	75	80	85	90	95	100
43	31	39	45	51	55	59	61	65	65	66	68	69	69	74	77	82	86	91	95	100
44	31	39	45	50	54	58	61	63	64	66	67	68	71	75	78	82	87	91	96	100
45	31	38	44	49	53	56	59	62	63	65	67	68	71	77	79	83	87	92	96	100
46	29	37	43	48	51	54	59	62	63	65	67	69	71	77	78	82	87	91	96	100
47	28	35	41	46	49	54	57	61	62	66	68	69	71	77	77	82	86	91	95	100
48	28	35	41	44	49	52	57	61	63	66	68	71	72	75	77	82	86	91	95	100
49	26	34	39	43	47	52	55	61	63	67	69	71	72	75	75	80	85	90	95	100
50	25	32	38	41	46	50	55	61	63	67	69	72	72	75	74	79	84	90	95	100
51	25	32	38	41	45	50	55	61	63	66	68	69	71	74	74	79	84	90	95	100
52	23	30	36	41	45	51	56	61	62	65	66	68	68	73	73	78	84	89	100	100
53	23	30	36	41	47	51	56	61	62	63	65	66	68	72	72	78	83	100	100	100
54	22	29	35	41	47	53	57	61	61	62	62	66	66	69	70	76	100	100	100	100
55	22	29	35	41	47	53	57	61	61	61	62	63	64	68	69	100	100	100	100	100
56	22	29	35	41	45	51	56	59	60	61	62	63	64	67	100	100	100	100	100	100
57	22	29	35	41	45	50	54	56	58	59	61	62	63	100	100	100	100	100	100	100
58	22	30	36	41	44	49	53	56	57	57	61	62	100	100	100	100	100	100	100	100
59	22	30	36	41	44	48	51	53	55	56	59	100	100	100	100	100	100	100	100	100
60	22	30	36	41	43	47	50	51	53	55	100	100	100	100	100	100	100	100	100	100
61	22	29	35	39	42	46	49	50	52	80	100	100	100	100	100	100	100	100	100	100
62	20	28	33	39	41	45	47	49	80	80	100	100	100	100	100	100	100	100	100	100
63	20	28	33	38	41	44	46	80	80	80	100	100	100	100	100	100	100	100	100	100
64	19	27	32	36	40	42	80	80	80	80	100	100	100	100	100	100	100	100	100	100
65	19	25	30	35	39	72	75	75	80	80	100	100	100	100	100	100	100	100	100	100
66	19	25	30	35	72	72	75	75	80	80	100	100	100	100	100	100	100	100	100	100
67	19	25	30	72	72	72	75	75	80	80	100	100	100	100	100	100	100	100	100	100
68	19	25	68	72	72	72	75	75	80	80	100	100	100	100	100	100	100	100	100	100
69	19	64	68	72	72	72	75	75	80	80	100	100	100	100	100	100	100	100	100	100

70	60	60	64	68	68	72	75	75	80	80	100	100	100	100	100	100	100	100	100	100	100
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Female, Aggregate																					
Issue	Duration																				
Age	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20+	
71	60	60	64	68	68	72	75	75	80	80	100	100	100	100	100	100	100	100	100	100	100
72	60	60	64	68	68	72	75	75	80	80	100	100	100	100	100	100	100	100	100	100	100
73	60	60	64	68	68	72	75	75	80	80	100	100	100	100	100	100	100	100	100	100	100
74	60	60	64	68	68	72	75	75	80	80	100	100	100	100	100	100	100	100	100	100	100
75	60	60	64	68	68	72	75	75	80	80	100	100	100	100	100	100	100	100	100	100	100
76	60	60	64	68	68	72	75	75	80	100	100	100	100	100	100	100	100	100	100	100	100
77	60	60	64	68	68	72	75	75	100	100	100	100	100	100	100	100	100	100	100	100	100
78	60	60	64	68	68	72	75	100	100	100	100	100	100	100	100	100	100	100	100	100	100
79	60	60	64	68	68	72	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100
80	60	60	64	68	68	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100
81	60	60	64	68	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100
82	60	60	64	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100
83	60	60	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100
84	60	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100
85+	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100

Female, Non-Smoker																					
Issue	Duration																				
Age	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20+	
0-15	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100
16	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100
17	96	98	98	98	98	99	99	99	92	92	93	95	95	97	99	99	99	100	100	100	100
18	78	80	80	80	80	81	81	74	75	75	78	79	82	83	85	88	91	94	97	100	100
19	60	62	63	63	63	65	59	59	60	60	64	67	67	70	72	78	83	89	94	100	100
20	42	44	45	45	45	42	42	42	45	45	50	51	53	56	58	66	75	83	92	100	100
21	41	42	44	45	41	42	42	44	47	47	51	53	54	57	59	67	75	84	92	100	100
22	39	41	44	41	41	42	44	45	49	49	54	56	57	58	60	68	76	84	92	100	100
23	38	41	38	40	41	42	44	46	49	50	56	57	58	60	62	70	77	85	92	100	100
24	36	36	38	40	41	42	46	47	50	51	58	59	60	62	63	70	78	85	93	100	100
25	32	34	37	40	41	43	46	49	51	53	59	60	62	63	64	71	78	86	93	100	100
26	32	34	37	41	43	45	47	50	53	53	60	62	63	64	62	70	77	85	92	100	100
27	32	34	38	43	46	47	49	51	53	55	62	63	64	62	62	70	77	85	92	100	100
28	30	34	39	43	47	49	51	53	56	58	63	63	61	62	63	70	78	85	93	100	100
29	30	35	40	45	50	51	52	55	58	59	64	61	62	63	63	70	78	85	93	100	100
30	31	35	40	46	51	52	53	56	59	60	62	62	63	65	65	72	79	86	93	100	100
31	31	35	40	46	51	53	55	58	60	58	62	62	63	65	65	72	79	86	93	100	100
32	32	35	40	45	51	53	56	59	57	58	62	63	63	65	64	71	78	86	93	100	100
33	32	36	41	47	52	55	58	55	58	59	63	63	65	65	65	72	79	86	93	100	100
34	33	36	41	47	52	55	55	57	58	59	63	65	64	65	64	71	78	86	93	100	100
35	33	36	41	47	52	53	57	58	59	61	63	64	64	64	64	71	78	86	93	100	100
36	33	36	41	47	49	53	57	58	59	61	63	64	63	64	63	70	78	85	93	100	100
37	32	36	41	44	49	53	57	58	59	60	62	62	61	62	63	70	78	85	93	100	100
38	32	37	39	45	50	54	57	58	60	60	61	61	61	62	61	69	77	84	92	100	100
39	30	35	39	45	50	54	57	58	60	59	60	60	59	60	61	69	77	84	92	100	100
40	28	35	39	45	50	54	56	57	59	59	60	59	59	59	60	68	76	84	92	100	100

Female, Non-Smoker																				
Issue	Duration																			
Age	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20+
41	28	35	39	45	49	52	55	55	58	57	58	59	58	59	60	68	76	84	92	100
42	27	35	39	44	49	52	54	55	56	57	57	57	58	60	61	69	77	84	92	100
43	27	34	39	44	47	50	53	53	55	55	56	57	56	60	61	69	77	84	92	100
44	26	34	38	42	47	50	52	53	54	55	55	55	56	61	62	70	77	85	92	100
45	26	33	38	42	45	48	51	51	52	53	54	55	56	61	62	70	77	85	92	100
46	24	32	37	40	43	47	49	51	52	53	54	55	56	60	61	69	77	84	92	100
47	24	30	35	39	42	45	47	49	51	53	54	55	56	59	60	68	76	84	92	100
48	23	30	35	37	40	44	47	49	50	53	54	55	55	59	57	66	74	83	91	100
49	23	29	33	35	39	42	45	48	50	53	54	55	55	57	56	65	74	82	91	100
50	21	27	32	34	37	41	44	48	50	53	54	55	55	56	55	64	73	82	91	100
51	21	26	30	34	37	41	44	48	49	51	53	53	54	55	55	64	73	82	91	100
52	20	25	30	33	37	41	44	47	48	50	50	51	51	55	53	62	72	81	100	100
53	19	24	29	32	37	41	43	47	48	48	49	49	51	52	52	62	71	100	100	100
54	18	24	29	32	37	41	43	45	47	47	47	49	49	51	51	61	100	100	100	100
55	18	23	28	32	37	41	43	45	45	45	46	46	47	50	50	100	100	100	100	100
56	18	23	28	32	36	39	42	44	44	45	46	46	46	49	100	100	100	100	100	100
57	18	23	28	31	35	38	41	42	44	44	45	45	46	100	100	100	100	100	100	100
58	17	23	26	31	35	36	38	41	41	42	45	45	100	100	100	100	100	100	100	100
59	17	23	26	30	33	35	38	39	40	41	44	100	100	100	100	100	100	100	100	100
60	17	23	26	30	32	34	36	38	39	40	100	100	100	100	100	100	100	100	100	100
61	17	22	25	29	32	33	35	36	38	80	100	100	100	100	100	100	100	100	100	100
62	16	22	25	28	30	32	34	35	80	80	100	100	100	100	100	100	100	100	100	100
63	16	20	24	28	30	32	34	80	80	80	100	100	100	100	100	100	100	100	100	100
64	14	21	24	27	29	30	80	80	80	80	100	100	100	100	100	100	100	100	100	100
65	15	19	23	25	28	72	75	75	80	80	100	100	100	100	100	100	100	100	100	100
66	15	19	23	25	72	72	75	75	80	80	100	100	100	100	100	100	100	100	100	100
67	15	19	22	72	72	72	75	75	80	80	100	100	100	100	100	100	100	100	100	100
68	13	18	68	72	72	72	75	75	80	80	100	100	100	100	100	100	100	100	100	100
69	13	64	68	72	72	72	75	75	80	80	100	100	100	100	100	100	100	100	100	100
70	60	60	64	68	68	72	75	75	80	80	100	100	100	100	100	100	100	100	100	100

Female, Non-Smoker																				
Issue	Duration																			
Age	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20+
71	60	60	64	68	68	72	75	75	80	80	100	100	100	100	100	100	100	100	100	100
72	60	60	64	68	68	72	75	75	80	80	100	100	100	100	100	100	100	100	100	100
73	60	60	64	68	68	72	75	75	80	80	100	100	100	100	100	100	100	100	100	100
74	60	60	64	68	68	72	75	75	80	80	100	100	100	100	100	100	100	100	100	100
75	60	60	64	68	68	72	75	75	80	80	100	100	100	100	100	100	100	100	100	100
76	60	60	64	68	68	72	75	75	80	100	100	100	100	100	100	100	100	100	100	100
77	60	60	64	68	68	72	75	75	100	100	100	100	100	100	100	100	100	100	100	100
78	60	60	64	68	68	72	75	100	100	100	100	100	100	100	100	100	100	100	100	100
79	60	60	64	68	68	72	100	100	100	100	100	100	100	100	100	100	100	100	100	100
80	60	60	64	68	68	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100
81	60	60	64	68	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100
82	60	60	64	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100
83	60	60	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100
84	60	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100

85+	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100
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Female, Smoker																				
Issue	Duration																			
Age	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20+
0-15	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100
16	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100
17	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100
18	99	100	100	100	100	100	100	95	96	97	100	100	100	100	100	100	100	100	100	100
19	87	89	92	92	92	92	84	84	86	86	92	93	95	96	99	99	99	100	100	100
20	74	77	80	80	80	73	73	73	75	77	83	83	86	88	90	92	94	96	98	100
21	71	74	78	78	71	71	73	74	77	79	85	86	88	89	90	92	94	96	98	100
22	68	71	75	70	71	71	73	74	78	79	88	90	89	89	92	94	95	97	98	100
23	65	69	67	70	70	70	73	77	79	81	89	90	90	92	92	94	95	97	98	100
24	62	60	64	69	70	70	74	77	79	81	92	90	92	93	93	94	96	97	99	100
25	53	58	63	67	69	70	74	78	81	82	92	93	93	95	95	96	97	98	99	100
26	53	58	63	69	71	72	75	79	82	82	93	93	95	96	90	92	94	96	98	100
27	52	56	63	70	74	74	78	81	82	84	93	95	95	90	90	92	94	96	98	100
28	52	56	64	71	75	77	79	82	85	86	95	95	90	92	92	94	95	97	98	100
29	51	56	64	71	78	78	81	84	86	88	95	90	90	92	92	94	95	97	98	100
30	51	56	64	72	79	79	82	85	88	89	90	90	92	93	93	94	96	97	99	100
31	51	56	64	72	78	81	84	84	88	84	90	90	92	93	93	94	96	97	99	100
32	51	56	64	71	78	81	85	86	84	85	90	90	92	94	93	94	96	97	99	100
33	51	57	62	71	78	82	85	83	84	85	90	92	93	93	93	94	96	97	99	100
34	51	56	62	71	78	82	81	83	85	86	90	92	92	94	93	94	96	97	99	100
35	51	56	62	71	78	79	83	84	85	86	90	91	91	93	93	94	96	97	99	100
36	49	56	62	71	74	79	83	84	85	86	90	90	91	93	92	94	95	97	98	100
37	48	55	62	67	74	79	83	84	85	86	89	90	89	92	91	93	95	96	98	100
38	47	55	57	66	72	77	81	84	86	86	87	88	88	90	91	93	95	96	98	100
39	45	50	57	66	72	77	81	83	85	86	86	87	86	89	90	92	94	96	98	100
40	41	50	57	66	72	77	81	83	84	85	86	86	86	89	89	91	93	96	98	100

