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November 2024

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Executive Orders

EXECUTIVE ORDER JML 24-157

Renewal of State of Emergency
Department of Transportation and Development

WHEREAS, pursuant to R.S.48:757, Governor John Bel Edwards declared a state of emergency on October 5, 2017, in Proclamation Number 109 JBE 2017 for repairs to certain roadways on the campus of Southern University and Agricultural and Mechanical College including F Street and H Street (also known as Farm Road);

WHEREAS, in Baton Rouge, Louisiana on the campus of Southern University and Agricultural and Mechanical College, certain roadways, including F Street and H Street (also known as Farm Road), are in need of immediate repairs due to the partial collapse of H Street and its slope destabilization;

WHEREAS, the damage has created significant drainage problems, which have been exacerbated by flooding that continues to be experienced in the area, which could result in loss of life and property;

WHEREAS, Southern University has requested that the Department of Transportation and Development assist in providing matching funds and manpower to assist in making the necessary repairs to the campus roadways and enhancements;

WHEREAS, the Department of Transportation and Development has funds available for use as a match and manpower to help repair the compromised roadways and enhancements on Southern University's campus;

WHEREAS, R.S. 29:724 confers upon the Governor the power to suspend the provisions of any regulatory statute prescribing the procedures for the conduct of state business if strict compliance with the provisions of any statute would in any way prevent, hinder, or delay necessary action in coping with an emergency;

WHEREAS, pursuant to the Louisiana Homeland Security and Emergency Assistance and Disaster Act, R.S. 29:721, et seq., a state of emergency was declared through Proclamation Number 109 JBE 2017.

WHEREAS, R.S. 48:757 permits the use of state funds on roads outside of the state and federal highway system upon a finding and declaration of an emergency by the Governor.

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

Section 1: Pursuant to R.S. 48:757, a state of emergency is hereby declared on the campus of Southern University in the City of Baton Rouge for the areas surrounding F and H Streets, for the limited purpose of authorizing the expenditure of state funds to make the necessary repairs to the campus roadways and enhancements.

Section 2: Pursuant to R.S. 29:724, the prohibitions in R.S. 48:757, proscribing the performance of work on a non-state highway system road or street, are hereby suspended to allow for the Department of Transportation and Development to perform the necessary actions to cope with the emergency on Southern University's campus.

Section 3: The Secretary of the Department of Transportation and Development is hereby authorized to provide funds for the express purpose of meeting the total match that is required to perform the necessary repairs and to provide the manpower necessary to make the repairs to the non-state highway system campus roadways, including F Street and H Street and its enhancements, slope, and drainage.

Section 4: This Order is effective upon signature and shall continue in effect from Friday, October 11, 2024 to Sunday, November 10, 2024, unless terminated sooner.

IN WITNESS WHEREOF, I have set my hand officially and caused to be affixed the Great Seal of Louisiana in the City of Baton Rouge, on this 11th day of October 2024.

Jeff Landry
Governor

ATTEST BY
THE GOVERNOR
Nancy Landry
Secretary of State
2411#059

EXECUTIVE ORDER JML 24-158

State of Emergency
Hurricane Francine—September 9, 2024

WHEREAS, the Governor is responsible for meeting the dangers to the state and its citizens presented by emergencies and disasters;

WHEREAS, the Louisiana Homeland Security and Emergency Assistance and Disaster Act, La. R.S. 29:721, et seq., confers upon the Governor of the State of Louisiana emergency powers to address disasters resulting from natural or man-made events that cause or threaten loss of life, injury, or property damage, as well as emergencies, which include actual or potential conditions created by such disasters, in order to ensure that preparations by the State will be adequate to deal with such emergencies or disasters and to preserve the lives and property of the people of the State of Louisiana;

WHEREAS, when the Governor determines that a disaster or emergency has occurred, or the threat thereof is imminent, La. R.S. 29:724(B)(1) empowers him to declare a state of emergency or disaster by executive order which has the force and effect of law;

WHEREAS, La. R.S. 29:724 authorizes the governor during a declared state of emergency to suspend the provisions of any state regulatory statute prescribing procedures for conducting state business, or the orders, rules, or regulations of any state agency, if strict compliance with the provision of any statute, order, rule, or regulation would in any way prevent, hinder, or delay necessary action in coping with the emergency;

WHEREAS, Governor Jeff Landry declared a state of emergency in response to the imminent threat posed by Hurricane Francine on September 9, 2024, in JML 24-142;

WHEREAS, JML 24-142 has been renewed and extended every thirty (30) days through JML 24-147, which is in effect through Friday, October 18, 2024;

WHEREAS, a declaration of emergency or disaster activates the state's emergency response and recovery program under the command of the director of the Governor's Office of Homeland Security and Emergency Preparedness ("GOHSEP");

WHEREAS, GOHSEP is responsible for determining the requirements of the state and its political subdivisions for food, clothing, and other necessities and supplies in a designated emergency area;

WHEREAS, Hurricane Francine made landfall on the Louisiana coast on Wednesday, September 11, 2024, as a Category 2 hurricane with over 100 mile-per-hour winds and was the third and largest storm to hit the United States this year;

WHEREAS, Hurricane Francine brought devastating winds, widespread power outages, and damage to Louisiana;

WHEREAS, on September 16, 2024, the President of the United States declared that a major disaster exists in the State of Louisiana (FEMA-4817-DR) during the period of September 9-12, 2024;

WHEREAS, several parishes have issued emergency declarations, and executed their emergency response plans, and may require assistance from the State of Louisiana to provide resources to protect the life, safety, and welfare of the citizens of Louisiana;

WHEREAS, the State of Louisiana, recognizing the significant impact of Hurricane Francine, desires to minimize this impact on the residents and assist communities in their recovery;

NOW THEREFORE, I, JEFF LANDRY, Governor of the State of Louisiana, by virtue of the authority vested by the Constitution and laws of the State of Louisiana, order and direct as follows:

Section 1: Pursuant to the Louisiana Homeland Security and Emergency Assistance and Disaster Act, R.S. 29:721, *et seq.*, a state of emergency is hereby declared to exist as a result of the emergency conditions that currently threaten the lives, safety, and property of the citizens of Louisiana.

Section 2: Pursuant to R.S. 29:724 (A)(3), the designated emergency area is the entire State of Louisiana.

Section 3: The Director of GOHSEP is hereby authorized to undertake any activity authorized by law that he deems appropriate in response to this declaration.

Section 4: Pursuant to R.S. 29:732, during a declared state of emergency, the prices charged or value received for goods and services sold within the designated emergency area may not exceed the prices ordinarily charged for

comparable goods and services in the same market area at or immediately before the time of the state of emergency, unless the price by the seller is attributable to fluctuations in applicable commodity markets, fluctuations in applicable regional or national market trends, or to reasonable expenses and charges and attendant business risk incurred in procuring or selling the goods or services during the state of emergency.

Section 5: Pursuant to R.S. 29:724(D)(1), the Louisiana Procurement Code, (R.S. 39:1551, *et seq.*), and Louisiana Public Bid Law (R.S. 38:2211, *et seq.*), and their corresponding rules and regulations are hereby suspended for the purpose of the procurement of any goods or services necessary to respond to this emergency, including emergency contracts, cooperative endeavor agreements, and any other emergency amendments to existing contracts.

Section 6: All departments, commissions, boards, agencies, and officers of the State, or any political subdivision thereof, are authorized and directed to cooperate in actions the State may take in response to this event.

Section 7: This Order is effective Friday, October 18, 2024, and shall continue in effect until Sunday, November 17, 2024, unless amended, modified, terminated, or rescinded earlier 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 in the City of Baton Rouge, on this 18th day of October, 2024.

Jeff Landry
Governor

ATTEST BY
THE GOVERNOR
Nancy Landry
Secretary of State
2411#060

EXECUTIVE ORDER JML 24-159

Renewal of State of Emergency
Heat-Related Emergencies

WHEREAS, pursuant to the Louisiana Homeland Security and Emergency Assistance and Disaster Act, R.S. 29:721, *et seq.*, a state of emergency was declared through Proclamation Number 141 JBE 2023 and has been renewed and extended every thirty (30) days through Executive Order Number JML 24-148, which is in effect through October 20, 2024;

WHEREAS, when the Governor determines that a disaster or emergency has occurred, or the threat thereof is imminent, R.S. 29:724(B)(1) empowers him to declare a state of emergency by executive order or proclamation, or both;

WHEREAS, the National Weather Service has issued a record number of excessive heat warnings, with heat indices in the 100s, through the summer and into the fall of 2023;

WHEREAS, in addition to the extreme heat, minimal rainfall during these months led to drought conditions throughout most of the state, stressing the abilities of water districts to produce drinking water to its residents and businesses and increasing the threat of wildfires;

WHEREAS, the Office of Public Health advised that several water systems have experienced water outages, equipment breakdown, and boil advisories due to the drought conditions, saltwater intrusion, and increased water demand;

WHEREAS, the Louisiana State Fire Marshal and the Commissioner of the Department of Agriculture and Forestry issued a statewide burn ban on August 7, 2023 that was extended through November 21, 2023 due to the extremely dry conditions;

WHEREAS, although the drought has lessened, heat-related emergencies continue throughout Louisiana;

WHEREAS, the parishes affected by these heat-related emergencies continue to require assistance from the State of Louisiana to provide resources to combat the threats in order to protect the life, safety, and welfare of the citizens of Louisiana;

WHEREAS, R.S. 29:724 authorizes the governor during a declared state of emergency to suspend the provisions of any state regulatory statute prescribing procedures for conducting state business, or the orders, rules or regulations of any state agency, if strict compliance with the provision of any statute, order, rule, or regulation would in any way prevent, hinder, or delay necessary action in coping with the emergency, and;

WHEREAS, it is necessary to continue the measures provided in Proclamation Number 141 JBE 2023 to further protect the health and safety of the citizens of Louisiana.

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

Section 1: Pursuant to the Louisiana Homeland Security and Emergency Assistance and Disaster Act, R.S. 29:721, *et seq.*, a state of emergency is hereby declared to exist in the State of Louisiana as a result of the imminent threat of emergency conditions that threaten the lives and property of the citizens of the State.

Section 2: The Director of the Governor's Office of Homeland Security and Emergency Preparedness (GOHSEP) is hereby authorized to undertake any activity authorized by law which he deems appropriate in response to this declaration.

Section 3: Pursuant to R.S. 29:732, during a declared state of emergency, the prices charged or value received for goods and services sold within the designated emergency area may not exceed the prices ordinarily charged for comparable goods and services in the same market area at or immediately before the time of the state of emergency, unless the price by the seller is attributable to fluctuations in applicable commodity markets, fluctuations in applicable regional or national market trends, or to reasonable expenses and charges and attendant business risk incurred in procuring or selling the goods or services during the state of emergency.

Section 4: Pursuant to R.S. 29:724(D)(1), the Louisiana Procurement Code (R.S. 39:1551, *et seq.*) and Louisiana Public Bid Law (R.S. 38:2211, *et seq.*) and their corresponding rules and regulations are hereby suspended for the purpose of the procurement of any good or services necessary to respond to this emergency, including

emergency contracts, cooperative endeavor agreements, and any other emergency amendments to existing contracts.

Section 5: All departments, commissions, boards, agencies and officers of the State, or any political subdivision thereof, are authorized and directed to cooperate in actions the State may take in response to this event.

Section 6: This order is effective upon signature and shall remain in effect from Friday, October 18, 2024, until Sunday, November 17, 2024, unless terminated sooner.

IN WITNESS WHEREOF, I have set my hand officially and caused to be affixed the Great Seal of Louisiana in the City of Baton Rouge, on this 18th day of October 2024.

Jeff Landry
Governor

ATTEST BY
THE GOVERNOR
Nancy Landry
Secretary of State
2411#061

EXECUTIVE ORDER JML 24-160

Renewal of State of Emergency
Severe Storms and Tornadoes—December 13, 2022

WHEREAS, the Louisiana Homeland Security and Emergency Assistance and Disaster Act, R.S. 29:721, *et seq.*, confers upon the Governor of the State of Louisiana emergency powers to deal with emergencies and disasters, including those caused by fire, flood, earthquake or other natural or manmade causes, in order to ensure that preparations of the state will be adequate to deal with such emergencies or disasters and to preserve the lives and property of the people of the State of Louisiana;

WHEREAS, when the Governor determines that a disaster or emergency has occurred, or the threat thereof is imminent, R.S. 29:724(B)(1) empowers him to declare a state of emergency by executive order or proclamation, or both;

WHEREAS, the National Weather Service indicated a high risk of numerous severe thunderstorms beginning on the late evening of Tuesday, December 13, 2022 throughout the night into most of the day on Wednesday, December 14, 2022, with the possibility of tornadoes, damaging winds gust, excessive rain, and moderate to large hail;

WHEREAS, by Tuesday night, it was reported that one or more tornadoes had touched down in Caddo, near Four Forks, Louisiana, with several more tornadoes having been reported in Union, Rapides, Madison, East Carroll, and Franklin parishes;

WHEREAS, the tornadoes caused significant damage and power outages throughout northwest and northcentral Louisiana, with a report of two known deaths related to these tornadoes;

WHEREAS, severe damage was caused by the tornados to the safety, health, and security of the citizens of the state, along with damage to private property and public facilities;

WHEREAS, Proclamation Number 183 JBE 2022 has been renewed and extended every thirty (30) days through Executive Order Number JML 24-149, which is in effect through October 20, 2024, and;

EXECUTIVE ORDER JML 24-161

**Drought Stressed Pine Trees and
Bark Beetle Infestation**

WHEREAS, there is a need to continue Executive Order Number JML 24-149 because several parishes are still working to recover from the damage caused by these storms.

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

Section 1: Pursuant to the Louisiana Homeland Security and Emergency Assistance and Disaster Act, R.S. 29:721, *et seq.*, a state of emergency is hereby declared to exist in the State of Louisiana as a result of the imminent threat of emergency conditions that threaten the lives and property of the citizens of the State.

Section 2: The Director of the Governor’s Office of Homeland Security and Emergency Preparedness (GOHSEP) is hereby authorized to undertake any activity authorized by law that he deems appropriate in response to this declaration.

Section 3: Pursuant to R.S. 29:732, during a declared state of emergency, the prices charged or value received for goods and services sold within the designated emergency area may not exceed the prices ordinarily charged for comparable goods and services in the same market area at or immediately before the time of the state of emergency, unless the price by the seller is attributable to fluctuations in applicable commodity markets, fluctuations in applicable regional or national market trends, or to reasonable expenses and charges and attendant business risk incurred in procuring or selling the goods or services during the state of emergency.

Section 4: Pursuant to R.S. 29:724(D)(1), the Louisiana Procurement Code (R.S. 39:1551, *et seq.*) and Louisiana Public Bid Law (R.S. 38:2211, *et seq.*) and their corresponding rules and regulations are hereby suspended for the purpose of the procurement of any good or services necessary to respond to this emergency, including emergency contracts, cooperative endeavor agreements, and any other emergency amendments to existing contracts.

Section 5: All departments, commissions, boards, agencies and officers of the State, or any political subdivision thereof, are authorized and directed to cooperate in actions the State may take in response to the effects of this severe weather event.

Section 6: This order is effective upon signature and shall remain in effect from Friday, October 18, 2024 to Sunday, November 17, 2024, unless terminated sooner.

IN WITNESS WHEREOF, I have set my hand officially and caused to be affixed the Great Seal of Louisiana in the City of Baton Rouge, on this 18th day of October 2024.

Jeff Landry
Governor

ATTEST BY
THE GOVERNOR
Nancy Landry
Secretary of State
2411#062

WHEREAS, the State of Louisiana experienced extreme drought conditions and record temperatures with heat indices in the 100s through the summer and into the fall of 2023;

WHEREAS, Proclamation 141 JBE 2023 declared a State of Emergency on August 11, 2023, due to the excessive heat, drought conditions, and saltwater intrusion and has been renewed and extended every thirty (30) days through Executive Order Number JML 24-159, which expires November 17, 2024;

WHEREAS, the severe drought and subsequent wildfires caused extensive tree loss and the loss of between 312 and 325 million dollars to Louisiana’s forestry industry;

WHEREAS, Louisiana’s forests cover 15 million acres, of which 10.8 million acres are non-industrial privately owned;

WHEREAS, pines are the main tree species in Louisiana forests;

WHEREAS, due to the recent drought in this state and increasing drought frequency with extreme heat, pine trees experiencing drought stress are more susceptible to infestation by bark beetles;

WHEREAS, the United States Forestry Service estimates that 112,462 pines have recently succumbed to the drought stress or bark beetle infestation in Central Louisiana;

WHEREAS, House Resolution Number 119 of the 2024 Regular Legislative Session by Representative Mike Johnson created a subcommittee of the House Committee of Agriculture, Forestry, Aquaculture, and Rural Development to study and recommend rules and actions to address the forest devastation caused by bark beetles, including the study of certain regulations by the Department of Environmental Quality;

WHEREAS, R.S. 30:2057 prohibits a person from discharging air contaminants into the air of this state in violation of regulations of the Secretary of the Department of Environmental Quality without a variance unless statutorily exempted;

WHEREAS, R.S. 30:2057(5)(a) already exempts, “the burning of trees, brush, grass, or other vegetable matter” in parishes with a population of 90,000 or less when the location is outside the city limits and not adjacent to a city in such proximity that the ambient air of the city or town will be affected by smoke from the burning;

WHEREAS, Congressional bill S.3838 of the 118th Congress (2024), also known as the Emergency Beetle Response Act of 2024 would provide assistance to owners of nonindustrial private forest land for outbreak response measures and allow the Secretary of the United States Department of Agriculture to provide supplemental grants to State, Tribal, and local governments to aid in the response to and repair of damage caused by bark beetles;

NOW THEREFORE, I, JEFF LANDRY, Governor of the State of Louisiana, by virtue of the authority vested by the Constitution and laws of the State of Louisiana, order and direct as follows:

Section 1: Within seven (7) days of the effective date of this Executive Order the Secretary of the Department of Environmental Quality shall issue emergency rules providing for the application and issuance of a variance to parishes with populations greater than 90,000 and prospectively waiving the \$500 fee for all qualifying variance applications.

The Secretary of the Department of Environmental Quality shall issue an emergency rule prospectively waiving the \$250 annual fee for transporters of wood waste generated by land and right-of-way clearing operations, wood chips, bark, wood refuse, wood ash, and vegetative matter resulting from land clearing operations including trees and shrubbery, leaves, limbs, stumps, and grass clippings regardless of the number of vehicles in the service of the transporter.

Section 2: The Director of the Governor's Office of Emergency Preparedness shall provide ESF-5 Emergency Management Oversight for pine trees experiencing drought stress or infestation by bark beetles.

Section 3: All departments, commissions, boards, agencies, and officers of the State, or any political subdivision thereof, are authorized and directed to cooperate in actions the State may take in response to this event.

Section 4: This Order is effective upon signature and shall continue in effect until October 21, 2025, unless amended, modified, terminated, or rescinded earlier 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 in the City of Baton Rouge, on this 21st day of October 2024.