Female, Smoker																				
Issue	Duration																			
Age	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20+
41	40	50	57	65	71	76	79	81	83	84	85	86	85	89	90	92	94	96	98	100
42	40	49	57	65	69	74	77	80	82	83	84	85	86	90	92	94	95	97	98	100
43	39	49	55	63	69	73	76	78	80	82	83	84	85	92	93	94	96	97	99	100
44	39	48	55	62	67	71	75	78	80	80	82	84	86	93	96	97	98	98	99	100
45	37	47	55	61	65	70	73	76	78	80	81	84	86	94	97	98	98	99	99	100
46	36	46	53	59	63	68	71	75	77	79	83	85	86	93	96	97	98	98	99	100
47	34	44	51	57	62	66	70	75	77	80	83	85	86	93	94	95	96	98	99	100
48	34	44	50	54	60	64	69	74	77	80	84	86	87	92	92	94	95	97	98	100
49	33	42	48	53	58	63	68	74	77	81	84	86	87	92	91	93	95	96	98	100
50	31	41	46	51	57	61	67	74	77	81	85	87	87	91	90	92	94	96	98	100
51	30	39	45	51	56	61	67	74	75	80	83	85	85	90	90	92	94	96	98	100
52	29	38	45	50	56	62	68	74	75	79	81	83	84	90	90	92	94	96	100	100
53	28	37	43	49	57	62	68	73	74	77	79	81	83	89	89	91	93	100	100	100
54	28	36	43	49	57	63	69	73	74	75	78	80	81	87	89	91	100	100	100	100
55	26	35	42	49	57	63	69	73	73	74	76	78	79	86	87	100	100	100	100	100
56	26	35	42	49	56	62	67	71	72	74	76	78	79	85	100	100	100	100	100	100

Female, Smoker																				
Issue	Duration																			
57	26	35	42	49	55	61	66	69	72	73	76	78	79	100	100	100	100	100	100	100
58	28	36	43	49	55	59	63	68	69	72	76	78	100	100	100	100	100	100	100	100
59	28	36	43	49	54	57	63	67	68	70	76	100	100	100	100	100	100	100	100	100
60	28	36	43	49	53	57	61	64	67	69	100	100	100	100	100	100	100	100	100	100
61	26	35	42	48	52	56	59	63	66	80	100	100	100	100	100	100	100	100	100	100
62	26	33	41	47	51	55	58	62	80	80	100	100	100	100	100	100	100	100	100	100
63	25	33	41	46	51	55	57	80	80	80	100	100	100	100	100	100	100	100	100	100
64	25	33	40	45	50	53	80	80	80	80	100	100	100	100	100	100	100	100	100	100
65	24	32	39	44	49	72	75	75	80	80	100	100	100	100	100	100	100	100	100	100
66	24	32	39	44	72	72	75	75	80	80	100	100	100	100	100	100	100	100	100	100
67	24	32	39	72	72	72	75	75	80	80	100	100	100	100	100	100	100	100	100	100
68	24	32	68	72	72	72	75	75	80	80	100	100	100	100	100	100	100	100	100	100
69	24	64	68	72	72	72	75	75	80	80	100	100	100	100	100	100	100	100	100	100
70	60	60	64	68	68	72	75	75	80	80	100	100	100	100	100	100	100	100	100	100

Female, Smoker																				
Issue	Duration																			
Age	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20+
71	60	60	64	68	68	72	75	75	80	80	100	100	100	100	100	100	100	100	100	100
72	60	60	64	68	68	72	75	75	80	80	100	100	100	100	100	100	100	100	100	100
73	60	60	64	68	68	72	75	75	80	80	100	100	100	100	100	100	100	100	100	100
74	60	60	64	68	68	72	75	75	80	80	100	100	100	100	100	100	100	100	100	100
75	60	60	64	68	68	72	75	75	80	80	100	100	100	100	100	100	100	100	100	100
76	60	60	64	68	68	72	75	75	80	100	100	100	100	100	100	100	100	100	100	100
77	60	60	64	68	68	72	75	75	100	100	100	100	100	100	100	100	100	100	100	100
78	60	60	64	68	68	72	75	100	100	100	100	100	100	100	100	100	100	100	100	100
79	60	60	64	68	68	72	100	100	100	100	100	100	100	100	100	100	100	100	100	100
80	60	60	64	68	68	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100
81	60	60	64	68	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100
82	60	60	64	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100
83	60	60	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100
84	60	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100
85+	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100

NOTES:  
 Legislative History (all references are to the Proceedings of the NAIC).  
 1994 Proc. 4<sup>th</sup> Quarter 17, 26, 653, 1098, 1126-1159 (adopted).  
 1998 Proc. 4<sup>th</sup> Quarter 15-16, 17, 608, 978, 1126-1148 (amended and reprinted).

**§10917. Effective Date**

A. The proposed effective date for this regulation is November 1, 2005.

AUTHORITY NOTE: Promulgated in accordance with R.S.22:3, 22:163, 22:168 and the Administrative Procedure Act, R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 31:

Persons interested in obtaining copies of the Rule or in making comments relative to these proposals may do so at the public hearing or by writing to Barry E. Ward, Department of Insurance, P.O. Box 94214, Baton Rouge, LA

70804-9214. Comments will be accepted through the close of business at 4:30 p.m. August 25, 2005.

On August 26, 2005, beginning at 11 a.m., the Department of Insurance will hold a public hearing in the Poydras Hearing Room located at 1702 N. Third Street, Baton Rouge, LA, 70802 to allow for public commentary concerning the proposed promulgation of its Regulation 85 as set forth below.

J. Robert Wooley  
 Commissioner

**FISCAL AND ECONOMIC IMPACT STATEMENT  
FOR ADMINISTRATIVE RULES**

**RULE TITLE: Valuation of Life Insurance Policies**

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

No implementation costs to state or local governmental units are expected as a result of Regulation 85. The regulation brings Louisiana into compliance with the NAIC Model and the prevailing national statutory reserve valuation standard.

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

It is not anticipated that implementation of Regulation 85 is expected to result in term life and special coverage universal life reserves that are adequate without being excessive.

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

The adoption of Regulation 85 is expected to result in term life and special coverage universal life reserves that are adequate without being excessive.



IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT  
(Summary)

Regulation 85, should have no impact upon employment and competition in the state.

Chad M. Brown                      Robert E. Hosse  
Deputy Commissioner            General Government Section Director  
Management and Finance        Legislative Fiscal Office  
0507#079

**NOTICE OF INTENT**

**Department of Public Safety and Corrections  
Liquefied Petroleum Gas Commission**

New Dealers; Specification for Liquefied Petroleum  
Gas Installations at Schools and Places of Public  
Assembly; Adoption of Standards  
(LAC 55:IX.Chapter 1)

In accordance with the provisions of R.S. 49:950 et seq., the Administrative Procedures Act, and R.S. 40:1846 relative to the authority of the Liquefied Petroleum Gas Commission to make and enforce reasonable rules and regulations governing the storage, sale, and transportation of liquefied petroleum gases, notice is hereby given that the commission proposes to amend six existing Rules and adopt three new Rules. The proposed Rule changes and new rules have no known impact on family formation, stability, and autonomy as described in R.S. 49:972.

The proposed Rule changes will do six things: (1) reduce the minimum waiting period time required from time of application for a permit to the actual granting of a permit from 30 days to 20 days and in the case of Class 1 permits from 90 days to 20 days, (2) reduce the minimum waiting period time required from the time of application for a name change to the actual granting of the name change from 30 days to 20 days and on name changes, in the cases of Class 6-X, Class 7-E, and Class R-1 and R-2 registrations, waive the requirement of their appearance at a commission meeting for a name change, (3) will require a state proprietary certificate of insurance form to replace the generic certificate of insurance form currently being used, (4) will reduce the filing of monthly purchases and sales reports from monthly to quarterly, (5) clarifies, when new sketches and fencing is required for schools, churches, nursing homes, and other places of public assembly, and (6) clarifies and codifies current practices into the rules for Class 6-X locations.

The proposed new Rule adoptions will do three things: (1) codifies into a rule, a waiver of the right of appearance and payment of a codified proposed penalty without having to appear at an adjudicatory hearing on non-safety violations of the rules, (2) declassifies acetylene, by definition, as a liquefied petroleum gas and removes it from the jurisdiction of the LP-Gas Commission, and (3) adds the current U. S. DOT regulations and requirements regarding "Retester Identification Number" markings to the Louisiana rules.

The proposed Rule changes and new rule adoptions comply with the statutory authority granted the commission under R.S.40:1846.

**Title 55**

**PUBLIC SAFETY**

**Part IX. Liquefied Petroleum Gas**

**Chapter 1. General Requirements**

**Subchapter A. New Dealers**

**§103. Definitions**

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*Liquefied Petroleum Gases*—those gases derived from petroleum or natural gas, and are herein defined as those in the gaseous state at normal atmospheric temperature and pressure, and those maintained in liquid state at normal atmospheric temperature by means of suitable pressure. Those gases having a vapor pressure not exceeding that allowed for commercial propane composed predominantly of the following hydrocarbons, either by themselves or as mixtures: propane, propylene, butane (normal butane or iso butane), and butylenes. This definition shall not include acetylene as a regulated gas.

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AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1846.

HISTORICAL NOTE: Adopted by the Department of Public Safety, Liquefied Petroleum Gas Commission, November 1972, amended December 1974, amended by the Department of Public Safety and Corrections, Liquefied Petroleum Gas Commission, LR 24:459 (March 1998), LR 29:2508 (November 2003), LR 31:

**§105. Applications**

A. Any person, firm, or corporation desiring to enter the liquefied petroleum gas business in the state of Louisiana must file formal application with the Liquefied Petroleum Gas Commission. In the case of Class VI and Class VIII a formal application must be filed for each location. All other classes of permits and registrations require only one formal application to be filed. Formal application must be filed, 20 days prior to the date of the commission meeting which the application is to be heard. Application for Classes VI-X, VII-E, and R-1, R-2 registrations have no delay prior to the granting of the permit. These permits will be granted by the office of the director, upon complying with all Commission requirements, and ratified by the Liquefied Petroleum Gas Commission at the first subsequent Commission meeting. Presence of applicant or his authorized representative is required at the Commission meeting when the application is heard, except in the cases of Class VI-X, VII-E, and R-1, R-2 registrations where appearance is waived. In no case will the applicant's supplier be the authorized representative. Only with special approval of the Commission, under extenuating circumstances, will the Commission allow the applicant to be represented by another party other than a principal officer, director, manager, or attorney. The formal application form(s) will be furnished by the Commission upon request.

B. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1846.

HISTORICAL NOTE: Adopted by the Department of Public Safety, Liquefied Petroleum Gas Commission, November 1972, amended December 1974, amended by the Department of Public Safety and Corrections, Liquefied Petroleum Gas Commission, LR 11:557 (May 1985), LR 24:460 (March 1998), LR 25:1262 (July 1999), LR 29:2509 (November 2003), LR 31:

## §107. Requirements

A. - A.2. ...

3. Must have on file in the office of the director, proof of insurance, on a commission proprietary certificate of insurance, issued by a Louisiana licensed agent, in the minimum sum of \$1,000,000, in the classes of insurance as required by the commission. This certificate of insurance must show kinds and amount in force. This certificate of insurance will meet the proof of insurance as required by the commission. Said certificate shall be considered evidence of liability insurance coverage; said certificate must bear the clause that in the event the insurance company intends to cancel, the insurance company will notify the director of the Liquefied Petroleum Gas Commission 10 days prior to the date of cancellation. A binder of insurance coverage, within date, will be acceptable as proof of insurance until the policy is issued and a certificate of insurance can be issued. The \$1,000,000 requirement shall be effective on the first proof of insurance required after November 1, 2003. The commission will provide the proprietary certificate of insurance form on its public web site for downloading or will provide copies of the proprietary certificate of insurance form via facsimile or via U.S. mail upon request. The proprietary certificate of insurance requirement shall be required for the first certificate of insurance and subsequent certificates of insurance required after November 1, 2005.

3.a. - 6. ...

6.a. Each Class I and Class IV dealer shall prepare and submit reports to the commission of each three month period within their annual permit fee calculation period, by the end of the month following each three month period, in a form acceptable to the commission, the previous three month's purchases and sales. An additional five calendar days shall be granted for mail delays before a violation is issued.

6.b. - 10. ...

11. Applications for change of name must be on file with the commission 20 days prior to date of commission meeting, and must deposit a filing fee of \$25 with application. A representative of the new firm or corporation will be required to be present when the application is considered by the commission, except in the cases of Class VI-X, VII-E, and R-1 and R-2 registrations, when appearance is waived. All certificates of competency must be changed to new name, except Class VI-X which do not require certificates of competency.

12. - 15. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1846.

HISTORICAL NOTE: Adopted by the Department of Public Safety, Liquefied Petroleum Gas Commission, November 1972, amended December 1974, LR 1:315 (July 1975), LR 4:86 (March 1978), LR 7:633 (December 1981), amended by the Department of Public Safety and Corrections, Liquefied Petroleum Gas Commission, LR 11:557 (May 1985), LR 15:854 (October 1989), LR 16:1063 (December 1990), LR 20:1400 (December 1994), LR 24:461 (March 1998), LR 24:2311 (December 1998), LR 25:1262 (July 1999), LR 25:2410 (December 1999), LR 26:1487 (July 2000), LR 27:2256 (December 2001), LR 28:2553 (December 2002), LR 29:2509 (November 2003), LR 31:

## §109. Compliance with Rules

A. - B. ...

C. In lieu of the adjudicatory hearing required in §109.B, the commission may accept an affidavit signed by the party being cited for a violation, prior to the hearing date set for

the charge, waiving their right of appearance, with a plea of guilty to a charge, and with the payment of a proposed penalty as set forth in §109.D. In violations involving fees, the fee, and any interest and penalty on those fees must be paid as well as the proposed civil penalty for the violation. This option shall not be available after the hearing date.

D. Subject matter areas for the option in §109.C shall be limited exclusively to insurance, permit fees, signage requirements, tanker truck registrations, tanker truck, school bus and mass transit safety inspections, school bus and mass transit registrations, installation reports, failure to accept cylinders for disposal, scale requirements and chock block requirements.

E. Proposed civil penalties shall be limited to the following amount per subject matter area on the first violation, within a three year period: insurance \$225, permit fees \$150, signage requirements \$150, tanker truck registrations \$300, tanker truck, school bus and mass transit safety inspections \$150, school bus and mass transit registrations \$150, installation reports \$150, failure to accept cylinders for disposal \$150, scale requirements \$150 and chock block requirements \$100. The commission may increase the proposed civil penalties by 25-30 percent for a second violation, within a three year period. The commission shall require appearance at the adjudicatory hearing for a third violation within a three year period.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1846.

HISTORICAL NOTE: Adopted by the Department of Public Safety, Liquefied Petroleum Gas Commission, November 1972, amended December 1974, amended by the Department of Public Safety and Corrections, Liquefied Petroleum Gas Commission, LR 11:557 (May 1985), LR 25:2411 (December 1999), LR 31:

## Subchapter H. Specification for Liquefied Petroleum Gas Installations at Schools, and Places of Public Assembly

### §179. Requirements for Plans and Specifications

A. - B.7. ...

C. The following is a clarification of the requirements for new sketches at schools, churches, nursing homes, and other places of public assembly.

1. Where any additional piping is added, the installation of a new appliance or the change out of an appliance with one with a higher BTU load, a new sketch is required to the office of the director for approval.

2. Replacement of a storage tank or container will require a new sketch to the office of the director for approval.

3. A new sketch is required when changing fuel suppliers at all places of public assembly, even when no changes are made in the liquefied petroleum gas system.

D. In all cases an installation report is required with the installation of a container, tank, or cylinder at schools, churches, nursing homes, and other places of public assembly.

E. The commission reserves the right to make a final inspection and witness a pressure test through an inspector of the Liquefied Petroleum Gas Commission before approving the sketch and allowing the system to be placed into service at all schools, churches, nursing homes, and other places of public assembly.

F. The minimum capacity of storage containers, tanks, or cylinders shall be 100 gallons capacity per each 100,000

Btu appliance load at all schools, churches, nursing homes, and other places of public assembly. Exceptions to this rule may be made by the director of this commission.

G. Fences are required for storage containers, tanks, and cylinders at all schools, all nursing homes, and all churches with schools or day-care facilities on site. Fences may be required at other places of public assembly when deemed necessary in the interest of public safety by the office of the director. The commission may approve a request for an exemption from the fencing requirements under extenuating circumstances.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1846.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Liquefied Petroleum Gas Commission, LR 20:1404 (December 1994), amended LR 24:470 (March 1998), LR 31:

### Subchapter I. Adoption of Standards

#### **§181. National Fire Protection Association Pamphlet Numbers 54 and 58**

A. - E.9. ...

10. With regard to §2-2.1.4.b, NFPA 58-1995-DOT cylinders of 100 lbs. or less shall not be filled, continued in service, or transported unless they are properly qualified or requalified for L.P. gas service, if they are in commerce or transportation. Transportation of empty cylinders for requalification or disposal shall not be a violation of this rule. DOT cylinders of 100 lbs. or more shall not be refilled, continued in service or transported unless they are properly qualified or requalified for L.P. gas service in accordance with DOT regulations, meaning in commerce and transportation. Transportation of empty cylinders for requalification or disposal shall not be a violation of this rule. Qualification or requalification must be in accordance with C-3.2 of Appendix C, NFPA 58-1995. In addition to the requirements of C-3.2 of Appendix C, NFPA 58-1995 each cylinder that has successfully passed requalification must be marked with a RIN issued by the DOT in accordance with §180.213 of CFR 49. This requirement shall be effective for all requalifications after May 8, 2003. Variation from the marking requirement may be approved by the Associate Administrator of the DOT and those variations will be accepted by Louisiana as being in compliance.

11. ...

12. With regard to §6-2.2.7, NFPA 58-1995 Edition, containers having an individual water capacity not exceeding 108 lb. (49 kg) [nominal 45 lb. (20 kg) LP-Gas] capacity transported in open vehicles and containers having an individual water capacity not exceeding 10 lb. (4.5 kg) [nominal 4.2 lb. (2 kg) LP-Gas] capacity transported in enclosed spaces of the vehicle shall be permitted to be transported in other than the upright position, however may not be transported in the upside-down position or resting on an individual water capacity exceeding 108 lb. (49 kg) [nominal 45 lb. (20 kg) LP-Gas] capacity transported in open vehicles and containers having an individual water capacity exceeding 10 lb. (4.5 kg) [nominal 4.2 lb. (1.9 kg) LP-Gas] capacity transported in enclosed spaces shall be transported with the relief device in direct communication with the vapor space.

13. In NFPA 58-1995 Edition under 5-2 General Provisions add the following provisions.

a. All curb stops used as crash protection shall be at least 5 feet from the cage, 5 inches high and staked into the ground.

b. All posts, if used as crash protection, shall be metal at least 2 inches in diameter, 20 inches above ground level, at least 2 feet from the cage and no more than 4 feet apart.

c. Each cage or area immediate to the cage shall have a "No Smoking" sign, the name of the permit holder, if not already displayed on the premises, and the supplier name.

d. All ignition sources, including any appliances, or the cabinets of appliances, such as coke machines, water coolers, electric dispensing machines etc., shall be at least 5 feet from the cage.

e. Cages shall be at least 5 feet from points of public gatherings such as pay phones, benches, smoking areas, and break areas.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1846.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Liquefied Petroleum Gas Commission, LR 20:1404 (December 1994), amended LR 24:470 (March 1998), LR 25:1263 (July 1999), LR 25:2412 (December 1999), LR 27:2257 (December 2001), LR 31:

The commission will hold a public hearing August 25, 2005, 7919 Independence Blvd., Baton Rouge, LA, at 8:30 a.m. in regard to these changes and adoptions.

Written comments will be accepted through August 19, 2005 and should be sent to Charles M. Fuller at P.O. Box 66209, Baton Rouge, LA 70896. All interested persons will be afforded an opportunity to be heard at the public hearing. A preamble has not been prepared for the intended actions.

Charles M. Fuller  
Director

### **FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES**

#### **RULE TITLE: New Dealers; Specification for Liquefied Petroleum Gas Installations at Schools and Places of Public Assembly; Adoption of Standards**

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

The only cost increase to the agency will be the cost of publishing in the *Louisiana Register* which will be insignificant. There will be no increase or decrease in costs to any local governmental units.

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

There will be a small decrease in revenue collections of the state agency, computed to be \$900 per year, but no decrease to any local governmental unit.

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

There will be a small economic benefit to approximately 12 welding and cutting gas companies with permits that handle only acetylene that currently require a permit with the state

agency. By declassifying acetylene as a regulated gas by the state agency, those twelve (12) permit fees of \$75 per year would not be collected. There will be no economic costs or benefit to any other person or non-governmental group.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There will be no effect on competition and employment.

Charles M. Fuller  
Director  
0507#056

Robert E. Hosse  
General Government Section Director  
Legislative Fiscal Office

**NOTICE OF INTENT**

**Department of Public Safety and Corrections  
Youth Services  
Office of Youth Development**

**Furlough Process and Escorted Absence  
(LAC 22:I.Chapter 7)**

The Department of Public Safety and Corrections, Youth Services, Office of Youth Development, in accordance with the provisions of the Administrative Procedure Act (R.S. 49.950 et seq.), hereby gives notice of its intent to promulgate §701, Furlough Process and Escorted Absence, and repeal existing regulations.

The purpose of the promulgation of this Rule is to establish the Deputy Secretary's policy and procedures regarding the temporary release on furlough of adjudicated youth for the purpose of assisting youth in maintaining family and community relations.

**Title 22  
CORRECTIONS  
Part I. Corrections**

**Chapter 7. Youth Services**

**§701. Furlough Process and Escorted Absence**

A. Purpose. To establish the deputy secretary's policy regarding temporary release on furlough of adjudicated youth for the purpose of assisting youth in maintaining family and community relations.

B. Applicability: deputy secretary, assistant secretary, deputy assistant secretaries, facility directors, probation and parole program director, and regional managers.

C. Policy. It is the policy of the deputy secretary to use temporary furloughs within the state as a rehabilitative tool to assist youth assigned to a center for youth in maintaining family and community relations. The Division of Youth Services (DYS) and the facility shall work together to effect the furlough program from recommendation through implementation. The deputy secretary must approve all furloughs except family emergency furloughs.

D. Definitions

*Administrative Furlough Review Committee (AFRC)*—the multi-disciplinary committee responsible for determining furlough eligibility.

*Escorted Absence*—a temporary absence authorized by the director of a facility in which youth are escorted off the grounds by facility staff.

*Furlough*—the authorized temporary release of a qualified youth from the grounds of a center for youth, or community-based secure detention facility, without the supervision of facility staff, for the purposes of aiding in the

youth's rehabilitation, maintaining and/or enhancing family and community relations, and preparing the youth to make a satisfactory transition into society after his/her release.

E. Types of Furloughs

1. *Standard Furlough*—applies to all youth except for those committed to Youth Services under Children's Code Article 897.1, those assigned to a short-term program, or youth eligible for a family emergency furlough.

2. *Children's Code Article 897.1 Furlough*—applies only to youth committed to Youth Services under La. Children's Code Article 897.1 based upon a violation of R.S. 14:30 first degree murder, R.S. 14:30.1 second degree murder, R.S. 14: 42 aggravated rape, R.S. 14:44 aggravated kidnapping and R.S. 14:64 armed robbery.

3. *Short-Term Program Furlough*—applies only to youth assigned to a short-term program.

4. *Family Emergency Furlough*—the authorized temporary release of a qualified youth due to a crisis prompted by the death or life-threatening illness or injury of a family member or legal custodian, and such furlough is deemed beneficial for the youth in meeting the needs of youth/family.

F. Furlough Eligibility Criteria, Exclusion Criteria and Procedure

1. Standard Furlough

a. Criteria for Eligibility

- i. Youth is on a minimum custody level; or
- ii. youth is on a medium custody level, provided the youth has had no rule infraction within the past 60 calendar days; and
- iii. youth is making progress on identified treatment needs, including taking medication; and
- iv. youth's parent/custodian must have participated in a minimum of three family integration sessions, which may be conducted via telephone.

b. Exclusions from Standard Furlough Eligibility

- i. Youth is on a maximum custody classification level;
- ii. youth is on suicide watch;
- iii. youth is under investigation for and/or has pending criminal charges;
- iv. there is documented evidence of previous unsuccessful furlough.

c. Screening and Referral for Standard Furlough

i. Youth must be screened at quarterly staffing, beginning at the 2nd quarter staffing, regional staffing or during the placement review process. If appropriate, a referral to the Administrative Furlough Review Committee (AFRC) for furlough consideration should be made by completing page 1 of the Furlough Referral and Application Form.

d. Standard Furlough Staffing

i. The AFRC must staff the furlough candidate's application using all information appropriate, but at a minimum:

- (a). Progress Reports;
- (b). Dormitory Management Team Review Form;
- (c). Furlough Application Form;
- (d). Reintegration Plan;
- (e). Individual Treatment Plan; and
- (f). medical considerations.

ii. The furlough recommendation is made and pages 2 and 3 of the Furlough Referral and Application Form is completed.

e. Standard Furlough Duration

i. Standard furloughs may be granted in increments of time between 2 hours to 14 consecutive days.

ii. A Standard furlough may be granted for a cumulative period up to 30 days in a calendar year, with no more than 14 consecutive days being granted/taken at any given time. Additional furlough authority greater than 30 days in a calendar year must be approved by the deputy secretary and must be submitted with justification for the need for additional furlough days.