Jeff Landry
Governor

ATTEST BY
THE GOVERNOR
Nancy Landry
Secretary of State
2411#063

EXECUTIVE ORDER JML 24-162

Flags at Half-Staff—Honorable Judge Jules Edwards, III

WHEREAS, Jules David Edwards, III was born on November 14, 1957, in New Orleans, Louisiana to his loving parents, Jules Edwards, Jr. of New Orleans and Lona Broussard of Kaplan, and he was one of five of their children; and

WHEREAS, he had an extensive education, as he attended St. Stephen's School, De La Salle High School, Loyola University, Louisiana State University, and the United States Army War College;

WHEREAS, he began his military career in 1977 when he enlisted in the United States Marine Corps Reserve. He later joined the United States Army Reserve, serving in the Infantry and the Artillery units and as Inspector General for the 256th Infantry Brigade. He also served as the Judge Advocate General's Corps;

WHEREAS, Colonel Jules David Edwards, III retired from the Louisiana Army National Guard on March 15, 2007 and was recognized as the best Judge Advocate in the United States at that time;

WHEREAS, he had an extensive legal career, serving as an Indigent Defender attorney in New Orleans, an Assistant District Attorney in New Orleans, legal counsel for the Louisiana Senate in Baton Rouge with special emphasis on research and legislation for the Louisiana Select Committee on Crime and Drugs, and he also worked with his wife and law partner Orida with the firm Edwards and Edwards LLC;

WHEREAS, he began his judicial career in 1993 after he was initially elected to Division "B" of the 15th Judicial District Court;

WHEREAS, Judge Edwards served as Chief Judge of the 15th Judicial District Court from 2001 through 2003; and

WHEREAS, Judge Edwards most recently served as Lafayette City Court Judge, Division "A", where he was elected beginning to serve in January 2023;

WHEREAS, in the judiciary, Judge Edwards served in many roles during his tenure as a judge, including serving as President of the Louisiana District Judges Association from 2014 to 2015; serving on the Advisory Council on Heroin and Opioid Prevention and Education; serving on the Louisiana Drug Policy Board, and serving as a member of the DWI—Task Force; and serving as Louisiana's Judicial Outreach Liaison;

WHEREAS, he was well known as a pioneer for his efforts in the Drug Court and Re-entry Court movement, as well as his advocacy for Veteran's Court. He was well known for his work and advocacy at our State Capitol;

WHEREAS, his passion for serving the judicial and legal communities were well known, and in recognition of his hard work and efforts, he was inducted into the Louisiana Justice Hall of Fame;

WHEREAS, he will be remembered as a wise and patient man who used his talents and abilities to help others;

WHEREAS, in 1986, he married his Loyola Law School classmate, Orida Broussard, and together, they made Lafayette their home;

WHEREAS, together they had three children: Jules IV, Juliesa, and Julien Sr., and one grandchild, Julien Jr.;

WHEREAS, he is survived by his loving wife of 37 years, Orida; their three children—Jules, Juliesa, and Julien Sr. (Brittany); one grandson, Julien Jr.; four siblings—Dow Michael, Lona (Jonn), Damian (Angelique), and Lori (David); uncles—Preston Edwards Sr. (Rosa), Calvin Noel Jr. (Lavernia), and Alvin Noel; aunts—Vivian Edwards and Emma Noel (Herbert); sisters-in-law—Barbara Broussard (Russell), Betty Davis, Shirley Stelly, and Colonel Margaret Bates (Colonel Gerald Bates); brother-in-law, Henry John Broussard; four godchildren—Lori Gilyot, Adiaha Brown, Dow Michael Edwards II, and Analise Edwards; and a host of nieces, nephews, other relatives, and friends;

WHEREAS, was preceded in death by his parents, Jules Edwards, Jr. and Lona Broussard Edwards; his grandparents, Jules Edwards, Delphine Leary, Ida Sellers Broussard and Luke Broussard; several aunts and uncles; one sister-in-law, Lisa Gray Edwards; his wife's parents and grandparents—Mary Louversa Baltazar, Henry

Broussard, Percy Baltazar, Daisy Noel Thibodeaux, and Calvin Noel Sr.; and a host of other relatives and ancestors;

WHEREAS, he will long be remembered and honored as a loving family man and for his countless contributions to the judiciary, the legal community, and our entire State as a pillar of the legal community; and

WHEREAS, Louisiana owes a debt of gratitude to his many contributions to the legal community and our state.

NOW THEREFORE, I, JEFF LANDRY, 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: As an expression of respect and to honor the Honorable Jules Edwards, III, the flags of the United States and the State of Louisiana shall be flown at half-staff over the State Capitol and all state buildings from sunrise until sunset on October 26, 2024.

Section 2: This Order is effective upon signature and shall remain in effect until sunset, October 26, 2024.

IN WITNESS WHEREOF, I have set my hand officially and caused to be affixed the Great Seal of Louisiana on this 23rd day of October 2024.

Jeff Landry
Governor

ATTEST BY
THE GOVERNOR
Nancy Landry
Secretary of State
2411#064

EXECUTIVE ORDER JML 24-163

Renewal of State of Emergency—Hurricane Ida

WHEREAS, the Louisiana Homeland Security and Emergency Assistance and Disaster Act, R.S. 29:721, *et seq.*, confers upon the Governor of the State of Louisiana emergency powers to deal with emergencies and disasters, including those caused by fire, flood, earthquake, or other natural or manmade causes, in order to ensure that preparations of this state will be adequate to deal with such emergencies or disasters and to preserve the lives and property of the people of the State of Louisiana;

WHEREAS, pursuant to the Louisiana Homeland Security and Emergency Assistance and Disaster Act, R.S. 29:721, *et seq.*, Governor John Bel Edwards declared a state of emergency in response to the imminent threat posed by Hurricane Ida on August 26, 2021, in Proclamation Number 165 JBE 2021;

WHEREAS, Proclamation Number 165 JBE 2021 has been renewed and extended every thirty (30) days through JML 24-150, which is in effect through Sunday, October 27, 2024;

WHEREAS, Hurricane Ida made landfall on the Louisiana coast as a major hurricane on Sunday, August 29, 2021, bringing devastating winds, widespread power-outages, and severe damage to Louisiana and its citizens.

WHEREAS, on August 27, 2021, President Joseph R. Biden approved an Emergency Declaration for the State of Louisiana, authorizing appropriate assistance under Title

V of the Stafford Act, to be coordinated by the United States Department of Homeland Security and the Federal Emergency Management Agency;

WHEREAS, on August 29, 2021, President Biden approved a Major Disaster Declaration for the State of Louisiana, authorizing individual and public assistance for all impacted parishes;

WHEREAS, R.S. 29:724 authorizes the governor during a declared state of emergency to suspend the provisions of any state regulatory statute prescribing procedures for conducting state business, or the orders, rules or regulations of any state agency, if strict compliance with the provision of any statute, order, rule, or regulation would in any way prevent, hinder, or delay necessary action in coping with the emergency;

WHEREAS, damage from this storm continues to pose a threat to citizens and communities across the Gulf Coast and create conditions that place lives and property in the state in jeopardy;

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

Section 1: Pursuant to the Louisiana Homeland Security and Emergency Assistance and Disaster Act, R.S. 29:721, *et seq.*, a state of emergency is hereby declared to continue to exist statewide in the State of Louisiana as a result of the threat of emergency conditions that threaten the lives and property of the citizens of the State.

Section 2: The Director of the Governor's Office of Homeland Security and Emergency Preparedness (GOHSEP) is hereby authorized to continue to undertake any activity authorized by law that he deems appropriate in response to this declaration.

Section 3: Pursuant to R.S. 29:732, during a declared state of emergency, the prices charged or value received for goods and services sold within the designated emergency area may not exceed the prices ordinarily charged for comparable goods and services in the same market area at or immediately before the time of the state of emergency, unless the price by the seller is attributable to fluctuations in applicable commodity markets, fluctuations in applicable regional or national market trends, or to reasonable expenses and charges and attendant business risk incurred in procuring or selling the goods or services during the state of emergency.

Section 4: Pursuant to R.S. 29:724(D)(1), the Louisiana Procurement Code (R.S. 39:1551, *et seq.*) and Louisiana Public Bid Law (R.S. 38:2211, *et seq.*) and their corresponding rules and regulations continue to be suspended for the purpose of the procurement of any goods or services necessary to respond to this emergency, including emergency contracts, cooperative endeavor agreements, and any other emergency amendments to existing contracts.

Section 5: Pursuant to R.S. 29:724(D)(1), the provisions of R.S. 39:126 regarding prior approval of change orders continue to be suspended.

Section 6: All departments, commissions, boards, agencies and officers of the State, or any political subdivision thereof, are authorized and directed to cooperate in actions the State may take in response to the effects of this severe weather event.

Section 7: This Order is effective upon signature and shall continue in effect from Friday, October 25, 2024 to Sunday, November 24, 2024, unless amended, modified, or terminated sooner.

IN WITNESS WHEREOF, I have set my hand officially and caused to be affixed the Great Seal of Louisiana in the City of Baton Rouge, on this 25th day of October 2024.

Jeff Landry
Governor

ATTEST BY
THE GOVERNOR
Nancy Landry
Secretary of State
2411#065

EXECUTIVE ORDER JML 24-164

Renewal of State of Emergency
Threat of Subsidence, Subsurface Instability,
and Presence of Hydrocarbons in
Sulphur Mines Salt Dome Area

WHEREAS, pursuant to the Louisiana Homeland Security and Emergency Assistance and Disaster Act, R.S. 29:721, et seq., a state of emergency was declared through Proclamation Number 160 JBE 2023;

WHEREAS, Proclamation Number 160 JBE 2023 has been renewed and extended every thirty (30) days through JML 24-151 which is in effect through Sunday, October 27, 2024;

WHEREAS, when the Governor determines that a disaster or emergency has occurred, or the threat thereof is imminent, R.S. 29:724(B)(1) empowers the Governor to declare a state of emergency by executive order or proclamation, or both;

WHEREAS, local, state, and federal agencies began monitoring subsurface seismic activity occurring in the vicinity of the Sulphur Mines salt dome in Calcasieu Parish in December of 2021, with a true seismic monitoring array being ordered by the Office of Conservation, which came online in January of 2023;

WHEREAS, the Office of Conservation began investigating unexplained hydrocarbon bubbling within the area of concern in January of 2023, as well as monitoring seismicity, and the rate of subsidence in the area of concern;

WHEREAS, on Wednesday September 20, 2023, in response to this subsidence and seepage, Commissioner of Conservation, Monique M. Edwards made a declaration of emergency under the authority of Louisiana Revised Statutes 30:1 et seq., ordering the operator of the salt cavern underneath the area of subsidence to undertake all necessary activities to evaluate and abate any deterioration of the cavern's integrity;

WHEREAS, the State anticipates that further assistance may be needed to assist Calcasieu Parish in their response to this continuing threat; and

WHEREAS, it is necessary to continue the measures provided in Proclamation Number 160 JBE 2023 to further protect the health and safety of the citizens of Louisiana;

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

Section 1: Pursuant to the Louisiana Homeland Security and Emergency Assistance and Disaster Act, R.S. 29:721 et seq., a state of emergency is hereby declared to exist in the Parish of Calcasieu, as a result of seismic activity, lost cavern integrity, increased hydrocarbon bubbling, and accelerated subsidence, that collectively indicate a potential for structural failure that could potentially threaten the lives and property of the citizens of the State.

Section 2: The Director of the Governor's Office of Homeland Security and Emergency Preparedness is hereby authorized to undertake any activity authorized by law which he deems appropriate in response to this declaration.

Section 3: All departments, commissions, boards, agencies, and officers of the State or any political subdivision thereof, are authorized and directed to cooperate in actions, the State may take in response to this incident.

Section 4: This Order is effective upon signature and shall continue in effect from Friday, October 25, 2024 to Sunday, November 24, 2024, unless amended, modified, or terminated sooner.

IN WITNESS WHEREOF, I have set my hand officially and caused to be affixed the Great Seal of Louisiana in the City of Baton Rouge, on this 25th day of October 2024.

Jeff Landry
Governor

ATTEST BY
THE GOVERNOR
Nancy Landry
Secretary of State
2411#066

EXECUTIVE ORDER JML 24-165

Renewal of State of Emergency—Cybersecurity Incidents

WHEREAS, the Louisiana Homeland Security and Emergency Assistance and Disaster Act, R.S. 29:721, et seq., confers upon the Governor of the State of Louisiana emergency powers to deal with emergencies, including those caused by breach of cybersecurity, in order to ensure that preparations of this State will be adequate to deal with such emergencies or disasters and to preserve the lives and property of the people of the State of Louisiana;

WHEREAS, pursuant to R.S. 29:724(B)(1), Governor John Bel Edwards declared a state of emergency on December 28, 2023, in Proclamation Number 236 JBE 2023 in response to the threat of intentional cybersecurity breaches of public entities throughout the State of Louisiana;

WHEREAS, Proclamation Number 263 JBE 2023 has been renewed and extended every thirty (30) days through JML 24-156, which is in effect through Sunday, November 3, 2024;

WHEREAS, there have been severe, intentional cybersecurity breaches of public entities throughout the State of Louisiana;

WHEREAS, R.S. 29:724 authorizes the governor during a declared state of emergency to suspend the provisions of any state regulatory statute prescribing procedures for conducting state business, or the orders, rules or regulations of any state agency, if strict compliance with the provision of any statute, order, rule, or regulation would in any way prevent, hinder, or delay necessary action in coping with the emergency;

WHEREAS, the State anticipates various state agencies and political subdivisions will need to continue to work cooperatively to mitigate any damage, current or future, as a result of these cybersecurity breaches.

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

Section 1: Pursuant to the Louisiana Homeland Security and Emergency Assistance and Disaster Act, R.S. 29:721, *et seq.*, a state of emergency is hereby declared to continue to exist statewide in the State of Louisiana as a result of the imminent threat to the citizens of the State.

Section 2: The Director of the Governor's Office of Homeland Security and Emergency Preparedness (GOHSEP) is hereby authorized to continue to undertake any activity authorized by law that he deems appropriate in response to this declaration.

Section 3: Pursuant to R.S. 29:732, during a declared state of emergency, the prices charged or value received for goods and services sold within the designated emergency area may not exceed the prices ordinarily charged for comparable goods and services in the same market area at or immediately before the time of the state of emergency, unless the price by the seller is attributable to fluctuations in applicable commodity markets, fluctuations in applicable regional or national market trends, or to reasonable expenses and charges and attendant business risk incurred in procuring or selling the goods or services during the state of emergency.

Section 4: All departments, commissions, boards, agencies and officers of the state, or any political subdivision thereof, are authorized and directed to cooperate in actions the state may take in response to the effects of this cybersecurity event.

Section 5: All departments, commissions, boards, agencies and officers of the state, or any political subdivision thereof, are further authorized and directed to take all actions necessary to preserve the security and confidentiality of any data related to this emergency, including the execution of Memoranda of Understanding (MOUs), Non-Disclosure Agreements (NDAs), and/or any other related documents.

Section 6: Any departments, commissions, boards, agencies and officers of the state, or any political subdivision thereof, that may be affected by this cybersecurity emergency are directed to work with state officials to ensure there is a coordinated response to this event and are further directed to comply with the requirements of the Database Security Breach Notification Law, R.S. 51:3071 *et seq.*

Section 7: Pursuant to R.S. 29:724(D)(1), the Louisiana Procurement Code (R.S. 39:1551 *et seq.*), Louisiana Public Bid Law (R.S. 38:2211, *et seq.*), and the

Louisiana Information Technology Procurement Code (R.S. 39:196-200), and their corresponding rules and regulations are hereby suspended if strict compliance therewith would in any way prevent, hinder, or delay necessary action in coping with this emergency.

Section 8: This Order is effective upon signature and shall continue in effect from Friday, November 1, 2024 to Sunday, December 1, 2024, unless terminated sooner.

IN WITNESS WHEREOF, I have set my hand officially and caused to be affixed the Great Seal of Louisiana in the City of Baton Rouge, on this 1st day of November 2024.

Jeff Landry
Governor

ATTEST BY
THE GOVERNOR
Nancy Landry
Secretary of State
2411#067

EXECUTIVE ORDER JML 24-166

Modernization and Efficiency for Environmental Permitting

WHEREAS, the State of Louisiana is committed to fostering an open business environment that supports economic growth, job creation, and sustainable development across all sectors of the economy;

WHEREAS, Louisiana is on the cusp of an economic renaissance, with significant development opportunities poised to bring an influx of new businesses and expansion of existing businesses in various sectors and industries;

WHEREAS, the Louisiana Department of Environmental Quality ("Department") is this State's leading environmental regulatory body and is a critical component of the State's economic development framework, as businesses must obtain the necessary permits, modifications, licenses, registrations, or variances to operate;

WHEREAS, since the start of my administration, I have requested that the Secretary of the Department of Environmental Quality ("Secretary") modernize the practices of the Department to streamline the granting of permits, licenses, accreditations, and other instruments;

WHEREAS, pursuant to R.S. 30:2011, the Department is the primary agency in the State concerned with environmental protection and regulation;

WHEREAS, pursuant to R.S. 30:2011 (D)(2), the Secretary has the power and duty to grant or deny permits, licenses, registrations, variances, or compliance schedules provided for in the Louisiana Environmental Quality Act;

WHEREAS, pursuant to R.S. 30:2011 (D)(1) and R.S. 30:2014.2, the Secretary is charged with adopting, amending, or repealing all rules, regulations, and standards for the protection of the environment and rules which set out the qualifications and requirements for a person to be granted a permit or to acquire an ownership interest in a permit;

WHEREAS, pursuant to R.S. 30:2014.5, the Secretary is authorized to develop and implement a program to expedite the processing of permits, modifications, licenses,

registrations, or variances for environmental permit applicants who may request such services;

WHEREAS, these permits, modifications, licenses, registrations, or variances are produced upon completion of analytical research, modeling, and other scientific examination by the Department;

WHEREAS, it is imperative that the Department continuously seeks to improve its processes to ensure that businesses can obtain the required instruments in a timely manner, advancing economic competitiveness without compromising the integrity of environmental standards;

WHEREAS, the Department should proactively adopt technologies and operational efficiencies to strengthen Louisiana's competitiveness for new and expanding businesses without compromising environmental standards.

NOW, THEREFORE, I, JEFF LANDRY, Governor of the State of Louisiana, by virtue of the authority vested by the Constitution do hereby order and direct the Louisiana Department of Environmental Quality to modernize its internal systems to enhance sustainable, efficient operations in permitting and environmental standards enforcement to support growth and innovation across Louisiana's economy.

Section 1: The Secretary, in consultation with relevant public and private stakeholders, shall initiate a review of the Department's regulatory procedures and workflows, identifying priority areas for efficiency and effectiveness improvements that support timely permitting and licensing.

Section 2: The Secretary shall develop a sustainable framework to implement Executive Order JML 24-17, including conducting an independent comprehensive review of the Department's current processes for issuance of permits, licenses, accreditations, and other instruments.

Section 3: The Secretary shall develop and adopt procedures that support and advance innovative measures to resolve environmental hazards, such as waste innovation, and prepare for potential expansion of nuclear energy generation.

Section 4: No later than July 1, 2025, the Secretary shall provide a report to the Governor detailing: (1) the reforms that are planned to be introduced or that will continue in the upcoming year and thereafter; (2) the extent to which the Department has identified and addressed existing deficiencies and increased efficiency in the Department's operation; and (3) outlining any statutory or regulatory changes that may be necessary to implement these recommendations.

Section 5: 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 implementing the provisions of this Order.

Section 6: This Order is effective upon signature and shall remain in effect until amended, modified, terminated, or rescinded by the Governor, or terminated by operation of law.

IN WITNESS WHEREOF, I have set my hand officially and caused to be affixed the Great Seal of Louisiana in the City of Baton Rouge, on this 4th day of November 2024.

Jeff Landry
Governor

ATTEST BY
THE GOVERNOR
Nancy Landry
Secretary of State
2411#068

Emergency Rules

DECLARATION OF EMERGENCY

Department of Environmental Quality
Office of the Secretary
Legal Affairs Division

Bark Beetles

(LAC 33:III.1109 and LAC 33:VII.1505) (MM023E)

In accordance with R.S. 49:962 of the Administrative Procedure Act, which allows the Department of Environmental Quality to use emergency procedures to establish rules, and R.S. 30:2011 and 2054, which authorize the department to promulgate rules and regulations, the secretary of the department hereby declares that an emergency action is necessary to prevent imminent peril to the public health, safety, or welfare.

Executive Order JML 24-161 was issued on October 21, 2024, directing the secretary of the Department of Environmental Quality to issue an Emergency Rule to address the forest devastation caused by bark beetles in which the severe drought and subsequent wildfires have caused extensive tree loss, and the loss of between 312 and 325 million dollars to Louisiana's forestry industry that covers 15 million acres with pine trees being the main species, of which 10.8 million acres are nonindustrial-privately owned forests.

Proclamation 141 JBE 2023 declared a State of Emergency on August 11, 2023, due to the excessive heat, drought conditions, and saltwater intrusion and has been renewed and extended every 30 days through Executive Order Number JML 24-159, which expires November 17, 2024.

R.S. 30:2057 prohibits a person from discharging air contaminants into the air of this state in violation of regulations of the Department of Environmental Quality without a variance, unless statutorily exempted.

R.S. 30:2057(5)(a) already exempts the burning of trees, brush, grass, or other vegetable matter in parishes with a population of 90,000 or less when the location is outside the city limits and not adjacent to a city in such proximity that the ambient air of the city or town will be affected by smoke from the burning.

The Department of Environmental Quality is issuing an Emergency Rule providing for the application and issuance of a variance to parishes with populations greater than 90,000 and prospectively waiving the \$500 fee for all qualifying variance applications with the issuance of this Emergency Rule and also prospectively waiving the \$250 annual fee for transporters of wood waste generated by land and right-of-way clearing operations, wood chips, bark, wood refuse, wood ash, and vegetative matter resulting from land clearing operations including trees and shrubbery, leaves, limbs, stumps, and grass clippings regardless of the number of vehicles in the service of the transporter.

This Emergency Rule is effective on October 23, 2024, and shall remain in effect for the maximum period allowed under the Act. For more information concerning MM023E, you may contact Kyle Prestenbach with the Air Permits Division at Kyle.Prestenbach@la.gov or (225) 219-3457 or Karla Vidrine with the Waste Permits Division at Karla.Vidrine@la.gov or (225) 219-3047.

Adopted this 23rd day of October, 2024.

Title 33

ENVIRONMENTAL QUALITY

Part III. Air

Chapter 11. Control of Emissions of Smoke

§1109. Control of Air Pollution from Outdoor Burning

A. - C.7. ...

D. Exceptions to Prohibition against Outdoor Burning. Outdoor burning of waste material or other combustible material may be conducted in the situations enumerated below if no public nuisance is or will be created and if the burning is not prohibited by and is conducted in compliance with other applicable laws and with regulations and orders of governmental entities having jurisdiction, including air control regulations and orders. The authority to conduct outdoor burning under this regulation does not exempt or excuse the person responsible from the consequences of or the damages or injuries resulting from the burning:

1. - 5. ...

6. outdoor burning, in other than rural park or rural recreation area, of trees, brush, grass, and other vegetable matter from such area in land clearing and right-of-way maintenance operations if the following conditions are met:

a. prevailing winds at the time of the burning must be away from any city or town, the ambient air of which may be affected by smoke from the burning;

b. the location of the burning must be at least 1,000 feet (305 meters) from any dwelling other than a dwelling or structure located on the property on which the burning is conducted;

c. care must be used to minimize the amount of dirt on the material being burned;

d. heavy oils, asphaltic materials, items containing natural or synthetic rubber, or any materials other than plant growth which produce unreasonable amounts of smoke may not be burned; nor may these substances be used to start a fire;

e. the burning may be conducted only between the hours of 8 a.m. and 5 p.m. Piles of combustible material should be of such size to allow complete reduction in this time interval; and

f. the burning must be controlled so that a traffic hazard as prohibited by Subsection E of this Section is not created;

7. - 9.c. ...

10. in accordance with MM023E and Paragraph F of this Section, outdoor burning of trees, brush, grass, and other vegetable matter generated from 2023 drought conditions

and/or insect pests in parishes having a population greater than 90,000 provided that a variance pursuant to LAC 33:III.917 is applied for and obtained from the administrative authority prior to the burning, and the burning is conducted in accordance with the limitations set forth in LAC 33:III.1109.D.6 at the location(s) specified in the variance application, and in accordance with the following:

a. burn site activities shall occur at least 100 feet from surrounding tree lines, fire prevention measures shall be maintained, and personnel shall remain onsite until burning activities, including smoldering, are completed for the day. The local fire marshal shall be made aware of proposed burning activities prior to site activation. If a burn ban is in effect at the local and/or state level, burning of vegetative debris is prohibited;

b. ash resulting from the burning activities shall be handled or disposed of in accordance with the following limitations:

i. ash may be disposed of at a properly permitted landfill; or

ii. ash may be handled as outlined in a Best Management Practices (BMP) Plan approved through the Louisiana Department of Agriculture and in accordance with LAC 33:VII.303.A.10;

c. outdoor burning of non-listed debris streams, including painted wood, pressure-treated wood, untreated wood contaminated with petroleum-based hydrocarbons, asbestos-containing materials, and hazardous waste, is prohibited. In addition, per LAC 33:VII.315.M, open burning of solid waste is prohibited, except in accordance with R.S. 30:2001 et seq and this Section; and

d. the variance fee of \$500 pursuant to LAC 33:III.223, Table 1, Fee Number 2010 shall be waived for all qualifying variances.

E. - 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), amended by the Office of Air Quality and Radiation Protection, Air Quality Division, LR 21:1081 (October 1995), LR 24:652 (April 1998), amended by the Office of the Secretary, Legal Affairs Division, LR 51:

**Title 33
ENVIRONMENTAL QUALITY**

Part VII. Solid Waste

Subpart 1. Solid Waste Regulations

Chapter 15. Solid Waste Fees

§1505. Annual Fee

A. Transporters. All transporters of solid waste shall pay a fee of \$250 per year to the department. There will be only one fee regardless of the number of vehicles in the service of the transporter.

1. In accordance with MM023E, the annual fee of \$250 shall be waived for transporters of woodwaste generated by land and right-of-way clearing operations, wood chips, bark, wood refuse, wood ash and vegetative matter resulting from land-clearing operations, including trees and shrubbery, leaves, limbs, stumps, and grass clippings regardless of the number of vehicles in the service of the transporter.

B. - F. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular R.S. 30:2154, and R.S. 49:316.1(A)(2)(a) and (c).

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 Management and Finance, Fiscal Services Division, LR 22:18 (January 1996), LR 25:427 (March 1999), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 29:689 (May 2003), LR 29:2051 (October 2003), amended by the Office of the Secretary, Legal Affairs Division, LR 32:2241 (December 2006), repromulgated LR 33:1108 (June 2007), amended LR 35:2180 (October 2009), amended by the Office of the Secretary, Legal Division, LR 43:947 (May 2017), amended by the Office of the Secretary, Legal Affairs and Criminal Investigation Division, LR 48:1500 (June 2022), amended by the Office of the Secretary, Legal Affairs Division, LR 51:

Aurelia S. Giacometto
Secretary

2411#011

DECLARATION OF EMERGENCY

**Department of Health
Health Standards Section**

Behavioral Health Service Providers
Licensing Standards
(LAC 48:I.Chapter 56)

The Department of Health, Health Standards Section amends LAC 48:I.Chapter 56 and adopts §5612 and §5735 as authorized by R.S. 36:254 and R.S. 40:2151-2161. This Emergency Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:962, 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, Health Standards Section amends the provisions governing the licensing of behavioral health service providers of opioid treatment programs in order to remove outdated eligibility criteria, expand the types of eligible practitioners, adjust the provisions related to take-home doses of medication, and include provisions for mobile dosing units. These updates align with recently updated federal standards.

This action is being taken due to the drastic increase in the number of fatal opioid overdoses in Louisiana. To prevent the imminent peril to the health, safety, and welfare of the public, access to critical medications for the treatment of opioid use disorder will be expanded. It is anticipated that implementation of this Emergency Rule will have no fiscal impact for state fiscal year 2024-2025. This action is effective November 13, 2024.

Title 48

PUBLIC HEALTH—GENERAL

Part I. General Administration

Subpart 3. Licensing and Certification

Chapter 56. Behavioral Health Service Providers

Subchapter A. General Provisions

§5603. Definitions

* * *

Mobile Dosing Unit—a mobile unit that is established as part of, but geographically separate from, an opioid treatment program (OTP) parent facility from which appropriately licensed practitioners may dispense or administer medications for opioid use disorder or collect samples for drug testing or analysis.

OTP Practitioner—a physician, advanced practice registered nurse, nurse practitioner, or physician assistant who is currently licensed and in good standing to prescribe and/or dispense medications for opioid use disorders, and who is acting within the scope of all applicable state and federal laws and the individual’s professional license.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2151-2161.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 41:1682 (September 2015), amended by the Department of Health, Bureau of Health Services Financing, LR 43:1380 (July 2017), LR 46:587 (April 2020), LR 48:1277 (May 2022), LR 48:2755 (November 2022), LR 50:394 (March 2024), amended by the Department of Health, Health Standards Section, LR 51:

Subchapter B. Licensing

§5612. Change in License by Addition or Deletion of Services

A. Addition of Services to an Existing Behavioral Health Service Provider (BHSP) License

1. A BHSP with an active BHSP license, current and in good standing, may submit a request to add a service. The following information shall be submitted for consideration of this request:

- a. letter of intent;
- b. a completed BHSP license application that has add a service clearly marked;
- c. a facility need review approval letter, if applicable; and
- d. applicable nonrefundable fee for issuance of the new BHSP license.

B. Deletion of Services from an Existing BHSP License

1. A BHSP with an active BHSP license may submit a request to delete a service. The following documentation shall be submitted for consideration of this request:

- a. letter of intent;
- b. a completed BHSP license application that has delete a service clearly marked; and
- c. applicable nonrefundable fee for issuance of the new BHSP license.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2151-2161.

HISTORICAL NOTE: Promulgated by the Department of Health, Health Standards Section, LR 51:

Subchapter I. Physical Environment

§5670. Mobile Units

A. - D. ...

NOTE: Repealed.

E. Only local governing entities (LGEs) and OTPs shall be authorized to be licensed as mobile units.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2151-2161.

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing, LR 48:1284 (May 2022), amended by the Department of Health, Health Standards Section, LR 51:

Subchapter O. Additional Requirements for Opioid Treatment Programs

§5725. Treatment

A. Client Admission Criteria. The program shall only admit clients that:

1. ...
2. meet the federal requirements regarding the determination that the client is currently addicted to opiates;
3. are verified by an OTP practitioner that treatment is medically necessary;
4. have had a complete physical evaluation by the client’s or program’s OTP practitioner before admission to the opioid treatment program; and
5. have had a full medical exam, including results of serology and other tests, completed within 14 days of admission.

6. Repealed.

B. - C.5. ...

D. Physical Evaluations/Examinations. The provider shall ensure that each client has a documented physical evaluation and examination by an OTP practitioner as follows:

1. - 5. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2151-2161.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 41:1721 (September 2015), amended by the Department of Health, Bureau of Health Services Financing, LR 48:1288 (May 2022), amended by the Department of Health, Health Standards Section, LR 51:

§5727. Additional Staffing Requirements

A. - A.4.e.iii. ...

5. OTP Practitioner. There shall be an OTP practitioner who is on-site as needed or on-call as needed during hours of operation.

a. the OTP practitioner shall have a current, valid unrestricted license to practice in the state of Louisiana. The OTP practitioner shall be on-site or on-call as needed during the hours of operation to provide the following services:

- i. examine member for admission ;
- ii. prescribe medications;
- iii. - ix. ...

6. Medical Director

a. ...

b. the medical director shall provide the following services:

- i. - ii. ...
- iii. participate in the documentation of reviews of treatment plan every 90 days in the first two years of treatment; and
- iv. participate in discharge planning.
- v. Repealed.

A.7. - B.6. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2151-2161.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 41:1721 (September 2015), amended by the Department of Health, Bureau of Health Services Financing, LR 48:1288 (May 2022), amended by the Department of Health, Health Standards Section, LR 51:

§5729. Medications

A. ...

B. Take-Home Dose(s)

1. The provider shall ensure that:

a. determinations for take-home dose(s), the factors considered, and the rationale to provide unsupervised doses of methadone are made by the client's OTP practitioner, and are documented in the client's record when each take-home dose is authorized;

b. date and recommended dosage are documented in the client's record and the methadone central registry; and

c. take-home dose(s) are ordered by the OTP practitioner operating within the scope of his/her license.

2. In determining which clients may receive unsupervised doses, the OTP practitioner shall consider, among other pertinent factors that indicate whether the therapeutic benefits of unsupervised doses outweigh the risks, the following criteria:

a. absence of active substance use disorders, other physical or behavioral health conditions that increase the risk of client harm as it relates to the potential for overdose, or the ability to function safely;

b. regularity of attendance for supervised medication administration;

c. absence of serious behavioral problems that endanger the client, the public, or others;

d. absence of known recent diversion activity;

e. whether take-home medication can be safely transported and stored; and;

f. any other criteria that the OTP practitioner considers relevant to the client's safety and the public's health.

g. - h. Repealed.

3. If it is determined that a client is safely able to manage unsupervised doses of methadone, the OTP practitioner operating within the scope of his/her license shall determine the number of take-home doses authorized within the following dispensing restrictions.

a. During the first 14 days of treatment, the take-home supply shall be limited to 7 days of take home doses.

b. From 15 days of treatment, the take-home supply shall be limited to 14 days of take home doses.

c. From 31 days of treatment, the take-home supply provided to a client shall not exceed 28 days of take home doses at a time.

d. - f. Repealed.

4. Loss of Privilege. Positive drug screens at any time for any drug other than those prescribed shall require a new determination to be made by the OTP practitioner regarding take-home doses. Operating within the scope of his/her license, the OTP practitioner shall determine the actual number of take-home doses and whether the client is allowed to maintain take-home medication.

5. Exceptions. The provider shall request and obtain approval for a federally identified exception to the take-home dispensing restrictions from the State Opioid Treatment Authority (SOTA). Any exception shall be for an emergency or severe travel hardship.

C. - C.3. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2151-2161.

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

41:1722 (September 2015), amended by the Department of Health, Bureau of Health Services Financing, LR 43:1388 (July 2017), LR 48:1289 (May 2022), amended by the Department of Health, Health Standards Section, LR 51:

§5731. Client Records

A. In addition to the general requirements for client records, each client record shall contain:

1. - 5. ...

6. documentation of approval of any exception to the dispensing restrictions of take-home doses and the OTP practitioner's justification for such exception; and

7. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2151-2161.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 41:1723 (September 2015), amended by the Department of Health, Health Standards Section, LR 51:

§5735. Mobile Dosing Unit (MDU) Services

A. Prior to providing MDU services, an OTP shall apply to HSS to add MDU services to an existing BHSP license.

B. OTPs with a current, valid license in accordance with Subchapter O, a current, valid certification by the Substance Abuse and Mental Health Services Administration in accordance with 42 CFR §8.11, and SOTA approval may establish a MDU that shall be authorized to dispense Federal Drug Administration-approved medications for opioid use disorder (MOUD), and to collect samples for drug testing or analysis for the purpose of treatment.

1. SOTA approval shall be required for the following criteria:

- a. floor plan;
- b. policies and procedures;
- c. location;
- d. schedule;
- e. staffing; and
- f. training.

2. HSS shall receive directly from SOTA:

- a. evidence of approval to establish a MDU; and
- b. a copy of a SOTA-approved MDU location schedule.

C. The MDU shall be established as part of, but geographically separate from, the OTP's parent facility, and the MDU shall maintain all state and federal confidentiality requirements.

D. Location

1. MDUs shall dispense MOUD from a location within the same LDH region as the OTP's parent facility.

2. The MDU location shall be limited to one location each day that shall be approved by the SOTA.

3. The MDU shall be returned and secured at the OTP's parent facility upon completion of all MDU services each day.

E. Storage and Maintenance

1. All medication shall be transported and removed directly from the MDU upon completion of all MDU services each day, and stored at the OTP's parent facility.

2. OTPs shall notify the SOTA in advance of any scheduled maintenance of the MDU, and within 24 hours of any incidents.

F. OTPs shall have a Drug Enforcement Administration (DEA) and SOTA-approved contingency plan for MDUs as follows:

1. safeguarding MDU controlled substances in the event the MDU breaks down or is disabled for any reason (e.g., mechanical failure, accident, fire); and

2. ensuring that the controlled substances are removed, secured, and accounted for at the OTP's parent facility.

G. OTPs shall maintain all DEA-mandated reports and records at the parent facility, and shall provide copies to the SOTA upon request.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2151-2161.

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing, LR 48:2758 (November 2022), amended by the Department of Health, Health Standards Section, LR 51:

Public Comments

Tasheka Dukes, RN, Health Standards Section, is responsible for responding to inquiries regarding this Emergency Rule.

Michael Harrington, MBA, MA
Secretary

2411#058

DECLARATION OF EMERGENCY

Louisiana Economic Development Office of Business Development

Industrial Ad Valorem Tax Exemption Program (LAC 13:I. Chapter 5)

This Emergency Rule is being published pursuant to emergency provisions of the Administrative Procedure Act, R.S. 49:962 (A)(1)(a) which provide for emergency procedures to establish rules, and R.S. 51:921 and R.S. 36:104 which allows Louisiana Economic Development ("LED") to promulgate rules and regulations to protect the welfare and prosperity of the citizens of the state.

LED and the Board of Commerce and Industry have an immediate need to amend the rules of the Industrial Tax Exemption Program (LA Const. Art. VII, Section 21) to implement programmatic changes in alignment with Executive Order JML 24-23. A delay in imposition would hinder effective administration of this program and delay access to the program by qualified applicants, resulting in an adverse financial impact on local governing authorities, the state, LED, Louisiana businesses and taxpayers.

Since February 2024, LED and the BCI Rules Committee have worked diligently with interested stakeholders and gathered proposed rule change feedback from tax assessors, sheriffs, local governing authorities, industry and local stakeholders. While progress has been made on streamlining the administrative process, some further refinements are still necessary before a Notice of Intent can be presented for consideration. Therefore, at a meeting of the BCI Rules Committee on October 18, 2024, BCI approved and this Emergency Rule is being promulgated in order to continue the provisions of the April 24, 2024 Emergency Rule, for the maximum period allowed under the Administrative Procedure Act.

This Emergency Rule shall be effective October 22, 2024, and shall remain in effect for a period of 180 days or until adoption of final rules, whichever occurs first.

Title 13

ECONOMIC DEVELOPMENT

Part I. Financial Incentive Programs

Chapter 5. Industrial Ad Valorem Tax Exemption Program

Subchapter B. ITEP Rules for Projects with Advances Filed on or after February 21, 2024

§539. Statement of Purpose

A. Purpose

1. Louisiana values its manufacturers and their contributions to its economy.

2. Article VII, Section 21 (F) of the Louisiana Constitution of 1974 provides that the Board of Commerce and Industry ("Board"), with the approval of the Governor, may enter into contracts for the exemption from ad valorem taxes of a new manufacturing establishment or an addition to an existing manufacturing establishment on such terms and conditions as the Board, with the approval of the Governor, deems is in the best interest of the state.

B. Best Interest of the State

1. The provisions set forth in this Subchapter establish the criteria that the governor and the board will consider for purposes of deciding what is in the best interest of the state.

C. Applicability

1. The provisions set forth in this Subchapter shall apply to projects with advances filed on or after February 21, 2024.

2. The provisions set forth in this Subchapter shall not apply to projects with advances filed prior to February 21, 2024, or ITEP projects approved by the board prior to February 21, 2024.

AUTHORITY NOTE: Promulgated in accordance with Article VII, Part 2, Section 21(F) of the Louisiana Constitution of 1974.

HISTORICAL NOTE: Promulgated by the Board of Commerce and Industry and the Louisiana Economic Development, LR 51:

§541. Definitions

Addition to a Manufacturing Establishment—

1.a. a capital expenditure for property that would meet the standard of a new manufacturing establishment if the addition were treated as a stand-alone establishment;

b. a capital expenditure for property that is directly related to the manufacturing operations of an existing manufacturing establishment; or

c. an installation or physical change made to a manufacturing establishment that increases its value, utility or competitiveness;

2. maintenance capital, required environmental capital upgrades, and replacement parts, except those replacements required in the rehabilitation or restoration of an establishment, to conserve as nearly, and as long as possible, original condition, shall not qualify as an addition to a manufacturing establishment;

3. expenses associated with the rehabilitation or restoration of an establishment as provided for in §511 shall be included as an addition to a manufacturing establishment.

Beginning of Construction—the first day on which foundations are started or, where foundations are unnecessary, the first day on which installations of the manufacturing establishment begins.

Board—Board of Commerce and Industry.

Capital Expenditure—the cost associated with a new manufacturing establishment or an addition to an existing manufacturing establishment, including purchasing or improving real property and tangible personal property, whose useful life exceeds one year and which is used in the conduct of business.

Committee—Local ITEP Committee

Department—Louisiana Economic Development.

Establishment—an economic unit at a single physical location.

Exhibit A—a resolution from the Local ITEP Committee signifying its approval or denial of an exemption contract for a specific ITEP application.

Integral—required to make whole the product being produced.

LDR—Louisiana Department of Revenue.

Local Governmental Entity—the parish governing authority, school board, sheriff, and any municipality in which the manufacturing establishment is or will be located.

Maintenance Capital—costs incurred to conserve as nearly as possible the original condition.

Manufacturer—a person or business who engages in manufacturing at a manufacturing establishment.

Manufacturing—working raw materials by means of mass or custom production, including fabrication, applying manual labor or machinery into wares suitable for use or which gives new shapes, qualities or combinations to matter which already has gone through some artificial process. The resulting products must be suitable for use as manufactured products that are placed into commerce for sale or sold for use as a component of another product to be placed, and placed into commerce for sale.

Obsolescence—the inadequacy, disuse, outdated or non-functionality of facilities, infrastructure, equipment or product technologies due to the effects of time, decay, changing market conditions, invention and adoption of new product technologies or changing consumer demands.

Qualified Disaster—

1. a disaster which results from:
 - a. an act of terror directed against the United States or any of its allies; or
 - b. any military action involving the Armed Forces of the United States and resulting from violence or aggression against the United States or any of its allies (or threat thereof), but not including training exercises;
2. any disaster which, with respect to the area in which the manufacturing establishment is located, resulted in a subsequent determination by the president of the United States that such area warrants assistance by the federal government under the Robert T. Stafford Disaster Relief and Emergency Assistance Act;
3. a disaster which is determined by an applicable federal, state, or local authority (as determined by the secretary) to warrant assistance from the federal, state, or local government, or agency or instrumentality thereof; or

4. any other extraordinary event that destroys or renders all or a portion of the manufacturing establishment inoperable.