2. Children's Code. Article 897.1 Furlough

a. Criteria for Eligibility

i. Youth has served a minimum of 60 percent of his commitment and has maintained a minimum custody level for six months prior to furlough referral OR has been in the physical custody of Youth Services for a minimum of three years and has maintained a minimum custody level for twelve months prior to furlough referral; and

ii. youth has made progress in Youth Services' behavior modification program referral; and

iii. youth is making progress on identified treatment needs; and

iv. youth's parent/custodian must have participated in a minimum of three family integration sessions, which may be conducted via telephone.

b. Exclusions from Children's Code. 897.1 Furlough Eligibility

i. Youth is on medium or maximum custody level;

ii. youth is currently on suicide precautions;

iii. youth is under investigation for and/or has pending criminal charges;

iv. there is documented evidence of a previous unsuccessful furlough.

c. Screening and Referral for Children's Code Article 897.1 Furlough

i. Youth must be screened at quarterly staffing, beginning with the 2nd quarterly staffing, or regional staffing. If appropriate, a referral to the Administrative Furlough Review Committee (AFRC) for furlough consideration should be made by completing page 1 of the Furlough Referral and Application Form.

d. Children's Code. Article 897.1 Staffing

i. The AFRC must staff the furlough candidate's application using all appropriate information, but at a minimum:

- (a). Progress Reports;
- (b). Dormitory Management Team Review Form;
- (c). Furlough Application Form;
- (d). Reintegration Plan;
- (e). Individual Treatment Plan; and
- (f). medical needs;

ii. the furlough recommendation is made by completing pages 2 and 3 of the Furlough Referral and Application Form.

e. Children's Code Article 897.1 Furlough Duration/Conditions

i. Children's Code Article 897.1 furloughs may be granted in increments of time between two hours to 14 consecutive days. Initial furloughs should be short, with subsequent furloughs being granted for longer periods of time, unless the circumstances demand otherwise.

ii. A Children's Code.Art.897.1 furlough may be granted for a cumulative period up to 30 days in a calendar year, with no more than 14 consecutive days being granted/taken at any given time. Additional furlough authority, greater than 30 days in a calendar year, must be approved by the deputy secretary and must be submitted with justification for the need for additional furlough days.

iii. If a furlough is approved, a youth will be required to wear an electronic monitoring device during the furlough and shall be monitored by the appropriate regional office.

3. Short-Term Program Furlough

a. Criteria for Eligibility

i. Youth must demonstrate active participation in a short-term program; and

ii. youth is making progress on identified treatment needs; and

iii. youth is on minimum or medium custody level; and

iv. youth is within four weeks of his/her projected date of program completion; and

v. youth's parent/custodian must have participated in a minimum of three family integration sessions, which may be conducted via telephone.

b. Exclusions from Short Term Program Furlough Eligibility

i. Youth is on maximum custody classification level;

ii. youth is on suicide precautions;

iii. youth is under investigation for and/or has pending legal charges; or

iv. there is documented evidenced of a previous unsuccessful furlough.

c. Screening and Referral for Short Term Program Furlough

i. Youth must be screened at the 45-day staffing. If appropriate, a referral to the AFRC for furlough consideration should be made by completing page 1 of the Furlough Referral and Application Form.

d. Short Term Program Furlough Staffing

i. The AFRC must staff the furlough candidate's application using all appropriate information, but at a minimum:

- (a) Progress Reports;
- (b) Dormitory Management Team Review Form;
- (c) Furlough Confirmation Form;
- (d) Reintegration Plan;
- (e) Individual Treatment Plan; and
- (f) medical needs.

ii. The furlough recommendation is made and pages 2 and 3 of the Furlough Referral and Application Form are completed.

iii. The Short Term Program Furlough must include a Reintegration/Treatment/Transitional Plan of Action containing the objectives and activities of the youth

throughout the duration of the furlough. The plan of action will be documented on the Reintegration Activity for Short-Term Program Furlough Form.

e. Duration of Short Term Program Furloughs

i. Short Term Program Furloughs may be granted for a cumulative five calendar days.

ii. Short Term Program Furloughs may not exceed three consecutive days at any given time.

iii. Youth must be within four weeks of his projected date of program completion.

4. Family Emergency Furlough

a. Criteria for Eligibility—A family emergency furlough may be granted under either of the following conditions:

i. youth has confirmation/recommendation from the court that committed him/her to the custody of Youth Services; or

ii. youth is not eligible for any other type of furlough and his/her case manager recommends the family emergency furlough on the basis of individual case data/information. The family emergency furlough will be granted only after receiving approval from the director of the facility.

b. Exclusions from Consideration of Family Emergency Furlough

i. Youth is on suicide watch;

ii. youth is under investigation for and/or has pending legal charges;

iii. youth is deemed to be at high risk for runaway or escape and/or engaging in additional criminal conduct;

iv. youth has been adjudicated under Ch. C. Art. 897.1.; or

v. there is documented evidence of previous unsuccessful furlough.

c. Referral for Family Emergency Furlough

i. A staffing must be held which includes the participation of the youth's probation officer, the dorm manager, the case manager, and the facility's deputy director, or in his absence, an assistant director. The staffing may occur via conference call.

ii. If the staffing results in a recommendation for the furlough, the deputy director or assistant director shall transmit the request for approval to the director along with all documentation verifying the emergency.

iii. If the director approves the furlough, the director shall specify the period of time allowed for the furlough.

iv. A written notice of furlough which includes the reason for the furlough, shall be prepared, signed by the director and faxed to the committing court, district attorney, deputy secretary and probation officer.

v. After faxing notice of furlough to the court and district attorney, if no written confirmation is received, a follow-up call must be made to confirm the district attorney and court's response to the proposed family emergency furlough. If there is no objection the furlough may proceed.

vi. If approved, a youth who is on a medium or maximum custody level will be required to wear an electronic monitoring device and shall be monitored by the appropriate regional office.

vii. Prior to a youth receiving a family emergency furlough, the facility director shall approve the family

member(s), guardian(s), or other custodian(s) of the youth who will be overseeing the activities of the youth, providing primary care, and assuming responsibility for the youth throughout the duration of the furlough period.

d. Duration of Family Emergency Furlough

i. A family emergency furlough may not exceed three calendar days.

G. Administrative Furlough Review and Approval Process

1. Administrative Furlough Review Committee shall consist of the following:

a. deputy director or designee named by the director;

b. dorm manager for the applying youth;

c. mental health director or designee (LSUHSC) provider (if applicable);

d. school principal or designee; and

e. probation officer assigned to the applying youth, or the immediate supervisor (in person, via phone conference, or by prior interview).

2. Screening

a. Youth currently in secure facilities will be reviewed to determine the appropriateness of furloughs. Screening of youth for appropriateness of furlough will occur, at a minimum, during the quarterly staffing. It may also occur during the regional staffing or placement review process.

b. If a youth is determined to be appropriate for furlough after screening, the Administrative Furlough Review Committee will then consider the furlough within ten working days. The AFRC is required to consider multiple aspects of the youth's classification profile and treatment plan in determining furlough eligibility.

3. Referrals

a. Referrals for review of appropriateness of furlough may be made by those participating in the staffing, a probation officer, juvenile court or other interested person. Exclusion criteria must be considered prior to making the referral to the AFRC. Page 1 of the Furlough Referral Application Form shall be utilized to transmit information on youth being referred to the AFRC.

4. AFRC Review Process

a. The AFRC review process will include a thorough review and assessment of the youth's needs, strengths, and weaknesses. At a minimum, the AFRC team will consider the following prior to recommending a furlough:

i. educational/vocational needs/ progress;

ii. mental health concerns;

iii. general treatment needs/progress in the areas of substance abuse, anger management, thinking errors;

iv. behavioral concerns;

v. level of participation in the behavior management program;

vi. home environment;

vii. custody level;

viii. community risk assessment;

ix. proposed aftercare/release plans;

x. special needs concerns (i.e. SMI, mental retardation, psychotropic medication needs, self harm);

xi. most recent secure custody screening documents (must have been done within the last year);

xii. escape risk; and

xiii. travel arrangements.

b. The probation officer will conduct a home study for purposes of the furlough within 10 working days. During the course of the home study the probation officer will have the proposed custodian complete or assist in the completion of the Request for Custodian Information Form. The custodian information form will be submitted to the director as part of the Furlough Referral and Application Form.

c. A schedule of the AFRC activities will be issued by the deputy director/designee and disseminated to all department heads and dorm managers. In an effort to better promote parent/guardian input, the case manager will make telephone contact and/or formal written correspondence with the youth's parent/guardian about the scheduled date and approximate time of the AFRC meeting. The parent/guardian shall be invited to participate in the meeting.

d. The AFRC will send a completed furlough application form to the director.

e. With the exception of family emergency furloughs, once approved by the director, the furlough application will be forwarded to the deputy secretary for final approval.

#### 5. Furlough Action by Deputy Secretary

a. Once approved by the facility director, the furlough application must be transmitted to the deputy secretary for review and final approval. All documentation used to support the director's approval of the furlough must be transmitted to the deputy secretary along with the Furlough Referral and Application Form.

b. The furlough application with supporting documentation must be transmitted to the deputy secretary five working days prior to mailing of the notice to the court(s) and district attorney(s) of plans to furlough a youth.

c. The deputy secretary will notify the facility director of the decision by returning page 3 of the Furlough Referral and Application Form. If the furlough is denied, the director or case manager will meet with the youth, notify the parent/guardian and DYS.

#### 6. Notice to Court and District Attorney

a. If the furlough is approved by the deputy secretary, the director of the facility shall provide written notice to the court(s) and district attorney(s) of plans to furlough the youth.

i. Written notice shall include:

(a). reference to R.S. 15:908 regarding the authority designated to Youth Service to authorize a temporary furlough;

(b). whether the furlough requested is for a youth sentenced under Children's Code 897.1;

(c). statement that the furlough will not be authorized over the objection of the court or if the district attorney objects, until the conclusion of a contradictory hearing; and

(d). statement that the furlough program is a continuing rehabilitative process expected to last throughout the youth's commitment.

ii. For all furloughs except emergency family furloughs, written notice shall be furnished to the court at least 14 calendar days prior to the start date of the furlough.

iii. Notice of approved furloughs will also be provided to the appropriate regional office.

#### H. Conditions of Furlough

##### 1. Custody Receipt

a. As per R.S. 15:908(B), the adult assuming custody of the child for the furlough must sign a custody receipt. In most cases, the person assuming custody will be the parent or guardian. If the parent or guardian is unable to travel to the facility to assume custody of the youth, a responsible family member may accept custody of the youth. This person must be an approved adult family member, age 21 or over, who is either included on the youth's previously approved visitation list or is known to the Office of Community Services worker or the assigned probation officer. A previously approved adult may also accept custody of the youth.

##### 2. Conditions of Furlough

a. Case managers are responsible for reviewing furlough conditions and sanctions with the youth and family member or previously approved adult who will take custody of the youth. The case manager shall provide the youth and custodian with a copy of the conditions and sanctions. Following review of the furlough conditions and sanctions with the youth and custodian, the case manager will have the youth and custodian sign the Conditions of Furlough Form acknowledging that they understand the conditions and sanctions. The youth will sign the furlough contract.

b. All furloughs require that the youth participate in urine drug screening following a furlough.

c. The custodian will also be required to read and sign a Furlough Custodian Agreement.

##### 3. Transportation

a. The responsible adult will physically transport the youth from the facility and return the youth to the facility.

##### I. Return of Youth to Facility

1. The youth will be returned to the facility. Upon return to the facility the youth will be transported to the infirmary for a wellness check and mandatory urine drug test.

2. The supervising probation officer will submit a report to the facility.

3. A case manager will interview the youth and assess the success of the visit.

4. A completed report will be submitted to the court and a copy sent to the regional office.

##### J. Sanctions for Violation of Furlough Rules

##### 1. Types of Violations and Available Sanctions

###### a. Absent Without Leave (AWOL)

i. Disciplinary infraction for escape;

ii. 12 months in Youth Services secure custody prior to any further furlough consideration;

iii. filing of criminal charges for escape and/or related charges.