Rehabilitation—the extensive renovation of a building or project that is intended to cure obsolescence or to repurpose a facility.

Required Environmental Capital Upgrades—upgrades required by any state or federal governmental agency in order to avoid fines, closures or other penalty. Environmental upgrades demonstrated to be in excess of state and federal governmental agency requirements shall not be considered required environmental capital upgrades.

Restoration—repairs to bring a building or structure to at least its original form or an improved condition.

Secretary—secretary of the Louisiana Louisiana Economic Development.

Site—one or more contiguous parcels of land which are under the control of the manufacturing establishment or which contains certain assets of the manufacturing establishment.

AUTHORITY NOTE: Promulgated in accordance with Article VII, Part 2, Section 21(F) of the Louisiana Constitution of 1974.

HISTORICAL NOTE: Promulgated by the Board of Commerce and Industry and the Louisiana Economic Development, LR 51:

§543. Ineligible Items: Property, Land, Inventories

A. The following items are ineligible for the tax exemption:

1. Property
 - a. Miscellaneous capital additions, maintenance capital, required environmental capital upgrades and replacement parts, except those replacements required in the rehabilitation or restoration of an establishment, to conserve as nearly, and as long as possible, original condition, are not eligible for the tax exemption.
 - b. If the establishment or addition is on the taxable rolls and property taxes have been paid at more than 20 percent, the establishment or addition is not eligible for the exemption.
 - c. The board shall not consider for tax exemption any property previously subject to an ad valorem tax exemption that has expired or otherwise been terminated.
2. Land. The land on which a manufacturing establishment is located is not eligible for tax exemption.
3. Inventories

a. inventories of raw materials used in the course of manufacturing;

b. inventories of work-in-progress or finished products;

c. any other consumable items.

AUTHORITY NOTE: Promulgated in accordance with Article VII, Part 2, Section 21(F) of the Louisiana Constitution of 1974.

HISTORICAL NOTE: Promulgated by the Board of Commerce and Industry and the Louisiana Economic Development, LR 51:

§545. Eligible Items: Buildings and Facilities Used in Manufacturing, Leased Property, Capitalized Materials, Integral Parts of the Manufacturing Operation, Rehabilitation and Restoration of Property, Relocations, Used Equipment.

A. The following items may be eligible for the tax exemption:

1. Buildings and Facilities Used in Manufacturing. The board shall consider for tax exemption buildings and facilities used in the operation of new manufacturing establishments located within the state of Louisiana (subject to the limitations stated in §543) and additions to manufacturing establishments within the state of Louisiana. Exemptions are granted to the owners of buildings that house a manufacturing establishment and facilities that are operated specifically in the manufacturing of a product. The board recognizes two categories of ownership:

a. owners who engage in manufacturing at said facilities; and

b. owners who are not engaged in manufacturing at said manufacturing establishment, but who have provided either or both of the following for a predetermined manufacturing establishment:

i. buildings to house a manufacturing establishment;

ii. facilities that consist of manufacturing equipment operated specifically in the manufacturing process;

c. owners who are not engaged in manufacturing at the manufacturing establishment are eligible for the exemption only if the manufacturer at the site is obligated to pay the property taxes if the exemption were not granted.

2. Leased Property. Leased property is eligible for the exemption, if the property is used in the manufacturing process, is and remains on the plant site, and the manufacturer is obligated under the lease agreement to pay the property taxes if the exemption were not granted.

3. Capitalized Materials

a. Capitalized materials which are an essential and integral part of a manufacturing process, but do not form part of the finished product, may be exempted along with the manufacturing establishment. Some examples of these are:

i. ammonia in a freezing plant;

ii. solvent in an extraction plant; and

iii. catalyst in a manufacturing process.

b. To be eligible for exemption, a manufacturing establishment must be in an operational status and engaged in manufacturing. An owner of a new manufacturing establishment under construction may apply for an exemption with the expectation that the manufacturing establishment will become operational. If the manufacturing establishment fails to become operational or ceases operations without a reasonable expectation of recommencing operations, the facility shall no longer be eligible for exemption and its contract shall be subject to termination under §569.

4. Integral Parts of the Manufacturing Operation. Property that is an integral part of the manufacturing operation is eligible for the tax exemption.

a. The following activities are considered to be integral to the manufacturing process:

i. quality control/quality assurance;

ii. packaging;

iii. transportation of goods on the site during the manufacturing process;

iv. other on site essential activities as approved by the secretary and the board.

5. Rehabilitation and Restoration of Property

a. Capital expenditures for the rehabilitation or restoration of an existing establishment may be exempted if it is not maintenance. If replacements or upgrades are made as part of a rehabilitation or restoration to an establishment, only the capital expenditures in excess of original cost shall be eligible for tax exemption. A deduction for the original cost of property to be replaced shall not be made if the project will result in capital additions that exceed \$50,000,000.

b. Exemption may be granted on the costs of rehabilitation or restoration of a partially or completely damaged facility, but only on the amount in excess of the original cost.

c. Original costs deducted from rehabilitation or restoration made or rebuilding shall be clearly documented.

d. A deduction for the original cost of property to be replaced as part of a rehabilitation or restoration, as provided by sections a or b above, shall not be made if the project is related to the replacement or reconstruction of property after the destruction of or damage to such property, as a result of a qualified disaster.

6. Relocations

a. A manufacturing establishment moved from one location in the state to another place within the state shall be eligible for the unexpired consecutive years, if any, of the tax exemption contract granted at the original location.

b. If a manufacturing establishment moves from one location in the state to another location within the state, the company shall be required to seek approval of the parish governing authority, the school board, the sheriff, and any municipality in which the manufacturing establishment will be located if these local governing authorities are different than those that approved the exemption at the original site.

7. Used Equipment. Used equipment is eligible for tax exemption provided no ad valorem property taxes have been paid in Louisiana on said property.

AUTHORITY NOTE: Promulgated in accordance with Article VII, Part 2, Section 21(F) of the Louisiana Constitution of 1974.

HISTORICAL NOTE: Promulgated by the Board of Commerce and Industry and the Louisiana Economic Development, LR 51:

§547. Advance Notification

A. An advance notification of intent to apply for tax exemption shall be filed with the department through the department's online Fastlane portal prior to the beginning of construction or installation of facilities on all projects for tax exemption. An advance notification fee of \$250 shall be submitted with the form. The advance notification will expire and become void if no application is filed within 12 months of the estimated project ending date stated in the advance notification. The estimated project ending date as stated on the advance notification may be amended by the applicant if the amendment is made prior to the estimated project ending date.

B. A separate advance shall be required for each program. The applicable advance notification fee for each program for which the applicant anticipates applying shall be submitted with the advance notification.

C. An advance notification shall include but not be limited to a project description, NAICS code, project start and end dates.

AUTHORITY NOTE: Promulgated in accordance with Article VII, Part 2, Section 21(F) of the Louisiana Constitution of 1974.

HISTORICAL NOTE: Promulgated by the Board of Commerce and Industry and the Louisiana Economic Development, LR 51:

§549. Application

A. An application for tax exemption may be filed with the department through the department's online Fastlane portal, subject to the following conditions:

1. the filing may be either concurrent with or after filing the advance notification, but no later than 90 days after the beginning of operations or end of construction, whichever occurs first;

2. the deadline for filing the application may be extended pursuant to §561;

3. an applicant shall file an individual application for any calendar year in which property becomes operational or usable;

4. an application fee shall be submitted with the application in the amount equal to 0.5 percent of the estimated total amount of taxes to be exempted. In no case shall an application fee be smaller than \$500 and in no case shall a fee exceed \$15,000 per project.

AUTHORITY NOTE: Promulgated in accordance with Article VII, Part 2, Section 21(F) of the Louisiana Constitution of 1974.

HISTORICAL NOTE: Promulgated by the Board of Commerce and Industry and the Louisiana Economic Development, LR 51:

§551. Consultation with the LDR

A. The department will provide a copy of the application and all relative information to the Louisiana Department of Revenue (LDR) for review. LDR may require additional information from the applicant. The department must receive a letter-of-no-objection or a letter-of-approval from the LDR, prior to submitting the application to the board for action.

AUTHORITY NOTE: Promulgated in accordance with Article VII, Part 2, Section 21(F) of the Louisiana Constitution of 1974.

HISTORICAL NOTE: Promulgated by the Board of Commerce and Industry and the Louisiana Economic Development, LR 51:

§553. Department Presentation to the Board

A. After its review and determination of eligibility, the department will prepare the application information in a format suitable for presentation to the board.

B. The board must approve the application prior to a contract being issued.

C. Applicant or its representatives will be notified of the board meeting date at which their application will be considered. The applicant should have someone present who is able to answer any questions the board may have regarding the information contained in the application, otherwise the application may be deferred or denied.

AUTHORITY NOTE: Promulgated in accordance with Article VII, Part 2, Section 21(F) of the Louisiana Constitution of 1974.

HISTORICAL NOTE: Promulgated by the Board of Commerce and Industry and the Louisiana Economic Development, LR 51:

§555. Board Consideration of Application

A. Eligibility of the applicant and the property for the exemption, including whether the activities at the site meet the definition of manufacturing, will be reviewed by the board based upon the facts and circumstances existing at the time the application is considered by the board.

1. Applications which provide for a new manufacturing establishment or which provide for an expansion of, or an addition to an existing manufacturing establishment, shall be favored by the board.

2. The board will receive all public comment given at the board meeting, or any written comments filed with LED prior to the board meeting date.

B. The property exempted may be increased or decreased based upon review of the application, project completion report or affidavit of final cost.

C. An application filed prior to completion of construction may be considered by the board and a contract may be executed based upon the best available estimates, subject to adjustments, as necessary, upon review and approval of the project completion report and affidavit of final cost.

1. If the applicant fails to timely file the project completion report or affidavit of final cost the board may, after notice to the applicant, terminate the contract.

AUTHORITY NOTE: Promulgated in accordance with Article VII, Part 2, Section 21(F) of the Louisiana Constitution of 1974.

HISTORICAL NOTE: Promulgated by the Board of Commerce and Industry and the Louisiana Economic Development, LR 51:

§557. Local ITEP Committee—Establishment, Consideration of Application, Meetings, and Determination

A. Establishment

1. The following local officials or employees shall be voting members and collectively comprise an ad hoc Local ITEP Committee (the committee):

a. the parish president or the president of the police jury;

b. the president of the school board or the superintendent of the school board, as elected by resolution of the school board; and

c. the sheriff or his designee; and, if applicable,

d. the mayor, if the project is located in a municipality;

2. Additional, ex-officio non-voting members may include:

a. the assessor;

b. the parish's highest-ranking economic development staff;

c. members of the local economic development organization; or

i. if no local economic development organization exists, a representative from the regional economic development organization.

B. Consideration of ITEP Applications

1. The summary agenda and the summary tables on all applications on the agenda for the regular meetings of the board shall be posted on LED's website at least one week prior to the meeting, but no later than 24 hours from when the board packet is provided to the board when feasible.

a. the committee is encouraged, but not required, to send comments to the board prior to the assigned meeting date for consideration of an application.

2. Upon the board's approval of an ITEP application, LED shall transmit notice documents regarding the approved application, which may include but not be limited to:

- a. a copy of the ITEP application;
 - b. a notice of board approval;
3. Notice documents shall be transmitted to the Local ITEP Committee as follows:
- a. directly to the individual voting members with email addresses on-file with LED, or if applicable and preferred, to one centralized Local ITEP Committee email address on file with LED; and
 - b. shall be made available to ex-officio non-voting members and the public via a posting on the department's website;
 - c. such notice shall be transmitted or posted by the department within three business days of the approval.

C. Meetings

- 1. Upon receipt of notice, a 15-day notice period begins.
- 2. The committee is not required to hold a meeting, however, any such meeting held to consider an ITEP application shall be considered public business and conducted by officials in accordance with Open Meetings laws.
- 3. Within the 15 day notice period, the committee may notice a public meeting to be held at a location customarily used by the parish council or police jury for public meetings for purposes of considering the ITEP application.
- 4. If the committee places the application on the agenda for a public meeting, the committee will have an additional 30 days (for a total of 45 days from the start of the notice period) to conduct a public meeting.

D. Determination

- 1. The committee shall submit to the department a resolution stating the approval or rejection of industrial ad valorem tax exemption applications within its jurisdiction.
- 2. Any resolution shall be submitted to the department no later than 45 days from the start of the notice period.
- 3. If the committee does not take action or provide a resolution as required herein, then the application will be deemed approved by such entity.

E. Decisions by the committee are not dispositive and do not bind the governor or the board.

AUTHORITY NOTE: Promulgated in accordance with Article VII, Part 2, Section 21(F) of the Louisiana Constitution of 1974.

HISTORICAL NOTE: Promulgated by the Board of Commerce and Industry and the Louisiana Economic Development, LR 51:

§559. The Contract

A. Upon board approval of an application and subsequent receipt of the Local ITEP Committee's determination, LED shall draft a contract setting forth the terms and conditions, which may include but not be limited to the following:

- 1. an initial term of no more than five calendar years;
- 2. a term of renewal for an additional time period of up to five years; and
- 3. an ad valorem exemption of 80 person.

B. The contract shall be submitted to the business electronically via LED's electronic document signing system, or other method as may otherwise be approved by all parties.

C. The business must execute its portion of the contract within 90 days. If the contract is not executed and submitted to the department within 90 days, the board's approval shall be deemed rescinded.

D. Once the contract has been executed by the business and the board, the contract, including any Local ITEP Committee determination reflected in the form of a resolution, included as Exhibit "A" to the contract, shall be submitted to the governor for review and consideration.

E. The governor may approve or deny the contract, and a contract shall not be considered effective or binding upon the state until signed by the governor.

F. The terms for the governor's approval of the contracts for ITEP, as provided for in Executive Order JML 24-23, represent the primary cause for the governor's approval of an ITEP contract. Any occurrence that operates to change, suspend, or breach the terms of the contract shall render the approval of the governor null and void.

AUTHORITY NOTE: Promulgated in accordance with Article VII, Part 2, Section 21(F) of the Louisiana Constitution of 1974.

HISTORICAL NOTE: Promulgated by the Board of Commerce and Industry and the Louisiana Economic Development, LR 51:

§561. Extension of Time

A. The department may grant an extension of up to six months for the filing of an application, a project completion report, or an affidavit of final cost, provided the request for extension is received prior to the filing deadline.

B. Additional extensions of time may be granted by the secretary for good cause. Good cause may include but not be limited to events beyond the reasonable control of the parties, such as an act of God, an act of war, an act of terrorism, a cyberattack, or a natural disaster due to earthquake, landslide, fire, flood, tornado, tropical storm or hurricane. The business shall have the burden of establishing good cause.

AUTHORITY NOTE: Promulgated in accordance with Article VII, Part 2, Section 21(F) of the Louisiana Constitution of 1974.

HISTORICAL NOTE: Promulgated by the Board of Commerce and Industry and the Louisiana Economic Development, LR 51:

§563. Effective Date of Contract; Project Completion Report

A. The owner of a new manufacturing establishment or addition shall document the beginning date of operations and the date that construction is substantially complete. The owner must file that information with the department on the prescribed project completion report form not later than 90 days after the beginning of operations, completion of construction, or receipt of the fully executed contract, whichever occurs last. A project completion report fee of \$250 shall be submitted with the form. The deadline for filing the project completion report may be extended pursuant to §551.

B. The effective date of tax exemption contracts for property located in parishes other than Orleans Parish shall be December 31 of the year in which effective operation began or construction was essentially completed, whichever occurs first. The effective date of tax exemption contracts for property located in Orleans Parish shall be July 31 of the applicable year.

AUTHORITY NOTE: Promulgated in accordance with Article VII, Part 2, Section 21(F) of the Louisiana Constitution of 1974.

HISTORICAL NOTE: Promulgated by the Board of Commerce and Industry and the Louisiana Economic Development, LR 51:

§565. Affidavit of Final Cost

A. Within six months of the beginning of operations, completion of construction, or receipt of the executed

contract, whichever occurs last, the owner of a manufacturing establishment or addition shall file on the prescribed form an affidavit of final cost showing complete cost of the exempted project. A fee of \$250 shall be filed with the affidavit of final cost or any amendment to the affidavit of final cost. Upon request by the department, a map showing the location of all facilities exempted in the project shall be submitted in order that the exempted property may be clearly identifiable. The deadline for filing the affidavit of final cost may be extended pursuant to §561.

AUTHORITY NOTE: Promulgated in accordance with Article VII, Part 2, Section 21(F) of the Louisiana Constitution of 1974.

HISTORICAL NOTE: Promulgated by the Board of Commerce and Industry and the Louisiana Economic Development, LR 51:

§567. Renewal of Tax Exemption Contract

A. Application for renewal of the exemption must be filed with the department through the department's online Fastlane portal not more than six months before, and not later than, the expiration of the initial contract. A fee of \$250 shall be filed with the renewal application. The document shall not be considered officially received and accepted until the appropriate fee is submitted. Upon proper showing of compliance with the initial contract of exemption, a renewal contract of exemption may be approved by the board for an additional period of no more than five years and provide for an ad valorem exemption of 80 percent.

B. Eligibility of the applicant and the property for renewal of the exemption will be reviewed by the board using the same criteria that was used for the initial contract, and based upon the facts and circumstances existing at the time the renewal application is considered.

C. The board shall have the option of submitting a board approved renewal application to the local governmental entities for approval in accordance with the procedures for approval of the initial exemption contract.

D. The term of the renewal contract shall be reduced by one year for each calendar month, or portion thereof, that the renewal application is filed late. The board may impose any other penalty for late renewal submission that it deems appropriate.

AUTHORITY NOTE: Promulgated in accordance with Article VII, Part 2, Section 21(F) of the Louisiana Constitution of 1974.

HISTORICAL NOTE: Promulgated by the Board of Commerce and Industry and the Louisiana Economic Development, LR 51:

§569. Violation of Rules or Documents; Inspection

A. The board reserves the right, on its own initiative or upon written complaint of an alleged violation of terms of tax exemption rules or documents, to conduct an inspection. During the inspection, the department may cause to be made a full investigation on behalf of the board and shall have full authority for such investigation including authority to demand reports or pertinent records and information from the applicant and complainants. Results of the investigation will be presented to the board.

B. All contracts of exemption shall be subject to inspection. If an inspection indicates that the applicant has violated any terms of the contract or rules, or that the exempt facility is not engaged in manufacturing, the board may conduct a hearing to reconsider the contract of exemption, after giving the applicant not less than 60 days' notice.

C. If the board determines that there has been a violation of the terms of the contract or the rules, that the property exempted by the contract is not eligible because it is not used in a manufacturing process, or that the facility has not commenced or has ceased manufacturing operations, the board may terminate or otherwise modify the contract.

AUTHORITY NOTE: Promulgated in accordance with Article VII, Part 2, Section 21(F) of the Louisiana Constitution of 1974.

HISTORICAL NOTE: Promulgated by the Board of Commerce and Industry and the Louisiana Economic Development, LR 51:

§571. Reporting Requirements for Changes in Operations

A. The department is to be notified immediately of any change which affects the tax exemption contract. This includes, but is not limited to, any changes in the ownership or operational name of a firm holding a tax exemption contract. A fee of \$250 shall be filed with a request for any contract amendment, including but not limited to, a change of ownership, change in name, or change in location. The board may consider restrictions or cancellation of a contract for cessation of the manufacturing operation, or retirement of any portion of the exempted equipment. Failure to report any material changes constitutes a breach of contract and, with approval by the board, shall result in restriction or termination.

AUTHORITY NOTE: Promulgated in accordance with Article VII, Part 2, Section 21(F) of the Louisiana Constitution of 1974.

HISTORICAL NOTE: Promulgated by the Board of Commerce and Industry and the Louisiana Economic Development, LR 51:

§573. Sale or Transfer of Exempted Manufacturing Establishment

A. In the event an applicant should sell or otherwise dispose of property covered by a contract of exemption, the purchaser of the said plant or property may, within three months of the date of such act of sale, apply to the board for a transfer of the contract. A fee of \$250 shall be filed with a request to transfer the contract. The board shall consider all such applications for transfer of contracts of exemption strictly on the merits of the application for such transfer. No such transfer shall in any way impair or amend any of the provisions of the contract so transferred other than to change the name of the contracting applicant. Failure to request or apply for a transfer within the stipulated time period shall constitute a violation of the contract.

AUTHORITY NOTE: Promulgated in accordance with Article VII, Part 2, Section 21(F) of the Louisiana Constitution of 1974.

HISTORICAL NOTE: Promulgated by the Board of Commerce and Industry and the Louisiana Economic Development, LR 51:

§575. Reporting to the Parish Assessor

A. The applicant shall file annually with the assessor of the parish in which the manufacturing establishment is located, a complete taxpayer's report on forms approved by the Tax Commission, in order that the exempted property may be separately listed on the assessment rolls.

B. All property exempted shall be listed on the assessment rolls and submitted to the Tax Commission or its successor and up to 80 percent of the taxes shall not be collected thereon during the period of exemption.

C. Taxes shall be exempted in accordance with the provisions of the contract, which are available to Parish Assessors through the department's online Fastlane portal.

AUTHORITY NOTE: Promulgated in accordance with Article VII, Part 2, Section 21(F) of the Louisiana Constitution of 1974.

HISTORICAL NOTE: Promulgated by the Board of Commerce and Industry and the Louisiana Economic Development, LR 51:

2411#007

Susan B. Bourgeois
Secretary

Rules

RULE

Department of Agriculture and Forestry Board of Veterinary Medicine

Professional Conduct (LAC 46:LXXXV.Chapter 10)

In accordance with the Administrative Procedure Act, R.S. 49:950 et seq., the Board ("Board") of Veterinary Medicine amends LAC 46:LXXXV. §§1007, 1011, 1025, 1039, 1051, 1057, and 1063 regarding the display of degrees, the conduct of one's practice, and means of advertising. Of greater substance is the amendment in §1039 related to a veterinarian's receipt of client consent in non-emergency situations. The amendment of §1057 protects patient/client confidentiality related to social media posts. All other amendments are cleaning up and making Rule language more uniform and consistent. This Rule is hereby adopted on the day of promulgation.

Title 46

PROFESSIONAL AND OCCUPATIONAL STANDARDS

Part LXXXV. Veterinarians

Chapter 10. Rules of Professional Conduct

§1007. Corrupt or Dishonest Conduct

A. Veterinarians shall expose, without fear or favor, before the proper tribunal or the board corrupt or dishonest conduct in the profession.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1518.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Veterinary Medicine, LR 16:229 (March 1990), amended by the Department of Agriculture and Forestry, Board of Veterinary Medicine, LR 50:1626 (November 2024).

§1011. Service under the Law

A. No veterinarian shall render any service or advice involving disloyalty under the law. A veterinarian must also observe and advise his client to observe statutory law.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1518.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Veterinary Medicine, LR 16:229 (March 1990), amended by the Department of Agriculture and Forestry, Board of Veterinary Medicine, LR 50:1626 (November 2024).

§1025. Display of Degree

A. A licensed veterinarian shall not use or display any certificate or title pertaining to veterinary medicine granted by any institution not approved by the American Veterinary Medical Association (AVMA) or by the board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1518.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Veterinary Medicine, LR 16:229 (March 1990), amended LR 19:1326 (October 1993), amended by the Department of Agriculture and Forestry, Board of Veterinary Medicine, LR 50:1626 (November 2024).

§1039. Conduct of One's Practice

A. ...

B. Prior to the commencement of general anesthesia in a non-emergency situation, when practical, a licensed veterinarian shall have the owner or duly authorized agent of the owner execute an anesthesia consent form which shall be placed in the patient's medical record. The anesthesia consent form shall be in writing and include the following:

B.1. - D. ...

E. In a non-emergency situation where circumstances render it impossible to have the owner or duly authorized agent execute the written anesthesia consent form prior to the administration of anesthesia, oral consent may be obtained from the owner or authorized agent, in which case the oral consent shall be witnessed by one person and documented in the patient's medical record. The licensed veterinarian shall advise the owner or the authorized agent of the risks associated with the use of general anesthesia and that results cannot be guaranteed and shall obtain oral verification the owner or duly authorized agent has the authority to provide consent and understands the information provided.

F. Prior to the commencement of an euthanasia procedure, a licensed veterinarian shall meet personally with the owner or duly authorized agent of the owner and have him execute a euthanasia consent form which shall be placed in the patient's medical record. The euthanasia consent form shall be in writing and include the following:

1. the owner or duly authorized agent has the authority to execute the consent;

2. the owner or duly authorized agent gives full and complete authority to euthanize and dispose of the animal in whatever manner the veterinarian deems appropriate;

3. that to the best of the owner or duly authorized agent's knowledge that animal has not bitten any person or animal during the last 15 days prior to presentation and has not been exposed to rabies;

4. that the owner or duly authorized agent understands euthanasia as personally explained by the veterinarian and gives permission to end the animal's life; and

G. The licensed veterinarian may address the issues of civil liability, payment arrangements and/or other issues of concern in the anesthesia consent form and/or euthanasia consent form, however, the inclusion of such issues are at the discretion of the licensed veterinarian and are not required by the board to be addressed in the forms.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1518.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Veterinary Medicine, LR 16:230 (March 1990), amended LR 27:1238 (August 2001), amended by the Department of Agriculture and Forestry, Board of Veterinary Medicine, LR 50:1626 (November 2024).

§1051. Removal of Accreditation

A. A licensed veterinarian whose accreditation has been or is subject to being revoked or removed by state or federal authority may be subject to disciplinary action by the board

upon proof of the acts or omissions constituting the grounds for removal or revocation of his accreditation.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1518.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Veterinary Medicine, LR 16:231 (March 1990), amended by the Department of Agriculture and Forestry, Board of Veterinary Medicine, LR 50:1626 (November 2024).

§1057. Advertising

A. *Advertising*—newspaper, magazine, and periodical announcements and listings, radio and television; professional cards; professional announcement cards; office and other signs; letterheads; telephone listings; any electronic communications; and any other form of communication designed to inform the general public about the availability, nature, or prices of products or services or to attract clients.

B. - C.3. ...

4. use any client details or photos in social media posts without client permission.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1518.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Veterinary Medicine, LR 16:231 (March 1990), amended by the Department of Agriculture and Forestry, Board of Veterinary Medicine, LR 50:1627 (November 2024).

§1063. Specialty List

A. ...

B. A veterinarian may not use the term *specialist* for an area of practice for which there is not AVMA recognized certification, nor may a veterinarian state or imply that he is a certified or recognized specialist unless he is board-certified in such specialty.

C. - D. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1518(A)(9).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Veterinary Medicine, LR 16:232 (March 1990), amended LR 23:968 (August 1997), LR 24:335 (February 1998), amended by the Department of Agriculture and Forestry, Board of Veterinary Medicine, LR 50:1627 (November 2024).

Jared B. Granier
Executive Director

2411#006

RULE

**Department of Agriculture and Forestry
Office of Agro-Consumer Services
Division of Weights and Measures**

**Weights and Measures Fee Structure
(LAC 7:XXXV.125)**

Notice is hereby given in accordance with the provisions of the Administrative Procedure act, R.S. 49:950 et seq., and through the authority granted in R.S. 3:4608 and 3:4622, the Department of Agriculture and Forestry (LDAF), Office of Agro-Consumer Services, Weights and Measures Division has amended LAC 7:XXXV, Chapter 1, Section 125 in order to update the fee structure of the division.

Pursuant to R.S. 3: 4622(D) the commissioner shall adopt by rule, the fees charged for weighing and measuring services performed by the department, including those services performed by the department’s State Metrology Laboratory. The changes to LAC 7. XXXV, Chapter 1, Section 125 modified the fee schedule for the scope of work currently performed by the State Metrology Laboratory including the addition of Mass Echelon II mass standards and the gravimetric testing of volumetric standards. Additionally, the changes to LAC 7.XXXV, Chapter 1, Section 125, provided for the addition of subsequent inspection fees to the Weights and Measures fee structure pursuant to Act 210 from the 2024 Legislative Session. This Rule is hereby adopted on the day of promulgation.

Title 7

AGRICULTURE AND ANIMALS

Part XXXV. Agro-Consumer Services

Chapter 1. Weights and Measures

§125. Weights and Measures Fee Structure

A. Fees for mass calibration with report of calibration stating corrections and uncertainties shall be as follows:

	Mass Echelon III	Mass Echelon II
1. Weights up to and including 10 pounds or 5 kilograms	\$7	\$25
2. Weights over 10 pounds or 5 kilograms and including 100 pounds or 60 kilograms	\$12	\$50
3. Weights over 100 pounds or 60 kilograms and including 1000 pounds or 500 kilograms	\$25	\$50
4. Weights over 1000 pounds or 500 kilograms	\$50	N/A

B. Any tolerance adjustment will be charged an additional fee-per weight as follows:

	Mass Echelon III	Mass Echelon II
1. Weights up to and including 10 pounds or 5 kilograms	\$7	\$25
2. Weights over 10 pounds or 5 kilograms and including 100 pounds or 60 kilograms	\$12	\$50
3. Weights over 100 pounds or 60 kilograms and including 1000 pounds or 500 kilograms	\$25	\$50
4. Weights over 1000 pounds or 500 kilograms	\$50	N/A

C. All volumetric testing and calibration or special tests not listed in the fee schedule shall be performed at a rate of \$40 per hour.

D. Incurred costs for return shipment shall be assessed when applicable.

E. The registration fee for each location utilizing scanning devices shall be as follows:

Category	Number of Point-of-Sale Devices	Fee
A	1 to 10	\$50
B	11 to 25	\$100
C	Over 25	\$150

- F. The annual fee for registration of taxi meters is \$50.
- G. The annual fee for registration of mass flow meters will be \$250 per device.
- H. The annual fee for registration of commercial weighing devices shall be as follows:

Category	Device Capacity	Annual Fee
1	Zero to 1,000 pounds	\$50
2	Over 1,000 pounds to 10,000 pounds	\$115
3	Over 10,000 pounds	\$215

I. The subsequent inspection fee for reinspection of commercial weighing devices and mass flow meters shall be as follows:

Category	Device Capacity	Subsequent Inspection Fee
1	Zero to 1,000 pounds	\$0
2	Over 1,000 pounds to 10,000 pounds	\$135
3	Over 10,000 pounds	\$250

J. ...
 AUTHORITY NOTE: Promulgated in accordance with R.S. 3:4608 and 3:4622.
 HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Agro-Consumer Services, Division of Weights and Measures, LR 19:1534 (December 1993), amended LR 23:857 (July 1997), LR 30:1142 (June 2004), LR 42:218 (February 2016), LR 42:1649 (October 2016), LR 47:852 (July 2021), LR 47:1840 (December 2021), LR 50:351 (March 2024), repromulgated LR 50:478 (April 2024), amended LR 50:1627 (November 2024).

Mike Strain, DVM
 Commissioner

2411#025

RULE

Board of Elementary and Secondary Education

Bulletin 111—The Louisiana School, District, and State Accountability System
 School, District, and State Accountability
 (LAC 28:XI.305, Chapter 17, Chapter 19, Chapter 35, and 4003)

In accordance with the provisions of R.S. 17:6(A)(10) and the Administrative Procedure Act (APA), R.S. 49:953(B)(1) et seq., the Board of Elementary and Secondary Education has amended LAC 28:XI in Bulletin 111—*The Louisiana School, District, and State Accountability System*. The revisions amend and adopt a comprehensive update to Louisiana’s current K-12 accountability system. The new accountability system is an effort to simplify accountability reporting, increase rigor and transparency, and is strongly influenced by the college and career readiness definition. The formula and calculations focus on indicators for student growth, academic proficiency, and acceleration for career, college, and service readiness. This Rule is hereby adopted on the day of promulgation.

**Title 28
 EDUCATION**

Part XI. Bulletin 111—The Louisiana School, District, and State Accountability System

Subpart 1. Accountability/Testing

Chapter 3. School Performance Score Component

§305. Transition from 2017-2018 to 2024-2025 SPS Release

A. Beginning in the 2017-2018 school year (2018 SPS), the overall grading scale will be as follows:

Beginning in 2017-2018 (2018 SPS) and through 2024-2025 (2025 SPS)	
School Performance Score	Letter Grade
90.0-150.0	A
75.0-89.9	B
60.0-74.9	C
50.0-59.9	D
0-49.9	F

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 44:447 (March 2018), LR 48:997 (April 2022), LR 50:1628 (November 2024).

Chapter 17. The School and District Accountability System

§1700. Transition to Revised Accountability System and Calculation

A. Beginning with the 2025-2026 school year (2026 SPS), the accountability system in this Chapter shall be used, and Chapters 3, 4, 5, 6, 7, and 8 of this Part shall cease to be effective.

1. The LDOE shall calculate a comparison score showing a school or district performance using the methodology in place in the prior year and shall make this information available on the department website.

B. Effective with the adoption of Chapters 17 and 19 of this Part and continuing until the release of the 2026 SPS, the LDOE shall, using already available data, simulate and make available to school systems annual results calculated for information purposes.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, R.S. 17:6.1, and R.S. 17:10.1.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 50:1628 (November 2024).

§1701. School Grades and Indicators

A. The annual report shall identify schools as having earned one of the following grades:

1. A—produces excellent student achievement and progress.
2. B—produces above average student achievement and progress.
3. C—produces satisfactory student achievement and progress.
4. D—produces less than satisfactory student achievement and progress.
5. F—fails to produce adequate student achievement and progress.

B. Designation of School Grades. A school grade shall be calculated for each school that has students who are

enrolled in the school for the full academic year and are in a tested subject or grade on the state annual accountability assessment.

1. Exception. A school shall not earn a school grade if the number of students meeting the full academic year definition is fewer than 15 to ensure accuracy and to prevent the unlawful release of personally identifiable student data in accordance with the Family Educational Rights and Privacy Act (FERPA).

2. A school shall test all students. Students who should otherwise be included in the assessment shall be entered as a 0 in the numerator and counted in the denominator.

3. Each school shall earn a school performance score under one site code regardless of the grade structure of the school.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, R.S. 17:6.1, and R.S. 17:10.1.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 50:1628 (November 2024).

§1703. Indicators Contributing to School Grades

A. A school grade shall be based on a combination of indicators in accordance with this Chapter for the percentage of students:

1. scoring at proficient or higher on the state accountability assessment for all students in reading/ELA;

2. scoring at proficient or higher on the state accountability assessment for all students in mathematics;

3. scoring at proficient or higher on the state accountability assessment for all students in social studies;

4. scoring at proficient or higher on the state accountability assessment for all students in science;

5. making growth in reading/ELA in accordance with this Chapter;

6. making growth in mathematics in accordance with this Chapter;

7. making growth, for the lowest performing 25 percent of students, on the state annual accountability assessment in reading/ELA in accordance with this Chapter;

8. making growth, for the lowest performing 25 percent of students, on the state annual accountability assessment in mathematics in accordance with this Chapter;

9. who are English learners making progress or achieving proficiency on an English language acquisition assessment in accordance with this Part.

B. A school grade for high schools shall also be based on the percentage of cohort members:

1. earning a standard high school diploma in four years in accordance with §1709 of this Chapter;

2. scoring ready to meet post-secondary goals in accordance with §1711 of this Chapter;

3. scoring ready and earning a recognized credential of quality in accordance with §1713 of this Chapter.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, R.S. 17:6.1, and R.S. 17:10.1.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 50:1629 (November 2024).

§1705. Aggregating Indicators to Determine School Grades

A. The LDOE shall assign school grades based on the indicators with available data at the school.

1. Each indicator carries equal weight in the overall calculation.

2. Schools will earn 0-100 points for each indicator where one point is awarded for each percentage of students.

3. Points are aggregated to determine the overall percentage of points earned.

B. School Grade Points. The LDOE shall set three scales for elementary, high school, and districts and shall issue cut scores for A, B, C, D, and F. The high school scale shall apply to any schools having a cohort graduation rate as an indicator. All other schools shall utilize the elementary school scale.

C. Initial Grading Scale. Upon release of the 2024 SPS, the LDOE shall set three scales for elementary, high school, and districts and shall issue cut scores for A, B, C, D, and F under the revised accountability formula using 2024 SPS data pursuant to Chapter 3 of this Part. Such cut scores shall be used in transitional results issued in 2024 and 2025 and shall remain in effect for the 2026 SPS calculation. The initial scale shall be set utilizing simulation of available data from the 2024 SPS such that the initial percentages of school grades earned are no more than:

1. 10 percent—A;

2. 20 percent—B;

3. 40 percent—C;

4. 20 percent—D; and

5. 10 percent—F.

D. Automatic Grading Scale Increase. In any year in which 50 percent or more of schools or districts on a scale earn a grade of A or B, the scale required to earn a school grade shall be raised by five percent for the following year. Such increases shall continue until the scale reaches:

1. 90 – 100 = A;

2. 80 – 89 = B;

3. 70 – 79 = C;

4. 60 – 69 = D; and

5. 0 – 59 = F.

E. School Recognition. The LDOE shall develop school awards for schools that improve at least one school grade level or earn a school grade of A.

1. The Value Added Growth Award recognizes schools in the 90th percentile for growth in reading/ELA, mathematics, science, or social studies.

2. The LDOE shall also provide for a Top Gains/Growth Award that recognizes schools with exceptional growth.

F. District Grades. The annual report shall include a district grade calculated using the student population of the district, which follows the same method used for calculating a school grade.

G. Incentive Points. A school that establishes, maintains, or expands a foreign language immersion program or proceeds to earn or maintain certification of a foreign language immersion program in accordance with R.S. 17:273.2 shall have one point added to the final calculation, which would be the equivalent of one point in each of the school indices.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, R.S. 17:6.1, and R.S. 17:10.1.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 50:1629 (November 2024).

§1707. Student Growth Methodology

A. The growth score for each subject shall include all students enrolled in the school for the current full academic year with scores on the annual state accountability assessment in the current and prior years for a subject.

B. A school earns credit for growth in a subject for each student who, on the annual state accountability assessment:

1. increases at least one achievement level in the subject;

2. scored below the mastery achievement level in the subject for the prior year and advances from a subcategory within basic, approaching basic, or unsatisfactory achievement levels to a higher level in the current year. The subcategory is determined by dividing the scale of each achievement level into two equal parts;

3. for a given subject area, scored at the mastery achievement level in both the prior year and the current year and earns a scaled score greater in the current year than in the prior year;

4. scores at the advanced achievement level in the current year.

C. For reading/ELA and mathematics, students measured as scoring in the lowest-performing 25 percent based on prior year scores on the annual state accountability assessment and with full year enrollment in the school for the current academic year shall comprise the additional reading/ELA and mathematics growth groups.

D. For students taking a first LEAP 2025 assessment in high school in a subject area, the eighth grade assessment taken in the same subject will be used as the prior-year assessment for determining growth. For each year since the prior assessment, the student shall grow by one achievement subcategory in the current year. If the student scored at mastery in eighth grade, the student must improve one scale point per year since the prior test. The high school assessment need not be taken in the school year directly following the examination counted as the prior-year assessment.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, R.S. 17:6.1, and R.S. 17:10.1.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 50:1630 (November 2024).

§1709. Cohort Graduation Rate Methodology

A. A cohort of students is all students who entered ninth grade for the first time in the state of Louisiana in a given academic year.

B. Each cohort of students is tracked for four years, from entry as first-time ninth graders through four academic years. Transitional ninth grade students will automatically enter the first-time ninth grade cohort in the academic year following enrollment in transitional ninth grade.

C. Students who exit the Louisiana student information system (SIS) in fewer than four years for legitimate reasons shall not be included in the cohort graduation rate calculation.

1. Students shall only be considered legitimate leavers from a cohort under the following circumstances:

- a. transfer from Louisiana K-12 public education to another diploma-awarding school or program;
- b. emigration to another country; or
- c. death.

2. Specific documentation is required for students to be considered legitimate leavers as follows:

a. Transfer out of state or country shall require a request for records from the receiving out-of-state school, a statement written and signed by the parent/guardian, or proof of enrollment as a foreign exchange student.

b. Transfer to an approved nonpublic school which awards high school diplomas shall require a request for records from the receiving nonpublic school or a statement written and signed by the parent/guardian.

c. Transfer to an early college admissions program in accordance with LAC 28:LCXV.2329 shall require submission of a school withdrawal form, request for records from the college or university, and verification of full-time enrollment in an academic program.

d. The only acceptable documentation for transfers to out-of-state or approved nonpublic diploma-awarding schools is a request from the qualifying school or program, a letter from an official in the receiving school or program verifying student enrollment, or a note written and signed by the parent/guardian including a reason for exit that confirms the exit type used to remove the student from enrollment.

e. Documentation for a student transfer to home school is an official approval document from LDOE dated before October 1 following the student exit from the Louisiana SIS except where the student is not yet in the final school year of the cohort for on-time graduation.

f. In the final year of the cohort for on-time graduation, documentation for a student transfer to home school is an official approval document from LDOE dated before October 1 of the beginning of the school year in which the cohort is scheduled to graduate.

g. Emigration to another country must be documented with a statement signed by a parent/guardian, a request for student records, or an approved application for participation in a foreign exchange program which verifies dates of enrollment.

h. Sufficient documentation for a deceased student is an obituary or letter from the parent/guardian.