###### b. Positive Drug Screen

i. Disciplinary infraction for intoxication and/or contraband;

ii. Six months in Youth Services secure custody prior to any further furlough consideration;

iii. recommendation for referral to substance abuse services;

iv. modification of needs assessment to reflect recent usage of illegal/intoxicating substances (completion of substance abuse assessment).

c. Commission of Crime While on Furlough

i. Disciplinary infraction for aggravated disobedience;

ii. 12 months prior to any further furlough consideration;

iii. recommendation for referral to an appropriate treatment program;

d. Other Violations

i. Therapeutic interventions appropriate to behavior.

2. Documentation of Violations

a. Documentation of rule violations while on furloughs will be reported on an Unusual Occurrence Report (UOR).

b. Reports are to be written by the employee (case manager, program manager, dorm manager, security staff, or probation officer) who discovers the furlough violation.

c. The regional office is to be notified in writing of any youth placed on escape status as a result of a furlough violation. Follow procedures outlined in YS Policy No. C.2.1 "Reporting and Documenting Escapes, Apprehensions, Runaways and AWOL's" regarding escapes.

K. Facility Furlough Program

1. The director of each facility shall implement a furlough program in compliance with the intent of this policy.

2. Provisions for annual review for program effectiveness shall be included.

L. Furlough Forms: The forms referred to above shall be named as follows and contain no less than the following information.

1. Furlough Referral and Application Form

a. Type of furlough requested;

b. youth personal, offense, and custody classification level information;

c. disciplinary infraction review section; and

d. Administrative Furlough Review Committee section.

2. Reintegration Activities for Short-Term Furlough

a. Activities and appointments to be completed while on furlough.

3. Request for Custodian Information

a. Youth personal information;

b. information about makeup of custodial family, address, phone, work address;

c. information about the furlough custodian, his relationship to the youth, his criminal history.

4. Notice to Court and District Attorney

a. Reference to R.S. 15:908 regarding the authority designated to Youth Service to authorize a temporary furlough;

b. whether the furlough requested is for a youth sentenced under Children's Code 897.1;

c. statement that the furlough will not be authorized over the objection of the court or if the district attorney objects, until the conclusion of a contradictory hearing; and

d. statement that the furlough program is a continuing rehabilitative process expected to last throughout the youth's commitment.

5. Custody Receipt

a. Acknowledgement of conditions and duration of the furlough, signed by the facility director;

b. acknowledgement of conditions and duration of furlough, and assumption of safety, well-being, and return of the youth, signed by the furlough custodian.

6. Furlough Contract

a. Signed statements from youth that the conditions of the furlough have been explained to him, that he understands them, that he will follow them, that he understands that approval of future furloughs depends on the success of the instant furlough, and a telephone number for him to contact in the event concerns or questions arise.

b. Conditions of furlough, setting forth the general terms and conditions of furlough, the sanctions for violating these conditions, notice that the youth will be required to submit to drug testing upon his return from furlough.

7. Furlough Custodian Agreement

a. Acknowledgement of and agreement to certain facts, including that the youth will reside with the furlough custodian and not leave the state, that he can provide housing, meals and transportation to and from the facility, that he understands the conditions of furlough, and other pertinent information.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:405.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Youth Services, Office of Youth Development, LR 31:

**Family Impact Statement**

Furloughs will provide an opportunity for the youth to slowly reintegrate back into the home and community, and give him experience in using new behavior and attitude changes that he has learned while in the secure facility. This will ideally result in positive changes and experiences for the family unit as well.

Interested persons may submit written comments until 4:30 p.m., August 5, 2005, to Cynthia Eyre, Youth Services, Department of Public Safety and Corrections, Office of Youth Development, 7979 Independence Blvd., State Police Building, Baton Rouge, LA 70806.

Simon G. Gonsoulin

Deputy Secretary

**FISCAL AND ECONOMIC IMPACT STATEMENT  
FOR ADMINISTRATIVE RULES**

**RULE TITLE: Furlough Process and Escorted Absence**

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

The estimated cost to state government is \$1,875. The costs associated with the implementation of these rules to the Office of Youth Development include funding for officers supervising the youth on furlough and the Global Positioning System equipment, which is placed on each furloughed youth charged with a crime under ChC Art. 897.1. Costs were estimated on 50 youth receiving a furlough in FY 05-06 and 06-07. The cost of



- the equipment is \$7.68/day. Costs were estimated based on 25 youth per year falling into this category and requiring the GPS monitoring.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)  
 There is no estimated 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)  
 There are no estimated costs and/or economic benefits to directly affected persons or non-governmental groups.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)  
 There is no estimated effect on competition and employment.

Simon G. Gonsoulin  
 Deputy Secretary  
 0507#057

Robert E. Hosse  
 General Government Section Director  
 Legislative Fiscal Office

**NOTICE OF INTENT**

**Department of Social Services  
 Office of Family Support**

Family Independence Temporary Assistance Program (FITAP) and Kinship Care Subsidy Program (KCSP)  
 Waiver of Redetermination Interview  
 (LAC 67:III.1207, 1227, 1257, 5305, 5327, 5347, 5349)

The Department of Social Services, Office of Family Support, has exercised the provision of the Administrative Procedure Act, R.S. 49:953(B) and proposes to amend §§1207, 1227, and 1257 in the Family Independence Temporary Assistance Program (FITAP) and §§5305, 5327, and 5347 in the Kinship Care Subsidy Program (KCSP). The Rule also proposes to adopt §5349, Foster Care Payments.

In an effort to create a less burdensome reapplication process for the client, simplify policy, and reduce workloads, the agency requested and received approval of a waiver that eliminated the requirement for redetermination interviews in the food stamp program. For consistency purposes, §§1207 and 5305 are being amended to remove the requirement for redetermination interviews in the FITAP and KCSP Programs.

42 USC 608 requires that households receiving cash assistance must have an eligible child in the home. Therefore, §§1227, 1257, 5327, and 5347 are being amended to specify the requirement to report when the only child leaves the home and to clarify what constitutes a temporary absence from the home. Section 5349 is being adopted to prohibit the receipt of KCSP benefits for a child who receives federal or state foster care payments.

**Title 67**

**SOCIAL SERVICES**

**Part III. Family Support**

**Subpart 2. Family Independence Temporary Assistance Program (FITAP)**

**Chapter 12. Application, Eligibility, and Furnishing Assistance**

**Subchapter A. Application, Determination of Eligibility, and Furnishing Assistance**

**§1207. Certification Period and Reapplication**

A. Certification periods of a set duration will be assigned. In order to continue to receive benefits, the household must timely reapply and be determined eligible. In the month preceding the final month of certification, a notice of expiration and application for continued assistance will be provided to the household. The notice shall inform the household that failure to timely reapply will result in closure and include the right to a fair hearing. Also, if during the application process, a change is reported which results in a determination of ineligibility or a reduction in benefits, this change will be made effective the following month.

B. ...

AUTHORITY NOTE: Promulgated in accordance with 42 U.S.C. 601 et seq., R.S. 36:474, R.S. 46:231.1.B., 42 U.S.C. 608, et seq.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Family Support, LR 25:2447 (December 1999), amended LR 28:1598 (July 2002), LR 31:

**Subchapter B. Conditions of Eligibility**

**§1227. Living in the Home of a Qualified Relative**

A. A child must reside in the home of a parent or other qualified relative who is responsible for the day-to-day care of the child. Benefits will not be denied when the qualified relative or the child is temporarily out of the home for a period not to exceed 180 days. Good cause must be established for a temporary absence of more than 45 days. The following relatives are qualified relatives:

A.1. - D. ...

AUTHORITY NOTE: Promulgated in accordance with 42 U.S.C. 601 et seq., R.S. 36:474, R.S. 46:231.2, 42 U.S.C. 608, et seq.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Family Support, LR 25:2449 (December 1999), LR 31:

**§1257. Reporting Requirements**

A. ...

B. A FITAP household that is included in a food stamp semi-annual reporting household is subject to the semi-annual household reporting requirements in accordance with §2013 and must report if the only eligible child moves out of the home.

AUTHORITY NOTE: Promulgated in accordance with 42 U.S.C. 601 et seq., R.S. 36:474, R.S. 46:231 et seq. 7 CFR Part 273, 42 U.S.C. 608, et seq.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Family Support, LR 28:522 (March 2002), amended LR 30:1486 (July 2004), LR 31:

**Subpart 13. Kinship Care Subsidy Program (KCSP)  
Chapter 53. Application, Eligibility, and Furnishing Assistance**

**Subchapter A. Application, Determination of Eligibility, and Furnishing Assistance**

**§5305. Certification Period and Reapplication**

A. Certification periods of a set duration will be assigned. In order to continue to receive benefits, the household must timely reapply and be determined eligible. In the month preceding the final month of certification, a notice of expiration and application for continued assistance will be provided to the household. The notice shall inform the household that failure to timely reapply will result in closure and include the right to a fair hearing. Also, if during the reapplication process, a change is reported which results in a determination of ineligibility the case will be closed.

B. ...

AUTHORITY NOTE: Promulgated in accordance with 42 U.S.C. 601 et seq., R.S. 36:474, R.S. 46:231.1.B, R.S. 46:237.42 U.S.C 608, et seq.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Family Support, LR 26:351 (February 2000), amended LR 28:1599 (July 2002), LR 31:

**Subchapter B. Conditions of Eligibility**

**§5327. Living in the Home of a Qualified Caretaker Relative**

A. A child must reside in the home of a qualified caretaker relative who is responsible for the day-to-day care of the child and who has legal custody or guardianship of the child. The child's parents may not reside in the home. Legal custody or guardianship must be obtained by the caretaker relative within one year of certification of benefits. Failure to obtain such custody within 12 months of certification will result in cessation of benefits. Benefits will not be denied when the qualified caretaker relative or the child is temporarily out of the home for a period not to exceed 180 days. Good cause must be established for a temporary absence of more than 45 days. The following relatives are qualified caretaker relatives:

1. - 7. ...

AUTHORITY NOTE: Promulgated in accordance with 42 U.S.C. 601 et seq., R.S. 36:474 and R.S. 46:231.1.B, R.S. 46:237.42 U.S.C. 608.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Family Support, LR 26:353 (February 2000), amended LR 27:2264 (December 2001), LR 31:

**§5347. Reporting Changes**

A. ..

B. A KCSP household that is included in a food stamp semi-annual reporting household is subject to the semi-annual household reporting requirements in accordance with §2013 and must report if the only child moves out of the home.

AUTHORITY NOTE: Promulgated in accordance with 42 U.S.C. 601 et seq., R.S. 36:474, R.S. 46:231 et seq., 7 CFR Part 273, 42 U.S.C., et seq.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Family Support, LR 28:2565 (December 2002), amended LR 30:1487 (July 2004), LR 31:

**§5349. Foster Care Payments**

A. A child who receives federal or state foster care payments is not eligible to receive KCSP benefits.

AUTHORITY NOTE: Promulgated in accordance with 42 U.S.C. 608, et seq.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Family Support, LR 31:

**Family Impact Statement**

1. What effect will this Rule have on the stability of the family? This Rule will have no effect on the stability of the family.

2. What effect will this Rule have on the authority and rights of persons regarding the education and supervision of their children? This Rule will have no effect on the authority and rights of persons regarding the education and supervision of their children.

3. What effect will this Rule have on the functioning of the family? Removing the requirement of a redetermination interview should have a positive impact on the functioning of the family.

4. What effect will this Rule have on family earnings and family budget? This Rule will have no effect on family earnings or budget.

5. What effect will this Rule have on the behavior and personal responsibility of children? This Rule will have no effect on the behavior and personal responsibility of children.

6. Is the family or local government able to perform the function as contained in this proposed Rule? No, this program is strictly an agency function.

Interested persons may submit written comments by August 25, 2005, to Adren O. Wilson, Assistant Secretary, Office of Family Support, Post Office Box 94065, Baton Rouge, Louisiana, 70804-9065. He is responsible for responding to inquiries regarding this proposed Rule.

A public hearing on the proposed Rule will be held on August 25, 2005, at the Department of Social Services, A.Z. Young Building, Second Floor Auditorium, 755 Third Street, Baton Rouge, at 9 a.m. All interested persons will be afforded an opportunity to submit data, views, or arguments, orally or in writing, at said hearing. Individuals with disabilities who require special services should contact the Bureau of Appeals at least seven working days in advance of the hearing. For assistance, call (225) 342-4120 (Voice and TDD).

Ann Silverburg Williamson  
Secretary

**FISCAL AND ECONOMIC IMPACT STATEMENT  
FOR ADMINISTRATIVE RULES**

**RULE TITLE: Family Independence Temporary Assistance Program (FITAP) and Kinship Care Subsidy Program(LCSP)—Waiver of Redetermination Interview**

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

The minimal cost of publishing the rule, printing policy changes and form revisions is estimated to be approximately \$600 and is routinely included in the agency's annual budget.

There will be no costs to local governmental units.

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

There will be no impact on revenue collections for state or local governmental units.

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

The rule will result in no costs or economic benefits to directly affected persons or non-governmental groups.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rule will have no impact on competition and employment.

Adren O. Wilson  
Assistant Secretary  
0507#053

H. Gordon Monk  
Acting Legislative Fiscal Officer  
Legislative Fiscal Office

# Legislation

## LEGISLATION

### State Legislature House of Representatives

House Concurrent Resolution No. 1  
of the 2005 Regular Session  
by Representative Farrar

Sanitary Code—Installer/Maintenance  
Provider Qualifications (LAC 51.XIII.737)

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

To amend the Department of Health and Hospitals, Office of Public Health, Rules on installer/maintenance provider qualifications and to direct the *Louisiana Register* to print the amendments in the Louisiana Administrative Code.

Whereas, the Department of Health and Hospitals, Office of Public Health, has promulgated Rules relative to the basic license for an installer/maintenance provider of individual sewerage systems; and

Whereas, an applicant for such license must, in addition to meeting other qualifications, submit an endorsement from the licensed manufacturer specifying that the applicant is qualified to install and/or maintain the systems; and

Whereas, this Rule has imposed an undue burden on the citizens of this state; and

Whereas, R.S. 49:969 provides that the legislature, by concurrent resolution, may suspend, amend, or repeal any rule or regulation or body of rules or regulations adopted by a state department, agency, board, or commission.

Therefore, be it resolved by the Legislature of Louisiana that LAC 51:737 is hereby amended to read as follows.

#### Title 51

#### PUBLIC HEALTH—SANITARY CODE

#### Part XIII. Sewage Disposal

#### Chapter 7. Individual Sewerage Systems

[formerly Chapter 13 Subpart D]

#### Subchapter C. Licensing Procedures for Installers and Manufacturers of Individual Sewerage Systems

[formerly Chapter 13 Subpart F]

#### §737. Installer/Maintenance Provider Qualifications

A. For a basic license, the applicant shall submit, along with the license application and evidence of successful completion of an examination, an affidavit certifying that he has obtained, read, and understands the provisions of this Part of the Sanitary Code, including Chapter 7 Subchapter B of this Part, and the requirements for minimum distance to sources of contamination in Part XII and will make installations and/or provide maintenance in compliance therewith. Copies of a standard affidavit form and request

for examination form may be obtained from any parish health unit.

B. For a combination license, the applicant shall submit, along with the license application and evidence of successful completion of an examination, an endorsement from the licensed manufacturer for the brand of plant he wishes to install and/or maintain, specifying that the applicant is qualified to install and/or maintain said plants, in compliance with the requirements of this Code. Applications will not be processed unless accompanied by the required endorsement.

C. For a maintenance license, the applicant shall submit the license application and evidence of successful completion of an examination, an endorsement from the licensed manufacturer for the brands of plants he wishes to maintain, specifying that the applicant is qualified to maintain said plants, in compliance with the requirements of this Code. Licensed manufacturers shall issue such endorsements to any and all individuals who present themselves for training and who meet the manufacturer's minimum standards for competency.

D. All persons seeking to apply for a new license or renewal must, at their own expense, attend and successfully complete a training course approved by the Sanitarian Services Section of the Office of Public Health, Department of Health and Hospitals, as a prerequisite for licensure. This course will be offered at least once annually.

E. All licensees must successfully repeat this training course every five years.

F. A listing of training course dates, times, and locations shall be maintained in the various regional offices by the sanitarian regional directors.

G. In the event an approved training course is not available within 60 days, the sanitarian services section may issue a temporary license provided the applicant meets all of the other requirements cited in this Section and successfully completes an examination administered by the sanitarian regional director. This temporary license shall terminate upon failure to attend the next available approved training course. Applicants who fail to attend the required training course shall not be issued another temporary license, but may reapply for a license upon successful completion of the required training course.

H. Applicants for an Installer/Maintenance Provider License installer's, combination, or maintenance license shall submit, along with the license application, proof that they have secured, for at least the duration of the license, general liability insurance in an amount of no less than \$100,000 - \$300,000.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4(A)(6) and R.S. 40:5(9)(20).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 28:1360 (June

2002), amended by the 2005 Regular Session, House Concurrent Resolution No. 1, LR 31:1914 (July 2005).

Be it further resolved that the Clerk of the House of Representatives is hereby directed to transmit a copy of this resolution to the office of the *Louisiana Register* and the Department of Health and Hospitals, Office of Public Health.

Be it further resolved that the *Louisiana Register* is hereby directed to have the amendment to LAC 51:XIII.737 printed and incorporated in the Louisiana Administrative Code and

to transmit a copy of the revised Rule to the Department of Health and Hospitals, Office of Public Health.

Joe R. Salter  
Speaker of the House of Representatives  
and  
Donald E. Hines  
President of the Senate

0507#080

# Administrative Code Update

CUMULATIVE: JANUARY – JUNE 2005

LAC Title	Part.Section	Effect	Location LR 31 Month Page	LAC Title	Part.Section	Effect	Location LR 31 Month Page
4	III.701-715	Adopted	Mar. 644	33	IX.1123	Amended	Apr. 917
	V.2101	Amended	Jan. 56		IX.1123	Amended	Apr. 920
	VII.1101,1245	Amended	June 1330		IX.2301,4901,4903	Amended	Apr. 918
	VII.1105,1237,1275	Repealed	June 1330		IX.2501,2707,3113	Amended	Feb. 425
7	I.101	Amended	Jan. 26	IX.2511	Amended	June 1321	
	V.513	Amended	June 1227	IX.4701-4709,4719	Amended	Feb. 425	
	XIII.125,143	Amended	Feb. 419	IX.4731-4747	Adopted	Feb. 425	
	XIII.139,141	Amended	Jan. 35	IX.5911	Amended	Feb. 425	
	XXI.111	Amended	Feb. 419	IX.7103	Repealed	Feb. 425	
	XXV.101,119,121	Amended	Jan. 26	XI.103,301-305,501-509	Amended	May 1065	
	XXIX.107,109,113-117,123	Amended	May 1053	XI.599	Adopted	May 1065	
	XXXIII.133	Amended	May 1055	XI.701-707,901-907,1301,1303	Amended	May 1065	
	XXXV.301-347	Adopted	Jan. 27	XI.1307,1311,1313	Amended	May 1065	
	XLI.101	Repromulgated	Apr. 898	XV.102	Amended	May 1064	
	13	III.101-117	Amended	Apr. 902	XV.102,113,325,326,351,399	Amended	Jan. 44
III.131-147		Adopted	Apr. 902	XV.361	Adopted	Jan. 44	
V.201-215		Adopted	Feb. 420	XV.421,499,575,588,756,757	Amended	Jan. 44	
				XV.613,615,915,917	Adopted	May 1064	
22	I.105	Adopted	May 1097	XV.703,704,763	Amended	May 1060	
	I.209,301,309,311	Repealed	Apr. 937	XV.1503,1505,2017	Amended	Jan. 44	
	I.306,307,310,319,327,331	Repealed	Apr. 937	XV.1517	Amended	Apr. 918	
	I.317,329	Amended	May 1097	34	III.101-113,127,129	Amended	May 1076
	I.339,2103,2105	Amended	May 1099		III.300,301-307	Repealed	May 1076
	I.339,2103,2105	Repromulgated	June 1343		V.105	Adopted	Mar. 640
	I.365	Amended	May 1099		35	I.302	Adopted
	I.367	Repealed	May 1097	37		I.101,301-313,501,701-705	Amended
	XIII.503	Amended	June 1330		I.2501,2701,2901,3101-3121	Amended	Jan. 56
25	III.103	Amended	May 1055		I.3201,3301,5101	Amended	Jan. 56
	III.105	Amended	May 1057		XI.717,723	Amended	May 1096
28	I.901,906,930	Amended	Mar. 638		XIII.1901-1905,1909-1913	Amended	Feb. 461
	I.903	Amended	Feb. 425		XIII.1915,1917,1937,1961	Adopted	Feb. 461
	I.903	Amended	Mar. 636		XIII.1919,1921,1925-1935	Amended	Feb. 461
	I.907,925	Repealed	Mar. 638	XIII.1923,1941,1947,1951	Repromulgated	Feb. 461	
	I.919	Repealed	Apr. 917	XIII.1939,1943-1945,1949	Amended	Feb. 461	
	I.1303	Amended	June 1319	XIII.1953-1959	Amended	Feb. 461	
	I.1303,1705,1709	Amended	June 1319	XIII.Chapter 95	Adopted	Mar. 673	
	IV.301,501,504,505,509,703,803	Amended	Jan. 36	XIII.10301-10319	Adopted	Apr. 932	
	IV.501,506,2103	Amended	May 1060	XIII.Chapter 105	Adopted	May 1092	
	IV.1903,2107,2301-2313	Amended	Jan. 36	43	I.1921,1923	Adopted	Apr. 934
	VI.107,311	Amended	Mar. 639		XIII.307,503,507,509	Amended	Mar. 679
	XXXVII.2503	Amended	Mar. 638		XIII.913,921,923,1104	Amended	Mar. 679
	LVII.301,501-511,521-535	Amended	Apr. 915		XIII.1105,1110,1305,1307, 1309	Amended	Mar. 679
	LXXIX.2511	Amended	Mar. 636		XIII.1321,1513,1721,1727	Amended	Mar. 679
	LXXXIII.703,4307,4310	Amended	Apr. 912		XIII.2305,2711,2712,2923	Amended	Mar. 679
	LXXXIII.3501,4310,4313	Amended	Feb. 423		XIII.2939,2943,3105,3303	Amended	Mar. 679
	LXXXIII.4303,4313	Amended	June 1256		XIII.3309,3311,3313,3317	Amended	Mar. 679
	LXXXIII.4310,4311,4313	Amended	Mar. 633		XIII.3321,3325,3327	Amended	Mar. 679
	XCVII.305,307,311,501	Amended	Apr. 913		XIII.3329,3333,3335,3337	Amended	Mar. 679
	CXV.Chapters 1-37	Adopted	June 1257		XIII.3339,3341,3343,3345	Amended	Mar. 679
32	III.301,317	Amended	Feb. 441		XIII.5103,5105,5109	Amended	Mar. 679
	V.301,317	Amended	Feb. 439		46	III.105,1101-1109,1113,1117-1121	Amended
	IX.301,317	Amended	Feb. 440	III.1201,1203,1705,2501		Adopted	June 1325
33	I.601-609	Adopted	June 1321	III.1301,1501,1703		Amended	June 1325
	I.3931	Amended	Apr. 918	III.2301		Repealed	June 1325
	III.501	Amended	May 1063	III.2701-2711,2901		Adopted	June 1325
	III.507,1509,2305	Amended	May 1061	V.7101,7103,7301-7309		Adopted	Apr. 921
	III.1432	Amended	Mar. 639	V.7501,7503, 7701-7713,7901-7911		Adopted	Apr. 921
	III.2117	Amended	May 1062	XIX.319,709		Amended	June 1329
	V.3099	Amended	Apr. 918	XXIII.107		Repromulgated	Jan. 43
	V.10107,10121	Amended	Mar. 693	XXXIII.304,306,703		Amended	Apr. 927
	V.Chapters 301-304	Amended	Mar. 675	XXXIII.507		Repealed	Apr. 927
	VII.10505,10509,10519	Amended	June 1322	XXXIII.1515		Adopted	Apr. 927
	VII.10521	Adopted	June 1322	XLI.Chapter 23		Adopted	May 1058
	VII.10535,10537	Amended	June 1322	XLV.1503,1505,1513,1514	Amended	Jan. 73	
				XLV.1519,4501-4505	Amended	Jan. 73	