3. The LDOE shall maintain and post on the department website a list of schools that are considered non-diploma awarding.

4. A school is classified as non-diploma awarding when the school:

a. awards fewer than five regular diplomas per academic year for two consecutive years; or

b. enrolls fewer than ten twelfth grade students for a full academic year for two consecutive years.

c. The LDOE may grant exceptions to this requirement for new schools and schools with small populations upon district request when the department has determined that no circumvention of accountability consequences will occur. The district is responsible for providing any data requested by the LDOE.

D. A student exited from a school or LEA using a code other than legitimate leaver codes or those codes indicating completion of a high school course of study must subsequently appear in the Louisiana SIS or the student shall be considered a dropout from the state, LEA, and school.

E. Students with no high school records in the Louisiana SIS who transfer from a home school, nonpublic school, or another state into a Louisiana school on or before October 1

of the eleventh grade year will enter the on-time cohort at the assigned grade level of the student. Students with existing Louisiana public high school records will re-enter the original cohort.

F. Students transferring within the Louisiana public school system will remain in the same cohort.

1. Students transferring within an LEA on or before October 1 of the cohort fourth year will be included in the calculation of the graduation indicator at the school into which the student transferred and completed the fourth year of high school.

2. Students who exit a high school for more than 45 calendar days during the fourth year shall not be included in the high school graduation cohort calculation for that school.

G. Students who graduate or complete high school in fewer than four years will be included in the cohort in which the student entered ninth grade.

H. A student who exits K-12 education to enter a school or program that does not award a state-recognized high school diploma shall be considered a dropout in graduation cohort calculations.

I. For students who exit and have no subsequent enrollment in a school, the school of last record will be the school that sent a valid request for student records to the school that applied the exit code.

1. If the last exit from enrollment is for expulsion, exit code 01, the request for records will not be used to determine the last school of record. The last school of enrollment shall be used.

J. All students, excluding those defined as legitimate leavers in Subsection C of this Section, regardless of entry or exit dates, are included in the state-level cohort.

K. A student assessed using the LEAP Connect shall be included in the graduation rate calculation for the year in which the student graduates or the year in which the student exits after at least four years in high school with no subsequent re-enrollment by October 1 of the following academic year. A student who is not exited will be counted in the year that the student reaches the age of twenty-two.

L. Record Maintenance. Schools shall maintain documentation that supports exit codes for at least four years after the data has been used in school performance scores.

1. Schools without sufficient documentation to support exit codes are subject to action by LDOE in accordance with Chapter 41 of this Part.

2. The authenticity of exit code documentation is determined by the LDOE.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, R.S. 17:6.1, and R.S. 17:10.1.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 50:1630 (November 2024).

§1711. Nationally Recognized Assessment Indicator

A. The nationally recognized assessment indicator is determined by the percent of cohort members meeting the ready benchmark.

B. Students earn one or more of the following:

1. ACT composite score consistent with the TOPS ACT requirement in R.S. 17:5024, but not lower than a score of 20; or

2. Classical Learning Test score of 67 or higher; or

3. SAT score of 1040 or higher; or

4. WorkKeys score of Gold; or

5. ASVAB AFQT of 59 or higher.

C. For a student on the university diploma pathway to earn credit in accordance with Subsection B of this Section, the student shall have taken the ACT, SAT, or CLT.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, R.S. 17:6.1, and R.S. 17:10.1.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 50:1631 (November 2024).

§1713. Acceleration Indicator

A. Louisiana acknowledges multiple pathways to demonstrate college, career, or service readiness. The acceleration indicator shall be the percentage of cohort members determined to be college and career ready and having earned a credential in accordance with this Chapter.

B. The acceleration indicator is determined by the percent of students meeting the requirements of this Section.

C. The denominator for the acceleration indicator shall be the same as the graduation cohort in accordance with §1709 of this Chapter.

D. Quality of college readiness is demonstrated by earning a college-ready score in accordance with §1711 of this Chapter and minimum score requirements as follows:

1. minimum of six college credits with a grade of C or better in one or more academic dual enrollment courses;

2. score of 3 or higher on an AP exam;

3. score of 4 or more on the IB exam;

4. ACT mathematics sub-score of 25 or higher or SAT mathematics sub-score of 590 or higher;

5. ACT English sub-score of 26 or higher or SAT Writing and Language score of 33 or higher; or

6. Three CLEP exams with course enrollment and a minimum score recognized by the Louisiana Board of Regents flagship university for college credit.

E. Quality of career readiness shall be demonstrated by completion of one or more of the following:

1. two years of fully aligned Fast Forward registered apprenticeship; or

2. industry based credential (IBC) or bundle of credentials determined to be of high value by the Louisiana Workforce Commission in addition to completion of a work-based learning experience in accordance with LAC 28:CXV.3113; or

3. certificate of technical studies in a high wage, high demand industry.

F. For any school in which 25 percent of the students earning acceleration credit through the provisions of Subsection E of this Section complete a work-based learning experience, the school shall earn a base of five percent to be added to the acceleration indicator.

1. In each year after the 2026 SPS, the percentage of such students expected to complete a work-based learning experience shall increase by five percent until the requirement equals 65 percent of career acceleration students.

2. A score of no more than 100 may be earned for the indicator.

3. Students satisfying the career acceleration requirement through a certificate of technical studies or a registered apprenticeship shall be considered to have completed a work-based learning experience.

G. Readiness for military service shall be demonstrated by one or more of the following:

1. a signed letter of commitment to military service;
- or
2. acceptance to a military service academy.

H. Pursuant to federal ESSA regulations, HiSET may not be included in the adjusted cohort graduation rate. The LDOE shall engage with the Louisiana Workforce Commission and Louisiana Community and Technical College System to identify appropriate basic IBC bundles to recognize within the acceleration indicator for students earning a HiSET.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, R.S. 17:6.1, and R.S. 17:10.1.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 50:1631 (November 2024).

§1715. Report Card

A. The state report card shall provide information to assist schools, school systems, and the public to focus resources and support to increase student achievement.

B. The LDOE shall annually publish, on the department website, a report of the statewide accountability program and student achievement in the state, districts, and public schools.

C. Report cards shall include, without limitation, the following information:

1. state, school, and district grade;
2. scores and an explanation of performance under each indicator in the formula;
3. value-added score;
4. descriptions of performance of all schools participating in the assessment program and all major student populations as determined by LDOE; and
5. information regarding school improvement.

D. The provisions of FERPA, 20 U.S.C.S 1232g, and Louisiana statutes pertaining to student records shall be applicable.

E. The school/district shall provide the school report card to each parent/guardian no later than one month after its release each school year.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, R.S. 17:6.1, and R.S. 17:10.1.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 50:1632 (November 2024).

Chapter 19. Inclusion in Accountability

§1901. State Assessments and Accountability

A. Schools shall have a minimum of fifteen full academic year students in one of the indices in accordance with Chapter 17 of this Part in order to receive a score.

B. Any indicator with fewer than fifteen students shall not contribute to a school or district score.

C. Louisiana students in third through eighth grade shall participate in at least one of the following state assessments on an annual basis:

1. LEAP; or
2. LEAP Connect.

D. Louisiana students in ninth through twelfth grades will participate in at least one of the following state assessments:

1. high school LEAP 2025, when the student is enrolled in the course for which a test is available;

2. LEAP Connect alternate assessment; or
3. ACT in eleventh or twelfth grade.

E. All students who are English learners shall annually take the Louisiana English Language Proficiency Test (ELPT) assessment or the ELPT Connect in addition to the associated state assessment for the grade in which the student is enrolled.

F. High school LEAP 2025 scores for repeaters in any subject shall not be included in high school SPS calculations except for middle school students who earn a score of unsatisfactory, approaching basic, or basic and retake the high school LEAP 2025 test.

G. Scores earned during an academic year by a student who transferred into the LEA after October 1 of the same academic year shall not be included in the SPS or subgroup performance score.

H. An ACT score of a twelfth grade student will count in only one accountability cycle.

I. A student completing the third year in a high school cohort must have taken the Algebra I, English I, biology, and civics assessments or LEAP Connect. A student not meeting this requirement will be assigned a score of zero and be counted as a non-participant in high school testing. All students must be included in the assessment cohort regardless of course enrollment, grade assignment, or program assignment.

J. English learners shall participate in all required academic assessments and the ELPT or, for qualifying students, ELPT Connect.

1. In the first year, academic assessment and ELPT scores will not be included in school performance score calculation as indicated by the application of an assigned accountability code and verification of first-year enrollment.

2. In the second year, ELA/reading and mathematics assessment scores will be included in the growth indicator only, and ELPT improvement will be included in the English learner indicator in accordance with §4003 of this Part.

3. In the third year, academic assessment will be included in both the proficiency and growth indicators, and ELPT improvement will be included in the English learner indicator for school performance score calculations.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, R.S. 17:6.1, and R.S. 17:10.1.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 50:1632 (November 2024).

§1903. Inclusion of Students

A. The test score of every student enrolled in any school in an LEA on October 1 of the academic year and who is eligible to take a test at a given school within the same LEA shall be included in the LEA district performance score (DPS).

B. The score of every student counted in the DPS will also be counted for SPS and subgroup performance at the school where the student was enrolled on February 1.

C. The score of high school LEAP 2025 tests taken in December will count in the SPS at the school where the student is enrolled for the test.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, R.S. 17:6.1, and R.S. 17:10.1.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 50:1632 (November 2024).

§1905. Inclusion of Students in Subgroup Performance

A. Students that meet the full academic year criteria, in accordance with this Section and §1903 of this Part shall be included in all subgroup performance score calculations.

1. A student that is a former English learner student for up to two years after no longer being considered an English language learner under state rules will not count toward the minimum n size for the EL subgroup.

2. A student that was previously identified as having a disability, but has exited IEP status within the past two years, will not count toward the minimum n size for the students with disabilities subgroup.

3. The LDOE shall, as appropriate, identify additional student subgroups for which to publish data regarding student performance beyond subgroups required by federal law, including, but not limited to, Section 504 students.

B. Calculating the school performance score shall be determined as follows:

1. The alternate academic achievement standards for students participating in LEAP Connect will be used, provided that the percentage of students assessed using the LEAP Connect at the district level does not exceed 1.0 percent of all students in the grades assessed.

2. If the district exceeds the 1.0 percent cap, the district shall request a waiver. The students exceeding the cap shall be assigned a 0 on the assessment and be considered non-proficient if the district fails to request the waiver or if the requested waiver is denied due to the LDOE determination that ineligible students were administered LEAP Connect.

3. When calculating the 1.0 percent cap for alternate assessment purposes, all decimals in results shall be rounded to the next highest whole number.

C. Students participating in LEAP Connect shall be included in the students with disabilities subgroup.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, R.S. 17:6.1, and R.S. 17:10.1.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 50:1633 (November 2024).

§1907. Pairing/Sharing of Schools with Insufficient Test Data

A. A school with at least one testing grade, considered as third through eleventh grades, will receive an SPS based only on its own student data provided that the school meets the requirements of LAC 28:XI.1901.

B. Any school which includes kindergarten through second grades and does not have sufficient data to receive a reading/ELA, mathematics, science, and social studies indicator shall be paired with the school to which the majority of the second grade students will be enrolled for third grade for the purposes of receiving the school third grade assessment results for contribution to the reading/ELA, mathematics, science, and social studies indicators.

C. A school enrolling only twelfth grade students will be awarded an SPS based on shared data from a school or schools containing ninth through eleventh grades from which the majority of students are enrolled. The sharing calculation shall define the cohort that will provide the starting roster on which the graduation indicator will be based.

D. A district must identify the school where each of the non-standard schools shall be paired in order to facilitate proper sharing of data for reporting purposes in accordance with this Section. The paired school must be the school that receives by promotion the largest percentage of students from the non-standard school. If two schools receive an identical percentage of students from the non-standard school, or when there is no distinct feeder pattern, the district shall select the paired school.

E. If a school has too few test units to be a stand-alone school, the school may request to be considered stand-alone. The request shall be in writing to the LDOE from the LEA superintendent.

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

2. The school forfeits the right to appeal an SPS and status based on minimum test unit counts.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, R.S. 17:6.1, and R.S. 17:10.1.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 50:1633 (November 2024).

Chapter 35. Inclusion of Alternative Education Schools and Students in Accountability

§3501. Alternative Education

[Formerly LAC 28:LXXXIII.3501]

A. - C.3. ...

D. Final accountability results shall be issued by the fall semester of each year and all accountability reports will reflect the configuration of the alternative school as it existed the prior spring semester.

E. A combination alternative school is a school with a grade configuration that includes a combination from both categories of schools, K-8 and 9-12, and as such will receive a score from a weighted average of the SPS from the K-8 grades and the SPS from the 9-12 grades.

1. The K-8 SPS will be weighted by the number of students eligible to test during the spring test administration.

2. The 9-12 SPS will be weighted by the sum of assessment units from students who are initial testers for high school LEAP 2025 plus the students eligible to take the ACT. Students with high school LEAP 2025 and ACT will count only one time.

F. For alternative schools with configurations that include ninth through eleventh grades, but do not have a twelfth grade, the school performance score will consist of the indices available.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, 17:10.1, 17:416, and 17:416.2.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 39:472 (March 2013), amended LR 45:396 (March 2019), LR 50:1633 (November 2024).

§3502. Transition from 2017-2018 to 2024-2025 SPS

A. Beginning in the 2017-2018 school year (2018 SPS), the overall grading scale will be adjusted to allow schools time to respond to higher expectations in each index. In 2018, the minimum score required for an A, B, and C school letter grade will be lowered by 10 points as compared to the 2012-13 baseline grading scale. In 2024, the scales will partially increase by five points each.

B. By 2025 the scale will return to the 2013 baseline ranges as detailed below:

1. For the 2023-2024 school year (2024 SPS), the SPS and letter grade will be:

- a. 95.0-150 = A;
- b. 80.0-94.9 = B;
- c. 65.0-79.9 = C;
- d. 50.0-64.9 = D; and
- e. 0-49.9 = F

2. For the 2024-2025 school year (2025 SPS) and beyond, the SPS and letter grade will be:

- a. 100-150 = A;
- b. 85.0-99.9 = B;
- c. 70.0-84.9 = C;
- d. 50.0-69.9 = D; and
- e. 0-49.9 = F

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 50:1633 (November 2024).

§3503. Alternative Schools Including Alternative Charter Schools
[Formerly LAC 28:LXXXIII.3503]

A. - D.2. ...

* * *

3. - 8.e. ...

9. Repealed.

E. Beginning in the 2017-2018 school year (2016-2017 cohort), points shall be assigned for each member of a cohort according to the student results. To earn points for an AP/IB course, students must take the AP/IB exam and pass the course.

1. 160 points will be earned for a student earning a high school diploma plus either an associate's degree or both a. and b. in Paragraph 2 of this Subsection.

2. 150 points will be earned for a student earning a high school diploma plus one of the following:

- a. AP score of 3 or higher, IB score of 4 or higher, or CLEP score of 50 or higher; or
- b. Advanced statewide Jump Start credential.

3. 115 points will be earned for a student earning a high school diploma and both a. and b. in Paragraph 4 of this Subsection.

4. 110 points will be earned for a student earning a high school diploma plus one of the following:

- a. At least one passing course grade for TOPS core curriculum credit earned as AP, college credit, dual enrollment, or IB; or
- b. Basic statewide Jump Start credential.

5. 100 points will be earned for a student earning a high school diploma, including a student earning a career diploma with a regional Jump Start credential.

6. 40 points will be earned for a student earning a HiSET plus a Jump Start credential.

7. 25 points will be earned for a student earning a HiSET.

8. 0 points will be earned for a non-graduate without a HiSET.

F. Carnegie units earned in summer school after transitional ninth or traditional ninth grade will not be included.

G. Students who are considered dropouts in transitional ninth or traditional ninth grade based on SIS records shall be included in the calculation and earn zero points.

H. Students who are completing their third year in eighth grade shall be included in the calculation and earn zero points.

I. For students pursuing a Jump Start diploma pathway and participating in LEAP Connect, applied courses and course experiences shall count as a unit.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 and 17:10.1.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2753 (December 2003), amended 31:423 (February 2005), LR 34:868 (May 2008), LR 35:1472 (August 2009), LR 37:2119 (July 2011), LR 37:3202 (November 2011), LR 38:1213 (May 2012), LR 39:472 (March 2013), LR 40:2240 (November 2014), LR 45:396 (March 2019), LR 47:449 (April 2021), LR 49:242 (February 2023), LR 50:1634 (November 2024).

§3509. Calculating an Elementary/Middle School Progress Index

A. Beginning in the 2017-2018 school year (2018 SPS), the progress index will be calculated for ELA and math LEAP 2025 assessments as follows.

B. For students scoring unsatisfactory, approaching basic, or basic in the prior school year, the progress index will award 150 points for each ELA and math score meeting or exceeding the growth to mastery target set by the LDOE.

1. The growth to mastery target will be calculated by adding to the prior year scaled score the difference between the eighth grade scaled score required for mastery (750) and the prior year assessment scaled score divided by the number of years for the student to reach eighth grade, prior-year grade 8. For students with prior-year grade 7, the growth to mastery target is a score of mastery.

2. Growth to mastery targets will be rounded to the nearest whole number but must be at least one point above the prior year scaled score.

C. For students scoring mastery on the prior year assessment, the progress index will award 150 points for meeting or exceeding the continued growth target.

1. The continued growth target will be calculated by adding to the prior-year scaled score the difference between the eighth grade scaled score required for advanced, 794 in ELA and 801 in math, and the prior-year assessment scaled score divided by the number of years for the student to reach eighth grade, prior-year grade 8. For students with prior-year grade 7, the continued growth target is a score of advanced.

2. Continued growth targets will be rounded to the nearest whole number but must be at least one point above the prior year scaled score.

3. If the continued growth target as calculated above exceeds the minimum score for advanced in the current year, the target is advanced.

D. A score of advanced in the current year will be awarded 150 points in the progress index.

E. If a student does not earn 150 points in Subsections A.-D. of this Section, the value-added model will be used to measure individual student performance relative to similar peers.

1. For the purpose of school performance score calculations, the value-added model uses student characteristics including but not limited to prior academic

achievement up to three years, special education exceptionality, economically disadvantaged status, English learner status, gifted status, Section 504 status, suspensions, mobility, and absences to calculate typical outcomes for comparable students in ELA and math based on a longitudinal dataset from all students who took Louisiana state assessments in third through twelfth grades. Based on typical outcomes for comparable students, each student is assigned an expected score.

2. The difference between each student's actual achievement score and that student's expected score is the growth result. If actual achievement for a student was higher than expected achievement for that student with that history, then the result would be positive. In contrast, if the actual score was less than the expected score, the growth result would be negative.

3. Each student growth result will be compared to all other student growth results in the same subject area in ELA or math and percentile ranked from the 1st to 99th percentile.

4. Value-added model points will be awarded for student growth percentiles as follows.

- a. 80-99th percentile—150 points;
- b. 60-79th percentile—115 points;
- c. 40-59th percentile—85 points;
- d. 20-39th percentile—25 points; and
- e. 1-19th percentile—0 points.

5. Students scoring mastery in the current year shall be awarded up to 150 points, but no fewer than 85 points in the progress index, including students who score in the 1st to 39th percentiles of VAM.

F. The progress index calculation will include all students who meet the inclusion requirements outlined in Chapter 19 and who have eligible LEAP 2025 assessment results in both the current and prior school year for the same content area. Student scores will be excluded from the progress index if any of the following are true:

1. student did not take the ELA or math assessment, or assessment result was voided in current or prior year;
2. student has more than one missing prior year score in the available subject tests;
3. assessment results for current or prior school year are in multiple grade levels in the same year;
4. current or prior year assessment results could not be matched to a valid student enrollment record needed for student characteristics used in the model;
5. assessment results for current and prior year are not sequential. Assessment results that are for 3rd grade tests in both the current and prior year are excluded;
6. insufficient numbers of comparable students for valid calculations within the value-added model.

G. The progress index will combine the results of two school years.

1. If only one year of data is available for a school, the progress index will be calculated based on one year only.

2. All students who meet the inclusion rules at a school for each individual school year will be included in the combined calculation.

H. If the high school LEAP 2025 result earned by students at a middle school is transferred, or banked, to the high school, the progress index result for the relevant assessment will also be transferred.

I. When considering prior academic achievement up to three years in the value-added model, the three most recently available years may be considered in instances where assessments were not administered statewide for a given school year.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 50:1634 (November 2024).

§3511. Calculating a High School Progress Index

A. Beginning in the 2017-2018 school year (2018 SPS), the progress index will be calculated for Algebra I, geometry, English I, and English II assessments as follows.

B. Progress is measured between a student's eighth grade ELA and math assessments and the LEAP 2025 ELA and math assessments for Algebra I, geometry, English I, and English II.

1. If a student took only the high school LEAP 2025 assessment in middle school, the middle school progress index results will carry forward to the high school.

2. Retests will not be counted in the progress index.

C. For students scoring unsatisfactory, approaching basic, or basic on the baseline assessment, the progress index will award 150 points for each English and math score meeting or exceeding the growth to mastery target.

1. The growth to mastery target for students taking their first high school LEAP 2025 assessment in a content area will be calculated by adding to the baseline scaled score the difference between the scaled score required for mastery (750) and the baseline scaled score divided by two. The growth to mastery target for students taking their second high school LEAP 2025 in a content area will be mastery (750).

2. Growth to mastery targets will be rounded to the nearest whole number but must be at least one point above the baseline scaled score.

D. For students scoring mastery on the baseline assessment, the progress index will award 150 points for meeting or exceeding the "continued growth" target.

1. The continued growth target will be calculated by adding to the baseline scaled score the difference between the English II and geometry scores required for advanced and the prior year assessment scaled score divided by two. For students taking their second high school LEAP 2025 in a content area, the continued growth target is a score of advanced.

2. Continued growth targets will be rounded to the nearest whole number but must be at least one point about the baseline scaled score.

3. If the continued growth target as calculated above exceeds the minimum score for advanced in the current assessment, the target is advanced.

E. A score of advanced in the current year will be awarded 150 points in the progress index.

F. If a student does not earn 150 points in Subsections A.-E. of this Section, the value-added model will be used to measure individual student performance relative to similar peers.

1. For the purpose of alternative school performance score calculations, the value-added model uses student characteristics including but not limited to prior academic

achievement up to three years, special education exceptionality, economically disadvantaged status, English learner status, gifted status, Section 504 status, suspensions, mobility, and absences to estimate typical outcomes for comparable students in ELA and math based on a longitudinal dataset from all students who took Louisiana state assessments in third through twelfth grades. Based on typical outcomes for comparable students, each student is assigned an expected score.

2. The difference between each student's actual achievement and that student's expected score is the growth result. If actual achievement for a student was higher than expected achievement for that student with that history, then the result would be positive. In contrast, if the actual score was less than the expected score, the growth result would be negative.

3. Each student growth result will be compared to all other student residuals in the same subject area of ELA or math and percentile ranked from the 1st to 99th percentile.

4. Value-added model points will be awarded for student growth percentiles as follows.

- a. 80-99th percentile—150 points;
- b. 60-79th percentile—115 points;
- c. 40-59th percentile—85 points;
- d. 20-39th percentile—25 points; and
- e. 1-19th percentile—0 points.

5. Students scoring mastery in the current year shall be awarded up to 150 points, but no fewer than 85 points in the progress index, including students who score in the 1st to 39th percentiles of VAM.

G. The progress index calculation will include all students who meet the inclusion requirements outlined in Chapter 19 and have eligible LEAP 2025 assessment results in both the current and prior school year for the same content area. Student scores will be excluded from the progress index if any of the following are true:

1. student did not take the ELA or math assessment or assessment result was voided in current or prior year;
2. student has more than one missing prior year score in the available subject tests. The value-added model uses tests in all contents available to analyze any given content;
3. assessment results for current or prior school year are in multiple grade levels in the same year;
4. current or prior year assessment results could not be matched to a valid student enrollment record needed for student characteristics used in the model;
5. insufficient numbers of comparable students for valid calculations within the value-added model; and
6. student is dually enrolled in Algebra I and geometry courses (applies to geometry only).

H. The progress index will combine the results of two school years.

1. If only one year of data is available for a school, the progress index will be calculated based on one year only.

2. All students who meet the inclusion rules at an alternative school for each individual school year will be included in the combined calculation.

I. When considering prior academic achievement up to three years in the value-added models, the three most recently available years may be considered in instances where assessments were not administered statewide for a given school year.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 50:1635 (November 2024).

§3513. Interests and Opportunities Index Components

A. Beginning with the 2022-2023 school year (2023 SPS), alternative K-8 schools and high schools will select from a list of approved domains and associated interests and opportunities indicators that will serve as the basis for the interests and opportunities index calculation.

B. *Domains* are defined as a broad group of offerings related to student interests. Beginning with the 2022-2023 school year (2023 SPS), the following domains shall be applicable to the interests and opportunities index calculation:

1. the arts;
2. extracurricular activities;
3. STEM (science, technology, engineering, and math); and
4. world languages.

C. *Interests and Opportunities Indicators* are defined as specific measures that capture the extent to which a school is advancing student interests and opportunities. For purposes of the interests and opportunities index, alternative K-8 schools and high schools shall select four total indicators. These indicators shall be associated with at least two different domains.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 and 17:10.1.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 50:1636 (November 2024).

§3515. Calculating a Course Enrollment Score

A. The course enrollment component will be calculated for an alternative school enrolling students in grades K-8 based on course enrollment as reported to the LDOE.

B. The course enrollment score is defined as the percent of kindergarten through eighth grade students enrolled in physical education courses, visual arts courses, performing arts courses, and of fourth through eighth grade students enrolled in world language courses.

C. The LDOE will publish a list of course codes for each category.

D. To calculate the numerator, sum the following based on student enrollment as of October 1:

1. total K-8 students enrolled in physical education and/or health courses;
2. total K-8 students enrolled in visual arts courses;
3. total K-8 students enrolled in performing arts courses; and
4. total K-8 students enrolled in world language courses.

E. To calculate the denominator, sum the following:

1. total K-8 students enrolled as of October 1, multiplied by 3; and
2. total 4-8 students enrolled as of October 1.

F. Divide the numerator by the denominator and multiply the result by 75. The final score cannot exceed 150.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 and 17:10.1.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 50:1636 (November 2024).

Chapter 40. English Proficiency for English Learners
§4003. English Language Proficiency Progress

A. For measuring progress on the ELPT assessment, the overall proficiency scores will be organized into the following levels:

1. emerging—all domain scores are one or two;
2. progressing 1—at least one domain score of three and the lowest domain score is one;
3. progressing 2—at least one domain score of three and the lowest domain score is two;
4. progressing 3—at least one domain score of three and the lowest domain score is three; and
5. transitioning—all domain scores are four or five.

B. Each English learner expected trajectory to proficiency will be determined as follows.

1. The initial proficiency level for each English learner will be determined based on the ELPT or ELPT Connect assessment results from the school year in which the student was first enrolled in a Louisiana public school and participated in the ELPT assessment.

2. If a student exits the United States for one or more school years following the initial ELPT or ELPT Connect assessment and later reenrolls in Louisiana, the student will be considered a new student for the purpose of determining the initial proficiency level.

3. For students first identified in prekindergarten through fifth grade, use the initial ELPT or ELPT Connect proficiency level and number of years identified as defined in the table below.

Trajectory to English Language Proficiency: Students First Identified in Grades PK-5				
Initial ELPT or ELPT Connect Proficiency Level	Year 2	Year 3	Year 4	Year 5 and Beyond
Emerging (E)	P1	P2	P3	T
Progressing 1 (P1)	P2	P3	T	T
Progressing 2 (P2)	P3	T	T	T
Progressing 3 (P3)	T	T	T	T
Transitioning (T)	N/A	N/A	N/A	N/A

4. For students first identified in sixth through twelfth grade, use the initial ELPT proficiency level and number of years identified as defined in the following table.

Trajectory to English Language Proficiency: Students First Identified in Grades 6-12						
Initial ELPT or ELPT Connect Proficiency Level	Year 2	Year 3	Year 4	Year 5	Year 6	Year 7 and Beyond
Emerging (E)	P1	P2	P2	P3	P3	T
Progressing 1 (P1)	P2	P2	P3	P3	T	T
Progressing 2 (P2)	P2	P3	P3	T	T	T
Progressing 3 (P3)	P3	T	T	T	T	T
Transitioning (T)	N/A	N/A	N/A	N/A	N/A	N/A

5. An ELPT or ELPT Connect overall proficiency score exceeds the trajectory if the score is at least one level higher than expected and meets the trajectory if the score is the same level as expected based on the tables above.

C. For measuring progress on the ELPT Connect assessment, the overall proficiency scores will be organized into the following levels:

1. emerging—all domain scores are one or two;
2. progressing 1—at least one domain score of three and the lowest domain score is one;
3. progressing 2—at least one domain score of three and the lowest domain score is two;
4. progressing 3—at least three domain scores of three and the lowest domain score is two; and
5. transitioning—all domain scores are three or four.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 30:767 (April 2004), amended LR 36:2244 (October 2010), LR 44:461 (March 2018), LR 50:1637 (November 2024).

Kimberly Tripeaux
Interim Executive Director

2411#026

RULE

Department of Environmental Quality
Office of the Secretary
Legal Affairs Division

Freshwater Ammonia Aquatic Life Criteria
(LAC 33:IX.1105, 1113, 1115, and 1117)(WQ114)

Under the authority of the Environmental Quality Act, R.S. 30:2001 et seq., and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the secretary has amended the Water Quality regulations, LAC 33:IX.1105, 1113, 1115, and 1117 (Log #WQ114).

This Rule will revise LAC 33:IX Chapter 11 of the Surface Water Quality Standards regulations to add freshwater ammonia criteria. LDEQ has the regulatory obligation to evaluate and adopt, where appropriate, federally recommended water quality criteria. See La. R.S. 30:2074(B)(1)(a). See also 40 C.F.R. § 131.20 and 40 C.F.R. § 131.22. This revision will adopt and clarify the applicability of freshwater ammonia criteria. This Rule will give the agency the necessary amount of time to complete adoption of freshwater ammonia criteria.

This Rule complies with the statutory law administered by LDEQ. See La. R.S. 30:2074(B)(1)(a). The basis and rationale for this proposed rule are to conform to Section 303 of the Clean Water Act and to maintain and protect state waters. In accordance with Section 304(a) of the Clean Water Act, the Environmental Protection Agency (EPA) publishes water quality criteria that accurately reflect the latest scientific knowledge. In 2013, EPA announced final nationally recommended criteria for the protection of aquatic life from the effects of ammonia in freshwater, and published the Section 304(a) document *Aquatic Life Ambient Water Quality Criteria for Ammonia—Freshwater* (see 78 FR 52192 and Docket Number EPA-822-R-18002). The nationally recommended criteria incorporates the latest scientific knowledge on the toxicity of ammonia to freshwater aquatic life. Elevated concentrations of ammonia in freshwater have a direct toxic effect on aquatic life, exacerbated by elevated pH and temperature. Many effluents must be treated in order to keep concentrations of ammonia in surface waters from being unacceptably high. Freshwater

mussels belonging to Family Unionidae are the primary aquatic organisms sensitive to ammonia and such freshwater mussels are widely distributed in Louisiana. Criteria are expressed in the form of a formula, in which temperature and pH are input to calculate the ammonia criterion. There are criteria formulas for situations in which mussels are either present or absent for a given site and criteria formulas for acute and chronic effects of ammonia. To provide for both the protection of water quality when mussels are either absent or present, LDEQ proposes to adopt a performance-based approach. See 65 FR 24641, Docket Number FRL-6571-7. A performance-based approach relies on the adoption of a process rather than a specific outcome and does not require site-specific decisions to be codified in the regulations, so long as the process is transparent, predictable, and repeatable and also provides the opportunity for public participation. The process is described in proposed revisions to the Water Quality Management Plan, Volume 3: Permitting Guidance Document for Implementing Louisiana Surface Water Quality Standards. See accompanying notice 2405Pot1. Based on this review of information, the agency determined adoption of the freshwater ammonia criteria is appropriate.

The department has submitted a report to the Legislative Fiscal Office and the Joint Legislative Committee on the Budget demonstrating that the environmental and public health benefits outweigh the social and economic costs reasonably expected to result from the Rule. These reports are published in the Potpourri section of the May 20, 2024, issue of the *Louisiana Register*. This Rule is hereby adopted on the day of promulgation.

Title 33

ENVIRONMENTAL QUALITY

Part IX. Water Quality

Subpart 1. Water Pollution Control

Chapter 11. Surface Water Quality Standards

§1105. Definitions

1Q10 Flow—the minimum 1-day average stream flow with a recurrence level of once every 10 years.

3Q10 Flow—the minimum 30-day average stream flow with a recurrence level of once every 10 years.

* * *

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 25:2401 (December 1999), LR 26:2545 (November 2000), LR 29:557 (April 2003), LR 30:1473 (July 2004), amended by the Office of the Secretary, Legal Affairs Division, LR 33:456 (March 2007), LR 33:827 (May 2007), LR 35:445 (March 2009), amended by the Office of the Secretary, Legal Division, LR 40:2243 (November 2014), LR 42:736 (May 2016), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Divisions, LR 46:1545 (November 2020), amended by the Office of the Secretary, Legal Affairs Division, LE 50:1638 (November 2024).

§1113. Criteria

A. - C.6.f. ...

7. Ammonia

a. Water quality criteria for ammonia are for the protection of aquatic life. Toxic effects of ammonia are

dependent on pH and temperature. Ammonia is expressed in terms of total ammonia nitrogen (TAN), which includes its un-ionized (ammonia) and ionized (ammonium) fractions. TAN is measured in units of mg/L and referenced with Chemical Abstracts Service (CAS) Registry Number 7664-41-7.

i. Freshwater criteria for ammonia are structured on the presence or absence of freshwater mussels at a site, and are expressed as formulas for both acute and chronic criteria. The reason is because mussels siphon water to filter pollutants and heavy metals. Due to the ubiquity of freshwater mussels of the family Unionidae in Louisiana waters, applying the mussel-present criteria formulas are considered protective of aquatic life. The mussels-present formulas apply to all freshwater water bodies, except as provided below. If Unionidae mussels are absent when conducting a mussel survey, per approval from the LDEQ Secretary, appointed authority, or administrative authority, then mussels absent criteria formulas may be applied on a site-specific and/or water body basis.

(a). Mussels Present

(i). Freshwater Acute Criterion

$$\text{mg (TAN)/L} = 0.7249 * \left(\frac{0.0114}{1 + 10^{7.204 - \text{pH}}} + \frac{1.6181}{1 + 10^{\text{pH} - 7.204}} \right) * \text{MIN}(51.93, 23.12 * 10^{0.036 * (20 - T)})$$

(ii). Freshwater Chronic Criterion

$$\text{mg (TAN)/L} = 0.8876 * \left(\frac{0.0278}{1 + 10^{7.688 - \text{pH}}} + \frac{1.1994}{1 + 10^{\text{pH} - 7.688}} \right) * (2.126 * 10^{0.028 * (20 - \text{MAX}(T, 7))})$$

(b). Mussels Absent

(i). Freshwater Acute Criterion

$$\text{mg (TAN)/L} = 0.7249 * \left(\frac{0.0114}{1 + 10^{7.204 - \text{pH}}} + \frac{1.6181}{1 + 10^{\text{pH} - 7.204}} \right) * \text{MIN}(51.93, 62.15 * 10^{0.036 * (20 - T)})$$

(ii). Freshwater Chronic Criterion

$$\text{mg (TAN)/L} = 0.9405 * \left(\frac{0.0278}{1 + 10^{7.688 - \text{pH}}} + \frac{1.1994}{1 + 10^{\text{pH} - 7.688}} \right) * \text{MIN}(6.920, 7.547 * 10^{0.028 * (20 - \text{MAX}(T, 7))})$$

ii. Formula Calculations

(a). All formulas require data inputs for pH and temperature to calculate a criterion. The minimum and maximum pH values used for criteria calculation are 6.5 to 9.0. The minimum and maximum temperature values used for criteria calculation are 7°C to 30°C.

* * *

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 10:745 (October 1984), amended LR 15:738 (September 1989), LR 17:264 (March 1991), LR 17:967 (October 1991), repromulgated LR 17:1083 (November 1991), amended LR 20:883 (August 1994), LR 24:688 (April 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 25:2402 (December 1999), LR 26:2547 (November 2000), LR 27:289 (March 2001), LR 30:1474 (July 2004), amended by the Office of the Secretary, Legal Affairs Division, LR 33:457 (March 2007), LR 33:829 (May 2007), LR 35:446 (March 2009), amended by the Office of the Secretary, Legal Division, LR 42:736 (May 2016), amended by the Office of the Secretary, Legal Affairs and Criminal

Investigations Division, LR 45:1188 (September 2019), LR 46:1550 (November 2020), LR 48:1498 (June 2022), amended by the Office of the Secretary, Legal Affairs Division LE 50:1638 (November 2024).

§1115. Application of Standards

A. - C.7.c. ...

d. For the application of ammonia aquatic life criteria, the following flows may be used.

i. Acute ammonia aquatic life criteria will be evaluated using the 1Q10 flow and the water body categorizations listed in Table 2a of this Section.

ii. Chronic ammonia aquatic life criteria will be evaluated using the 30Q10 flow and the water body categorizations listed in Table 2a of this Section.

8. - 13.f. ...

D. Ammonia Criteria Application

1. The application of the appropriate ammonia criteria formula in development of permit limitations will be determined using a performance-based approach as described in the state’s Water Quality Management Plan (WQMP), Volume 3, Permitting Guidance Document for Implementing Surface Water Quality Standards, Appendix H. The mussel-present criteria formulas, as expressed in LAC 33:IX.1113.C.7.a.i.(a), will be the default formulas utilized in permit implementation. The mussels absent formulas, as expressed in LAC 33:IX.1113.C.7.a.i.(b), may be utilized in permit implementation after satisfactory completion of a mussels survey indicating no evidence of historical or current presence of mussels of the family Unionidae, and with approval from the administrative authority.

Table 2a. Water Body Categorization for the Determination of Appropriate Dilution and Mixing Zone Application for Aquatic Life				
C A T E G O R Y	Description	Aquatic Life		
		Flow	Fraction of Flow or Radial Distance (feet)	
			ZID^a	MZ^b
1	Streams with 7Q10 flow greater than 100 cfs ^c	7Q10	10 cfs or 1/30 of the flow, whichever is greater	100 cfs or 1/3 of the flow, whichever is greater
2	Streams with 7Q10 flow less than or equal to 100 cfs	7Q10	1/10	1
3	Tidal channels with flows greater than 100 cfs	1/3 of the average or typical flow averaged over one tidal cycle irrespective of flow direction	10 cfs or 1/30 of the flow, whichever is greater	100 cfs or 1/3 of the flow, whichever is greater
4	Tidal channels with flows less than or equal to 100 cfs	1/3 of the average or typical flow averaged over one tidal cycle irrespective of flow direction	1/10	1
5	Freshwater lakes and ponds	Not Applicable	25 feet	100 feet
6	Coastal bays and lakes	Not Applicable	50 feet	200 feet
7	Gulf of Mexico	Not Applicable	100 feet	400 feet

^aZID = zone of initial dilution

^bMZ = mixing zone

^ccfs = cubic feet per second

Table 2b. Water Body Categorization for the Determination of Flow for Human Health			
C A T E G O R Y	Description	Human Health	
		Flow	
		Noncarcinogens	Carcinogens
1	Streams with 7Q10 flow greater than 100 cfs	7Q10	Harmonic Mean
2	Streams with 7Q10 flow less than or equal to 100 cfs	7Q10	Harmonic Mean
3	Tidal channel	The average or typical flow averaged over one tidal cycle irrespective of flow direction	
4	Freshwater lakes and ponds	Not Applicable	Not Applicable
5	Coastal bays and lakes	Not Applicable	Not Applicable
6	Gulf of Mexico	Not Applicable	Not Applicable

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 10:745 (October 1984), amended LR 15:738 (September 1989), LR 17:264 (March 1991), LR 17:967 (October 1991), repromulgated LR 17:1083 (November 1991), amended LR 20:883 (August 1994), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 25:2403 (December 1999), LR 26:2548 (November 2000), amended by the Office of the Secretary, Legal Affairs Division, LR 33:831 (May 2007), amended

by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 46:1554 (November 2020), amended by the Office of the Secretary, Legal Affairs Division LE 50:1639 (November 2024).

§1117. References

A. - A.16. ...

17. U.S. Environmental Protection Agency. April 2013. *Aquatic Life Ambient Water Quality Criteria for Ammonia-Freshwater 2013*. Office of Water. EPA 822-R-18002.

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 the Secretary, Legal Affairs Division, LR 31:2507 (October 2005), LR 33:2163 (October 2007), amended by the Office of the Secretary, Legal Division, LR 42:737 (May 2016), LE 50:1639 (November 2024).