LAC Title	Part.Section	Effect	Location LR 31 Month Page	LAC Title	Part.Section	Effect	Location LR 31 Month Page
46	XLV.1521-1529,4506	Adopted	Jan. 73	61	I.4359	Amended	Jan. 90
	XLV.4511-4513	Amended	Jan. 73		I.4361	Amended	Jan. 100
	XLVII.4507	Amended	June 1340		I.4363	Amended	Jan. 89
	LIV.306	Adopted	Feb. 441		I.4365	Amended	Jan. 91
	LXX.6653	Adopted	Jan. 55		I.4367	Amended	Jan. 92
	LXIII.401-415	Adopted	Jan. 70		I.4369	Amended	Jan. 97
	LXVII.10101,10301-10307	Amended	June 1332		I.4371	Amended	Jan. 98
	LXVII.10308, 10509-10513	Adopted	June 1332		I.4373	Amended	Jan. 94
	LXVII.10309-10315,10401-10411	Amended	June 1332		I.4402	Amended	Jan. 91
	LXVII.10415,10501-10507	Amended	June 1332		I.4404	Amended	Jan. 99
	LXXX.Chapters 1-19	Adopted	Mar. 646		I.4406	Amended	Jan. 92
	LXXXV.1015	Amended	Apr. 928		I.4407	Amended	Jan. 99
	LXXXV.1515	Amended	Apr. 930		I.4408	Amended	Jan. 95
					I.4409	Amended	Jan. 93
	48	I.Chapter 80	Adopted		Feb. 442	I.4410	Amended
I.7401,7403,7413,7427,7443		Amended	Mar. 669	I.4413	Amended	Jan. 88	
I.7429		Repealed	Mar. 669	I.4416	Amended	Jan. 93	
IX.1501-1513		Adopted	Jan. 86	I.4418	Amended	Jan. 94	
				I.4420	Amended	Jan. 97	
50	II.10307	Amended	May 1081	I.4906	Adopted	Mar. 699	
	XV.101-105,301,311-325,335,337	Adopted	May 1082	I.4910	Amended	Feb. 483	
	XV.501,703,707-711,719,731-739	Adopted	May 1082	II.101	Repealed	May 1102	
	XV.705	Amended	May 1082	V.101,703,901,907,1103,1307	Amended	Mar. 699	
	XV.755,757,901,1101,1103,1301	Adopted	May 1082	V.201-213,304,705,3511-3525	Adopted	Mar. 699	
	XV.701	Adopted	Mar. 668	V.1503,1701,2501,2503,2705	Amended	Mar. 699	
	XV.6903	Amended	Mar. 667	V.2707,3103,3105,3501	Amended	Mar. 699	
	XV.7101-7105	Amended	Mar. 664				
	XV.7107	Adopted	Mar. 664	67	III.1221,1247,5321,5705	Amended	Jan. 102
	XVII.105,125,133	Adopted	Jan. 85		III.1965,1966	Amended	June 1345
	XVII.30101,30301-30303	Adopted	Jan. 80		III.2527,2540,2545	Amended	May 1102
	XVII.30501-30503,30701	Adopted	Jan. 80		III.5103,5107	Amended	Jan. 101
	XVII.2101-2113	Adopted	Jan. 81		III.5501,5509-5513,5525-5527	Repealed	Feb. 484
					III.5533,5537-5539,5547	Repealed	Feb. 484
	52	I.101,301,1204	Amended		June 1227	III.5553,5557,5567-5569	Repealed
I.1701		Adopted	June 1227		III.5577,5601-5631	Repealed	Feb. 484
I.1901,1913-1917,2137-2139		Repromulgated	June 1227		III.5541,5545,5549,5561	Amended	Feb. 484
I.1902,1906,1907,1908,1909,1910		Repromulgated	Mar. 620		III.5563,5573	Amended	Feb. 484
I.1908		Repromulgated	Apr. 899		III.5579	Adopted	Feb. 488
I.2101-2114,2115-2123,2131-2135		Amended	June 1227		III.5715,5727	Amended	Jan. 102
55	I.615	Amended	Apr. 938		V.2301	Amended	Jan. 101
	VII.317	Amended	June 1344		V.3507	Adopted	Feb. 484
	VII.503-509	Amended	Apr. 938				
	VII.511	Adopted	Apr. 938	70	I.315	Amended	Jan. 104
56	I.Chapters 1-7	Repromulgated	Apr. 942		II.1901-1923	Adopted	Jan. 105
	III.Chapters 1-7, 21,23	Repromulgated	Apr. 942		III.103-109	Amended	Mar. 727
58	I.303,503	Amended	Apr. 946		III.127,135,136,143,150	Amended	Apr. 944
	I.1301	Amended	Jan. 107		III.155	Repealed	Apr. 944
	I.2715	Amended	Apr. 946		XI.101	Repromulgated	Apr. 898
61	I.306	Amended	Mar. 696	XIII.1,13,15,17,21	Repromulgated	Apr. 942	
	I.309	Amended	Jan. 90	XV.1,2	Repromulgated	Apr. 942	
	I.1134	Amended	Mar. 694				
	I.4301	Amended	Mar. 697	76	I.327	Amended	May 1103
	I.4311	Amended	May 1101		I.327-335	Repromulgated	June 1345
	I.4351	Amended	May 1101		I.329-335	Adopted	May 1103
	I.4355	Amended	Jan. 88		VII.102	Adopted	Apr. 947
	I.4357	Amended	Jan. 100		VII.110	Amended	Apr. 948
					VII.199	Adopted	Mar. 728
					VII.367	Amended	Jan. 108
			VII.701		Amended	Apr. 947	

# Potpourri

## POTPOURRI

### Office of the Governor Oil Spill Coordinator's Office

Draft Damage Assessment and Restoration  
Plan/Environmental Assessment for  
Equinox Oil Company Crude Oil Discharge

**Agencies:** Louisiana Oil Spill Coordinator's Office, Office of the Governor (LOSCO); Louisiana Department of Environmental Quality (LDEQ); Louisiana Department of Natural Resources (LDNR); Louisiana Department of Wildlife and Fisheries (LDWF); National Oceanic and Atmospheric Administration (NOAA); and United States Department of the Interior (USDOI) which is represented by the U.S. Fish and Wildlife Service (USFWS).

**Action:** Notice of availability of a Draft Damage Assessment and Restoration Plan/Environmental Assessment, and of a 30-day state and federal period for public comment on the draft plan.

**Summary:** Pursuant to 15 C.F.R. §990.23 and 15 C.F.R. §990.55(c) and LAC 43:XXIX.Chapter 1, notice is hereby given that a document entitled, "Draft Damage Assessment and Restoration Plan and Environmental Assessment for Equinox Oil Company Crude Oil Discharge, Lake Grande Ecaille, Louisiana, September 22, 1998 "(Draft DARP/EA) will become available for public review and comment on July 20, 2005. This document is being prepared by the agencies listed above (the Trustees) to address injuries to natural resources and services, following the September 22, 1998 discharge of crude oil into Lake Grand Ecaille, Louisiana (the incident). This document presents the Trustees' assessment of injuries to natural resources and services attributable to this incident, and their proposed plan to restore, replace, or acquire resources or services equivalent to those lost as a basis for compensating for the injuries to natural resources and services that occurred. The Trustees will consider comments received during the public comment period before finalizing the DARP/EA. Public review of the Draft DARP/EA is consistent with all State and Federal laws and regulations that apply to the Natural Resource Damage Assessment (NRDA) process, including §1006 of the Oil Pollution Act (OPA), 33 U.S.C. §2706; the regulations for NRDA under OPA, 15 C.F.R. Part 990; National Environmental Policy Act (NEPA), 42 U.S.C. §4321, *et seq.*; the regulations implementing NEPA, 40 C.F.R. §1500, *et seq.*; §2480 of the Louisiana Oil Spill Prevention and Response Act (OSPRA), R.S. 30:2480; and the regulations for NRDA under OSPRA, LAC 43:XXIX, Chapter 1.

Interested members of the public are invited to request a copy of the Draft DARP/EA from, and to submit written comments to, Gina Muhs Saizan at the address given below. All written comments will be considered by LOSCO, LDEQ, LDNR, LDWF, NOAA, and USDOI/USFWS in finalizing the DARP/EA.

**Dates:** Comments must be submitted in writing (hardcopy or digitally) on or before August 22, 2005.

**For Further Information:** Contact Gina Muhs Saizan at (225) 219-5800 or by email [gina.saizan@la.gov](mailto:gina.saizan@la.gov) (to view the draft DARP/EA via the internet: [www.losco.state.la.us](http://www.losco.state.la.us) and look under the News Flash for Equinox Oil Spill Draft DARP/EA).

**Address:** Requests for copies of the Draft DARP/EA and written (hardcopy or digital) comments on the Draft DARP/EA should be sent to:

Gina Muhs Saizan  
Louisiana Oil Spill Coordinator's Office  
150 Third Street, Suite 405  
Baton Rouge, LA 70801  
[gina.saizan@la.gov](mailto:gina.saizan@la.gov)

**Supplementary Information:** On September 22, 1998, an unknown volume of oil (similar to a medium weight crude oil) was discharged during a blowout of a well owned by Equinox into the waters of Lake Grande Ecaille, in Plaquemines Parish, coastal Louisiana. The exact volume of oil discharged is unknown, but estimates range from less than 450 bbl to 1,500 bbl. The oil along with natural gas, produced water, and sand, aerially discharged in a jet approximately 200-300 feet in height. The blowout continued for approximately 11 hours. Equinox responded to the spill, deployed booms, and later vacuumed up the oily sand that was deposited in the vicinity of the wellhead. Several thousand acres of surface water in Lake Grande Ecaille, as well as the Gulf of Mexico, were covered by slicks or sheens from the incident, and approximately 1,233 acres of salt marsh (predominantly smooth cordgrass, *Spartina alterniflora*, mixed in some areas with black mangroves, *Avicennia germinas*) were exposed to oil. Hurricane Georges passed near the area four days later on September 26, 1998, removing some of the oil from the marshes and surface waters. After the passage of the hurricane, some areas that had previously been free of oil were oiled as a result of the redistribution of stranded oil.

The incident is subject to the authority of OPA, 33 U.S.C. §2701, *et seq.*; the Federal Water Pollution Control Act (FWPCA or Clean Water Act), 33 U.S.C. §1251, *et seq.*; and OSPRA, R.S. 30:2451, *et seq.* NOAA, USDOI/USFWS, LOSCO, LDEQ, LDNR, and LDWF are Trustees for natural resources pursuant to §2706 of OPA, 33 U.S.C. §2706; §311 of the Clean Water Act, 33 U.S.C. §1321; Subpart G of the National Contingency Plan, 40 C.F.R. §§300.600-300.615; and, in the case of the Louisiana Trustees, OSPRA, R.S. 30:2451, *et seq.*, and in the case of the Federal Trustees, Executive Order 12777. As a designated Trustee, each agency is authorized to act on behalf of the public under State and/or Federal law to assess injuries to natural resources and services, and to plan and implement actions to restore and recover natural resources and services injured or lost as the result of an incident.

Pursuant to §1006 of OPA (33 U.S.C. §2706) and OSPRA (R.S. 30:2480), the designated Trustees have conducted a damage assessment for this incident to evaluate injuries to



natural resources and services, and to determine the need for, and scale of, restoration actions required. The Draft DARP/EA discusses the natural resources and services determined affected by the incident, describes the assessment procedures used, outlines the restoration alternative selection and scaling process, and identifies the preferred restoration alternative to address injuries to natural resources and services. The Trustees determined that injured natural resources and services will fully return to baseline without requiring any further actions. However, the Trustees have determined that there have been interim losses to habitat services, birds, aquatic fauna, and recreational use that require compensatory restoration to make the environment and the public whole for these losses. The Trustees identified a reasonable range of alternatives with a nexus to the injured resources. The marsh creation and enhancement project was identified as the proposed preferred alternative for restoring injuries to natural resources and services.

Roland Guidry  
Oil Spill Coordinator

0507#046

## POTPOURRI

### Office of the Governor Oil Spill Coordinator's Office

Draft Damage Assessment and Restoration  
Plan/Environmental Assessment for the April 5, 2001,  
Natural Gas Condensate Discharge

**Agencies:** Louisiana Oil Spill Coordinator's Office, Office of the Governor (LOSCO); Louisiana Department of Environmental Quality (LDEQ); Louisiana Department of Natural Resources (LDNR); Louisiana Department of Wildlife and Fisheries (LDWF); National Oceanic and Atmospheric Administration (NOAA); and United States Department of the Interior (USDOI) which is represented by the U.S. Fish and Wildlife Service (USFWS).

**Action:** Notice of availability of a Draft Damage Assessment and Restoration Plan/Environmental Assessment, and of a 30-day State and Federal period for public comment on the draft plan.

**Summary:** Pursuant to 15 C.F.R. §990.23 and 15 C.F.R. §990.55(c) and LAC 43:XXIX.Chapter 1, notice is hereby given that a document entitled, "Draft Damage Assessment and Restoration Plan and Environmental Assessment for the April 5, 2001, Natural Gas Condensate Discharge in Mosquito Bay on Point Au Fer Island, Terrebonne Parish, Louisiana" (Draft DARP/EA) will become available for public review and comment on July 20, 2005. This document is being prepared by the agencies listed above (the Trustees) to address injuries to natural resources and services, following the April 5, 2001 discharge of natural gas condensate into Mosquito Bay on Point Au Fer Island, Louisiana (the incident). This document presents the Trustees' assessment of injuries to natural resources and services attributable to this incident, and their proposed plan to restore, replace, or acquire resources or services

equivalent to those lost as a basis for compensating for the injuries to natural resources and services that occurred. The Trustees will consider comments received during the public comment period before finalizing the DARP/EA. Public review of the Draft DARP/EA is consistent with all State and Federal laws and regulations that apply to the Natural Resource Damage Assessment (NRDA) process, including §1006 of the Oil Pollution Act (OPA), 33 U.S.C. §2706; the regulations for NRDA under OPA, 15 C.F.R. Part 990; National Environmental Policy Act (NEPA), 42 U.S.C. §4321, *et seq.*; the regulations implementing NEPA, 40 C.F.R. §1500, *et seq.*; §2480 of the Louisiana Oil Spill Prevention and Response Act (OSPRA), R.S. 30:2480; and the regulations for NRDA under OSPRA, LAC 43:XXIX. Chapter 1.

Interested members of the public are invited to request a copy of the Draft DARP/EA from, and to submit written comments to, Gina Muhs Saizan at the address given below. All written comments will be considered by LOSCO, LDEQ, LDNR, LDWF, NOAA, and USDOI/USFWS in finalizing the DARP/EA.

**Dates:** Comments must be submitted in writing (hardcopy or digitally) on or before August 22, 2005.

**For Further Information:** Contact Gina Muhs Saizan at 225-219-5800 or by email [gina.saizan@la.gov](mailto:gina.saizan@la.gov) (to view the draft DARP/EA via the internet: [www.losco.state.la.us](http://www.losco.state.la.us) and look under the News Flash for Mosquito Bay Oil Spill Draft DARP/EA).

**Address:** Requests for copies of the Draft DARP/EA and written (hardcopy or digital) comments on the Draft DARP/EA should be sent to:

Gina Muhs Saizan  
Louisiana Oil Spill Coordinator's Office  
150 Third Street, Suite 405  
Baton Rouge, LA 70801  
[gina.saizan@la.gov](mailto:gina.saizan@la.gov)

**Supplementary Information:** On April 5, 2001, a pipeline owned by Transcontinental Gas Pipe Line Corporation and operated by Williams Field Services Group, Inc., discharged natural gas condensate into the environment near Mosquito Bay, Terrebonne Parish, Louisiana. Between 1,000 and 3,000 barrels of natural gas condensate were discharged from the pipeline. The responsible party and its spill response contractor initiated containment and cleanup after the discharge. Physical recovery and a controlled burn were used to remove natural gas condensate from the environment. The total area affected by the incident was 106 acres. 12.7 acres of marsh sediments and vegetation were directly affected by natural gas condensate and a controlled burn. An additional 93.3 acres were not affected by natural gas condensate, but were affected by the controlled burn after the fire escaped its planned boundaries and burned the marsh vegetation.

The incident is subject to the authority of OPA, 33 U.S.C. §2701, *et seq.*; the Federal Water Pollution Control Act (FWPCA or Clean Water Act), 33 U.S.C. §1251, *et seq.*; and OSPRA, R.S. 30:2451, *et seq.* NOAA, USDOI/USFWS, LOSCO, LDEQ, LDNR, and LDWF are Trustees for natural resources pursuant to §2706 of OPA, 33 U.S.C. §2706; §311 of the Clean Water Act, 33 U.S.C. §1321; Subpart G of the

National Contingency Plan, 40 C.F.R. §§ 300.600-300.615; and, in the case of the Louisiana Trustees, OSPRA, R.S. 30:2451, *et seq.*, and in the case of the Federal Trustees, Executive Order 12777. As a designated Trustee, each agency is authorized to act on behalf of the public under State and/or Federal law to assess injuries to natural resources and services, and to plan and implement actions to restore and recover natural resources and services injured or lost as the result of an incident.

Pursuant to §1006 of OPA (33 U.S.C. §2706) and OSPRA (R.S. 30:2480), the designated Trustees have conducted a damage assessment for this incident to evaluate injuries to natural resources and services, and to determine the need for, and scale of, restoration actions required. The Draft DARP/EA discusses the natural resources and services determined affected by the incident, describes the assessment procedures used, outlines the restoration alternative selection and scaling process, and identifies the preferred restoration alternative to address injuries to natural resources and services. After identifying 23 restoration alternatives exhibiting a sufficient nexus to the injured habitat, and within the same watershed, the Trustees considered 14 with a strong nexus to the injured resource (i.e., brackish marsh) to compensate for injuries to natural resources and services. A dredge and fill marsh creation project was identified as the preferred alternative for restoring natural resources and services.

Roland Guidry  
Oil Spill Coordinator

0507#047

## POTPOURRI

### Office of the Governor Oil Spill Coordinator's Office

Draft Restoration Plan for the June 21, 1997 Apache  
Corporation Pipeline Crude Oil Discharge

**Agencies:** Louisiana Oil Spill Coordinator's Office, Office of the Governor (LOSCO); Louisiana Department of Environmental Quality (LDEQ); Louisiana Department of Natural Resources (LDNR); and Louisiana Department of Wildlife and Fisheries (LDWF).

**Action:** Notice of availability of a Draft Restoration Plan, and of a 30-day state period for public comment on the draft plan.

**Summary:** Pursuant to 15 C.F.R. §990.23 and 15 C.F.R. §990.55(c) and LAC 43:XXIX.Chapter 1, notice is hereby given that a document entitled, "Draft Restoration Plan for the June 21, 1997 Apache Corporation Pipeline Discharge near Freshwater City, Vermilion Parish, Louisiana: A Corrective Action for the Vermilion Parish Coastal Marsh Compensatory Restoration Project" (DRP) will become available for public review and comment on June 20, 2005. This document is being prepared by the agencies listed above (the trustees) to address injuries to natural resources and services, following the June 21, 1997 discharge of crude oil near Freshwater City, Vermilion Parish, Louisiana (the incident). This document presents the trustees' proposed plan for corrective action to restore, replace, or acquire resources

or services equivalent to those lost as a basis for compensating for the injuries to natural resources and services that occurred. The trustees will consider comments received during the public comment period before finalizing the document. Public review of the DRP is consistent with all state and federal laws and regulations that apply to the Natural Resource Damage Assessment (NRDA) process, including §1006 of the Oil Pollution Act (OPA), 33 U.S.C. §2706; the regulations for NRDA under OPA, 15 C.F.R. Part 990; §2480 of the Louisiana Oil Spill Prevention and Response Act (OSPRA), R.S. 30:2480; and the regulations for NRDA under OSPRA, LAC 43:XXIX.Chapter 1.

Interested members of the public are invited to request a copy of the DRP from, and to submit written comments to, Charles Armbruster at the address given below. All written comments will be considered by LOSCO, LDEQ, LDNR, and LDWF in finalizing the DRP.

**Dates:** Comments must be submitted in writing (hardcopy or digitally) on or before August 22, 2005.

**For Further Information:** Contact Charles Armbruster at (225) 219-5800 or by email Charles.Armbruster@la.gov (to view the DRP via the internet please visit [www.losco.state.la.us](http://www.losco.state.la.us) and look under the News Flash for Freshwater Bayou Oil Spill/DRP).

**Address:** Requests for copies of the DRP and written (hardcopy or digital) comments on the DRP should be sent to:

Charles Armbruster  
Louisiana Oil Spill Coordinator's Office  
150 Third Street, Suite 405  
Baton Rouge, LA 70801  
Charles.Armbruster@la.gov

**Supplementary Information:** This Draft Restoration Plan (DRP) was prepared by the trustees, in cooperation with Apache Corporation, to provide the public an opportunity to review and comment on the proposed corrective actions for the Vermilion Parish Coastal Marsh Compensatory Restoration project, as part of the ongoing Natural Resource Damage Assessment (NRDA) for the unauthorized discharge of oil from an Apache Corporation pipeline in Vermilion Parish, Louisiana on June 21, 1997 (hereafter referred to as the "Freshwater Bayou incident").

On January 20, 1999 the trustees published a Damage Assessment and Restoration Plan (DARP) in the *Louisiana Register* detailing natural resource injuries caused by the Freshwater Bayou incident, and the compensatory restoration project selected to compensate the public for lost resource services. The project, which involved planting two acres of broken marsh habitat with California bullrush (*Scirpus californicus*), did not meet the prescribed performance standards, however, and as a result the Louisiana natural resource trustees, in cooperation with Apache Corporation, have prepared this DRP to inform the public of restoration planning efforts conducted to select a preferred restoration alternative for corrective action.

This document provides summarized information on the natural resource injury determinations, restoration activities to date, and the preferred restoration alternative for corrective action to compensate the public for injuries to natural resources resulting from the spill that were not provided due to the failure of the previous compensatory restoration project. This document also serves in part, as the

agencies' compliance with the Louisiana Oil Spill Prevention and Response Act of 1991 (OSPR), R.S. 30:2451 *et seq.*

The trustees seek comments on the preferred restoration alternative for corrective action presented in this DRP. Once this document has been finalized, the trustees will present the Final Restoration Plan (FRP) to Apache Corporation for funding and implementation.

Roland J. Guidry  
Oil Spill Coordinator

0507#045

**POTPOURRI**

**Department of Health and Hospitals  
Board of Veterinary Medicine**

**Fall/Winter Examination Dates**

The Louisiana Board of Veterinary Medicine will administer the State Board Examination (SBE) for licensure to practice veterinary medicine on the first Tuesday of every month. Deadline to apply for the SBE is the third Friday prior to the examination date desired. SBE dates are subject to change due to office closure (i.e., holiday, weather).

The board will accept applications to take the North American Veterinary Licensing Examination (NAVLE) which will be administered through the National Board of Veterinary Medical Examiners (NBVME), formerly the National Board Examination Committee (NBEC), as follows.

<b>Test Window Date</b>	<b>Deadline to Apply</b>
November 14 through December 10, 2005	Friday, August 13, 2005

The board will also accept applications for and administer the Veterinary Technician National Examination (VTNE) for state registration of veterinary technicians as follows.

<b>Test Date</b>	<b>Deadline to Apply</b>
Friday, January 20, 2006	Friday, December 2, 2005

Applications for all examinations must be received on or before the deadline. No late application will be accepted. Requests for special accommodations must be made as early as possible for review and acceptance. Applications and information may be obtained from the board office at 263 N. Third Street, Suite 104, Baton Rouge, LA 70801, by request via telephone at (225) 342-2176, or by e-mail at [bvm@eatel.net](mailto:bvm@eatel.net). Application forms and information are also available on the website at [www.lsbvm.org](http://www.lsbvm.org).

Wendy D. Parrish  
Administrative Director

0507#002

**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
J. Johnson Oil Co.	Wildcat	S	Johnson	1	2046
Avery Pet. Co.	Wildcat	S	Johnson	2	3647
Quality Production Svc. LLC	Grand Cheniere	L	C & J Nunez SWD	1	51458
Quality Production Svc. LLC	Grand Cheniere	L	C & J Nunez	1-D	70413
Quality Production Svc. LLC	Grand Cheniere	L	C & J Nunez	3-D	89116
Quality Production Svc. LLC	Grand Cheniere	L	Amph F Rb Sua;Nunez	3	91487
Quality Production Svc. LLC	Grand Cheniere	L	Cris I Ra Sua;Baker	1	210297
Quality Production Svc. LLC	Grand Cheniere	L	15000 Ra Sua;M W Richard Etal	1	216450
Pearl Drlg & Well Service LLC	North Cankton	L	L Savoie Et AI	1	161483
Pearl Drlg & Well Service LLC	North Cankton	L	L Savoie	9	067022
Pearl Drlg & Well Service LLC	North Cankton	L	L Savoie B	10	067969
Pearl Drlg & Well Service LLC	North Cankton	L	L Savoie A	1	180587
Pearl Drlg & Well Service LLC	North Cankton	L	L Savoie Swd	3	037067
Barton Oil & Gas Co. Inc.	Gibson	L	O Suc;J K Wright	3	068927 (30)
CSG Oil & Gas, LLC	Clovelly	L	Lafourche Land Co	1	044119

James H. Welsh  
Commissioner

0507#025

**POTPOURRI**  
**Department of Natural Resources**  
**Office of the Secretary**  
**Fishermen's Gear Compensation Fund**

Fishermen's Gear Compensation Fund

In accordance with the provisions of R.S. 56:700.1 et. seq., notice is given that 15 claims in the amount of \$56,171 were received for payment during the period June 1, 2005 - June 30, 2005.

There were 12 claims paid and 3 claims denied.

Loran Coordinates of reported underwater obstructions are:

29054	47041	St Bernard
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Latitude/Longitude Coordinates of reported underwater obstructions are:

2856.240	8923.642	Plaquemines
2903.936	8900.798	Plaquemines
2906.792	9040.390	Terrebonne
2914.027	9095.360	Terrebonne
2914.950	9000.690	Jefferson
2915.118	8955.645	Jefferson
2921.020	9043.460	Terrebonne
2941.316	9005.342	Jefferson
2944.786	9326.183	Cameron
2945.402	8938.781	St Bernard
2950.988	9317.839	Cameron
2952.577	8919.323	St Bernard
3006.749	8929.362	St Bernard
3007.089	8929.544	St Bernard

A list of claimants and amounts paid can be obtained from Verlie Wims, Administrator, Fishermen's Gear Compensation Fund, P.O. Box 44277, Baton Rouge, LA 70804 or you can call (225) 342-0122.

Scott A. Angelle  
Secretary

0507#034

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