Aurelia S. Giacometto
Secretary

2411#016

RULE

Office of the Governor

Board of Examiners of Certified Shorthand Reporters

**Employment Relationship with Court Reporting Firm
(LAC 46:XXI.1303)**

In accordance with the provisions of the Administrative Procedures Act, R.S. 49:953(A), the Board of Examiners of Certified Shorthand Reporters (CSR Board) amended LAC 46:XXI.1303. The amendment removes provisions from LAC 46:XXI.1303 requiring court reporters obtaining a safe harbor affidavit from having to submit a schedule of charges to the CSR Board and to maintain a copy of the schedule. In particular, the amendments deletes provisions in Subsection B, delete Paragraph 4 of Subsection E, deletes provisions in the final paragraph, and deletes provisions in the reporter's certification. The CSR Board has authority to amend this Section pursuant to R.S. 37:2557(B), R.S. 37:2555(G), and R.S. 37:2556(D). This Rule is hereby adopted on the day of promulgation.

Title 46

**PROFESSIONAL AND OCCUPATIONAL
STANDARDS**

Part XXI. Certified Shorthand Reporters

Chapter 13. Safe Harbor Requirements

§1303. Employment Relationship with Court Reporting Firm

A. ...

B. Safe Harbor. A licensed Louisiana court reporter may accept employment from a court reporting firm and shall not be considered an "employee" for purposes of Code of Civil Procedure article 1434 upon furnishing to the board a certification, on a form approved by the board, from an authorized and knowledgeable officer of the court reporting firm that the firm has no prohibited employment or contractual relationship, direct or indirect, under Code of Civil Procedure article 1434 with a party litigant in the matter for which the reporter was retained to provide services. The reporter must file with the board a copy of the certification within 30 days after the date of the deposition. The Louisiana court reporter shall immediately notify the board, in writing, if a safe harbor request was made upon a court reporting firm and the firm refused or failed to provide the requested certification. The reporter shall include the name of the court reporting firm and the date the request was made.

C. - D. ...

E. Certification Affidavit of Court Reporting Firm

**CERTIFICATION AFFIDAVIT OF COURT
REPORTING FIRM**

STATE OF _____
PARISH OR COUNTY OF _____
BEFORE ME, the undersigned authority, duly qualified to take acknowledgments and administer oaths within the state and locality inscribed above, personally appeared

("Affiant"), who is representing _____,
a _____ [state] corporation [or limited liability company or other form of business organization] that is doing business in Louisiana as a court reporting firm as defined by Acts 2014, No. 839 (hereinafter, "Court Reporting Firm"). The physical address of the entity's principal place of business is _____ [street and suite number, if any] in _____ [city], State of _____, Zip _____, Telephone: () _____, Email _____.

After being duly sworn, Affiant did attest as follows:

1. Affiant is a knowledgeable representative who is authorized to act on behalf of the Court Reporting Firm in executing this Certification Affidavit.

2. The Court Reporting Firm has engaged a Louisiana licensed court reporter to perform court reporting services in connection with the deposition(s) of _____ [identify by name each deponent covered by this certification; attach additional sheets if necessary] to be taken in the following proceeding: _____ vs. _____, pending in the _____ Court under matter number _____.

3. Affiant certifies, after performing due diligence, that the Court Reporting Firm has no prohibited employment or contractual relationship, direct or indirect, under Louisiana Code of Civil Procedure Article 1434 with a party litigant in the matter for which the court reporter's services have been engaged. Affiant further acknowledges affiant's duty to provide information and will provide information promptly to the Louisiana Board of Examiners of Certified Shorthand Reporters (hereinafter, "CSR Board") regarding any change in these relationships or in Affiant's knowledge of these relationships.

4. Affiant further states that Affiant is familiar with the nature of an oath and with penalties as provided by applicable state laws for falsely swearing to statements made in an instrument of this nature. Affiant further certifies that Affiant has read and understands the full facts and content of this Affidavit.

SIGNATURE OF AFFIANT: _____
Sworn before me this _____ day of _____, 20__

Notary Public _____
Print name:
My commission expires:

Form 10/15 Effective July 1, 2016

Each completed Firm Certification Affidavit in the foregoing form must be filed with the CSR Board by the taking court reporter within 30 days of the date of the deposition.

I, a Louisiana Licensed Court Reporter, as the officer who took the depositions(s), hereby submit this certification affidavit via _____ [facsimile/e-mail] within 30 days of the date of the depositions to which this certification applies.

I have read and confirmed that the language of the certification affidavit conforms with the form promulgated by the CSR Board. I have listed below or on additional pages, if necessary, the name and contact information for each taking attorney.

Signature _____ Date _____

Printed Name _____	LA CCR NO. _____
Taking Attorney Name: _____	
Firm Name: _____	
Address: _____	
	Phone: _____
	Email: _____

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2557(B), R.S. 37:2555(G), and R.S. 37:2556(D).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of Examiners of Certified Shorthand Reporters, LR 41:335 (February 2015), amended LR 42:868 (June 2016), LR 50:1640 (November 2024).

Judge Kimya M. Holmes
Chair

2411#057

RULE

Office of the Governor

Board of Examiners of Certified Shorthand Reporters

On-Line Continuing Education Courses and Seminars
(LAC 46:XXI.611 and 613)

In accordance with the provisions of the Administrative Procedures Act, R.S. 49:953(A), the Board of Examiners of Certified Shorthand Reporters (CSR Board) has amended LAC 46:XXI.611 and LAC 46:XXI.613. The amendments will permit the CSR Board to approve on-line courses and seminars for continuing education credit. In particular, the amendments delete the phrase “or on-line courses or seminars” from Subsection B of Section 611 and add the phrase “and/or if the training event will be offered on-line” to Subsection A.1 of Section 613. The CSR Board has the authority to amend these Sections pursuant to R.S. 37:2554. This Rule is hereby adopted on the day of promulgation.

Title 46

Professional and Occupational Standards

Part XXI. Certified Shorthand Reporters

Chapter 6. Continuing Education

§611. Activities Not Acceptable for Continuing Education Credits

A. ...

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

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

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Board of Examiners of Certified Shorthand Reporters, LR 21:931 (September 1995), amended by the Office of the Governor, Board of Examiners of Certified Shorthand Reporters, LR 33:2420 (November 2007), LR 46:1565 (November 2020), LR 50:1641 (November 2024).

§613. Provider Application Process

A. A provider must submit the following information to the continuing education committee at least 90 days before the date of a proposed training event:

1. the date, time, and place where the training will be conducted and/or if the training event will be offered on-line;

A.2. - E. ...

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

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of Examiners of Certified Shorthand Reporters, LR 33:2420 (November 2007), amended LR 50:1641 (November 2024).

Judge Kimya M. Holmes
Chair

2411#055

RULE

Office of the Governor

Board of Examiners of Certified Shorthand Reporters

Whistleblower Reporting (LAC 46:XXI.1305)

In accordance with the provisions of the Administrative Procedures Act, R.S. 49:953(A), the Board of Examiners of Certified Shorthand Reporters (CSR Board) has adopted a whistleblower Rule for alleged antitrust violations. The CSR Board requires that CSR Board members, committee members, employees, and contractors observe high ethical standards in the conduct of their duties and responsibilities and that they comply with all applicable laws and regulatory requirements, including, but not limited to, the Sherman Act, 15 U.S.C. § 1 et seq., Clayton Act, 15 U.S.C. § 12 et seq., and Federal Trade Commission Act, as amended, 15 U.S.C. § 41 et seq. (collectively, Antitrust Laws). The underlying purpose of this Rule is to support the CSR Board’s goal of legal compliance and to comply with the provisions of the agreement settling the claims asserted in litigation entitled *Veritext Corp. v. Bonin, et al.*, Civil Action No. 16-13903, in the United States District Court for the Eastern District of Louisiana, Sec. B(2), consolidated with *Esquire Deposition Solutions v. Bonin, et al.*, Civil Action No. 17-9877, in the United States District Court for the Eastern District of Louisiana, Sec. B(2). The CSR Board has authority to issue this proposed Rule pursuant to the statutes creating the CSR Board, including R.S. 37:2551, R.S. 37:2553, and R.S. 37:2555. This Rule is hereby adopted on the day of promulgation.

Title 46

PROFESSIONAL AND OCCUPATIONAL STANDARDS

Chapter 13. Code of Ethics

§1305. Whistleblower Reporting

A. Purpose. The board requires that board members, committee members, employees, and contractors observe high ethical standards in the conduct of their duties and responsibilities and that they comply with all applicable laws and regulatory requirements, including, but not limited to,

the Sherman Act, 15 U.S.C. §1 et seq., Clayton Act, 15 U.S.C. §12 et seq., and Federal Trade Commission Act, as amended, 15 U.S.C. §41 et seq. (collectively the “Antitrust Laws”). The underlying purpose of this Section is to support the board’s goal of legal compliance.

B. Reporting Responsibility. Any board member, committee member, employee, contractor, or member of the public may report concerns about possible fraudulent or dishonest conduct or violations of the antitrust laws or other laws and regulatory requirements. Concerns should be reported to the chair of the board or any officer of the board.

C. No Retaliation. The board will strive to protect a whistleblower from retaliation or reprisal. A board member or committee member who retaliates against someone who has reported a violation in good faith is subject to appropriate disciplinary action. An employee or contractor who retaliates against someone who has reported a violation in good faith is subject to discipline up to and including termination of employment. This Section is intended to encourage and enable persons to raise serious concerns with the board. Whistleblowers who believe that they have been retaliated against may submit a complaint to the chair or another officer of the board. Any complaint of retaliation will be investigated, and appropriate corrective measures will be taken if the allegation of retaliation is substantiated.

D. Requirement of Good Faith. Anyone making a complaint concerning a suspected violation of statutory or regulatory requirements must act in good faith. For the purpose of this Section, *good faith* means the complainant has reasonable grounds for believing that the information reported is true and indicates a violation and that the complaint has not been made out of malice, spite, jealousy, for personal gain, or for any other improper motive. The board will view any allegations that proves unsubstantiated and not made in good faith as a serious disciplinary offense.

E. Confidentiality. Reports of suspected violations and the investigations of those reports will be kept confidential to the extent possible and permitted by law, consistent with the need to conduct an adequate investigation, to take remedial action, or for other appropriate reasons.

F. Handling of Reported Violations. The board will acknowledge receipt of the reported violation to the complainant in writing. The board will make and maintain a record of its receipt of all reported violations. All reports will be investigated in a confidential manner, and appropriate corrective action will be taken if warranted by the investigation.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2553(A) and R.S. 37:2555(G).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of Examiners of Certified Shorthand Reporters, LR 50:1641 (November 2024).

Judge Kimya M. Holmes
Chair

2411#056

RULE

Office of the Governor Commission on Law Enforcement and Administration of Criminal Justice

Electronic Monitoring Service Providers
(LAC 22:III.Chapters 91-99)

In accordance with the provision of R.S. 15:1204, R.S. 15:1207, and R.S. 49:950 et seq., the Administrative Procedure Act, the Commission on Law Enforcement and Administration of Criminal Justice hereby adopts rules relative to electronic monitoring service providers as required by Act 374 of the 2023 Louisiana Legislature. This Rule is hereby adopted on the day of promulgation.

Title 22

CORRECTIONS, CRIMINAL JUSTICE AND LAW ENFORCEMENT

Part III. Commission on Law Enforcement and Administration of Criminal Justice

Subpart 9. Electronic Monitoring Service Providers

Chapter 91. General Provisions

§9101. Authority

A. Rules are hereby established by the Louisiana Commission on Law Enforcement and Administration of Criminal Justice governing the mandatory requirements for electronic monitoring service providers as required by Act 374 of the 2023 Louisiana Legislature, R.S. 15:571.36(A).

AUTHORITY NOTE: Promulgated in accordance with R.S. 15:571.36(A).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Commission on Law Enforcement and Administration of Criminal Justice, LR 50:1642 (November 2024).

§9103. Definitions

A. The following terms as used in these policies and procedures, unless the context otherwise requires or unless redefined by a particular part hereof, shall have the following meanings.

Alert Notifications—timely and automated messages or signals generated by an electronic monitoring system in response to specific events or violations, such as tampering with monitoring equipment, entry into exclusion zones, or low battery levels, which are promptly or automatically transmitted to authorizing entities.

Authorizing Entity—an official body or individual empowered by law or regulation to grant approval, permission, or authorization related to the implementation, oversight, or enforcement of electronic monitoring, including judges, law enforcement agencies, parole boards, and any other designated authority responsible for issuing orders, directives, or approvals concerning electronic monitoring activities.

Electronic Monitoring Equipment—any device or system used to track and supervise individuals, typically employing GPS technology or radio frequency signals to monitor location, movements, and activities, aiding in compliance and public safety efforts.

Electronic Monitoring Service Provider—any person or entity who provides electronic monitoring services for the purpose of monitoring, tracking, or supervising pretrial or post-conviction persons within the state (herein “provider(s)"). *Simultaneous Access*—the provision of immediate and concurrent availability to authorizing entities to access monitoring records or information held by an electronic monitoring service provider, ensuring real-time and synchronized retrieval of data for investigative, judicial, or enforcement purposes.

Monitored Individual—an individual subject to electronic supervision through the use of electronic monitoring equipment, typically as part of a court order, probation, parole, or other form of legal or administrative oversight.

AUTHORITY NOTE: Promulgated in accordance with R.S. 15:571.36(A).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Commission on Law Enforcement and Administration of Criminal Justice, LR 50:1642 (November 2024).

§9105. Enforcement

A. The following procedures shall be enforced and prosecuted pursuant to R.S. 15:571.36(C).

AUTHORITY NOTE: Promulgated in accordance with R.S. 15:571.36(A).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Commission on Law Enforcement and Administration of Criminal Justice, LR 50:1643 (November 2024).

Chapter 93. Equipment Availability

§9301. Backup Units

A. Providers shall maintain at least one complete electronic monitoring backup unit for every twenty-five units in active use.

B. Upon primary unit failure or malfunction, providers must promptly deploy a backup unit to ensure uninterrupted monitoring.

C. A complete backup unit comprises the necessary hardware, software, and associated peripherals for electronic monitoring and must be acquired, installed, and maintained in accordance with industry standards and manufacturer recommendations.

D. Regular testing of backup units by providers shall occur at least every six months to ensure operational readiness and compatibility with existing systems. Maintenance records documenting the regular testing of backup units shall be maintained by each provider for a minimum of five years.

AUTHORITY NOTE: Promulgated in accordance with R.S. 15:571.36(A).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Commission on Law Enforcement and Administration of Criminal Justice, LR 50:1643 (November 2024).

§9303. System Malfunctions

A. Providers shall establish and maintain a written protocol for responding to system malfunctions, including but not limited to hardware failures, software glitches, and communication disruptions. The protocol must include procedures for identifying, assessing, and promptly addressing system malfunctions to minimize the disruption to monitoring operations and ensure the safety and security of monitored individuals. Providers shall designate responsible personnel and establish communication channels for reporting and escalating system malfunctions as necessary.

B. Upon detection of a system malfunction, providers shall take immediate corrective actions to restore functionality and mitigate potential risks.

C. Providers shall document all system malfunctions, including the nature of the malfunction, actions taken to address it, and any impact such malfunction has on monitoring operations. Such documentation shall be maintained by a provider for a minimum of five years.

AUTHORITY NOTE: Promulgated in accordance with R.S. 15:571.36(A).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Commission on Law Enforcement and Administration of Criminal Justice, LR 50:1643 (November 2024).

Chapter 95. Equipment Storage

§9501. Secure Storage

A. All electronic monitoring equipment not affixed to a monitored individual shall be stored in secure locations inaccessible to monitored individuals. Secure storage facilities shall include measures such as locked cabinets, secure rooms, or other appropriate means to prevent tampering, damage, or unauthorized access to the electronic monitoring equipment.

B. Access to the storage facilities containing electronic monitoring equipment and base station hardware shall be restricted to authorized personnel only. Keys, access codes, or any other means of entry shall be safeguarded to prevent misuse or unauthorized entry.

AUTHORITY NOTE: Promulgated in accordance with R.S. 15:571.36(A).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Commission on Law Enforcement and Administration of Criminal Justice, LR 50:1643 (November 2024).

§9503. Master Listing and Inventory

A. Providers shall maintain a comprehensive master listing of all electronic monitoring equipment and related components in their possession or in operation. The master listing shall include detailed descriptions of each item, such as serial numbers, model numbers, and associated identifiers.

B. Providers shall conduct regular inventory checks to ensure the accuracy and completeness of the master listing. Any additions, disposals, or changes to the inventory must be promptly documented and reflected in the master listing. Each item in inventory must be recorded and tracked throughout its lifecycle, including procurement, deployment, maintenance, and decommissioning.

C. Providers shall retain the master listing and inventory records for a minimum of five years after creation or modification.

AUTHORITY NOTE: Promulgated in accordance with R.S. 15:571.36(A).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Commission on Law Enforcement and Administration of Criminal Justice, LR 50:1643 (November 2024).

Chapter 97. Equipment Use

§9701. Visual Inspection

A. Electronic monitoring equipment worn by a monitored individual shall undergo visual inspection by the provider at least once per month.

B. During the inspection, the provider shall assess that the electronic monitoring equipment is properly affixed to the monitored individual and that the condition of the

equipment accords with proper functioning and compliance with operational standards.

AUTHORITY NOTE: Promulgated in accordance with R.S. 15:571.36(A).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Commission on Law Enforcement and Administration of Criminal Justice, LR 50:1643 (November 2024).

§9703. Maintenance and Cleaning

A. Providers shall regularly maintain and clean electronic monitoring equipment not affixed to a monitored individual at least once every six months to ensure optimal functionality and longevity.

B. Appropriate cleaning agents and techniques as specified by the manufacturers of the monitoring equipment should be used to avoid damage or degradation of equipment components.

AUTHORITY NOTE: Promulgated in accordance with R.S. 15:571.36(A).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Commission on Law Enforcement and Administration of Criminal Justice, LR 50:1644 (November 2024).

Chapter 99. Equipment Operational Capacity

§9901. Location Accuracy

A. Providers shall operate a monitoring system that provides accurate indoor location tracking capabilities for monitored individuals. The system should utilize appropriate technology and algorithms to enhance indoor positioning accuracy.

B. Providers shall operate a monitoring system that provides accurate outdoor location tracking capabilities for monitored individuals. The system should utilize GPS or other satellite-based positioning systems to relay accurate outdoor location data.

C. Providers shall operate a monitoring system capable of providing the most recent location of a monitored individual, known as an on-demand location, upon the request of an authorizing entity. On-demand location accuracy must be able to be provided within three minutes of a request.

AUTHORITY NOTE: Promulgated in accordance with R.S. 15:571.36(A).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Commission on Law Enforcement and Administration of Criminal Justice, LR 50:1644 (November 2024).

§9903. Zoning Capabilities

A. Providers shall operate a monitoring system that provides zoning capabilities to establish inclusion zones, which are predefined geographic areas where a monitored individual is scheduled to be present at specific times. Inclusion zones should be configurable based on the monitored individual's scheduled activities as allowed by an authorizing entity. The system should be capable of accurately detecting when a monitored individual enters or leaves an inclusion zone and providing real-time notifications to monitoring authorities as appropriate.

B. Providers shall operate a monitoring system that provides zoning capabilities to establish exclusion zones, which are predefined geographic areas where a monitored individual is not permitted to visit. Exclusion zones should

be configurable based on victim residences, prohibited locations, or other high-risk areas as deemed by an authorizing entity. The system should be capable of enforcing strict monitoring within exclusion zones, triggering immediate alerts if the monitored individual enters a restricted area.

C. Zoning capabilities of a monitoring system must allow for the easy configuration and management of inclusion and exclusion zones by the provider. The provider must be able to define the boundaries and parameters of each zone, including time-based restrictions if applicable, based on orders set by the appropriate monitoring authorities.

AUTHORITY NOTE: Promulgated in accordance with R.S. 15:571.36(A).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Commission on Law Enforcement and Administration of Criminal Justice, LR 50:1644 (November 2024).

§9905. Alert Notifications

A. Providers shall maintain an operating system that provides alert notifications to the authorizing entity for the following detections within the following time restrictions, unless explicitly modified by the authorizing entity:

1. the tampering of electronic monitoring equipment within three minutes of the tampering incident;
2. the presence of electronic monitoring equipment in an exclusion zone within four minutes of the monitored individual's entry into the exclusion zone;
3. low battery alert when the battery capacity of the electronic monitoring equipment reaches approximately twenty-five percent of remaining capacity or within one hour prior to the end of the battery lifespan; and
4. no signal, lost signal, or offline alerts within three minutes of detection.

B. Low battery alert notifications should be deliverable to monitored individuals through multiple modalities to maximize visibility and accessibility, including visual indicators, audible alerts, vibration alerts, text-to-speech capabilities, and notifications via mobile applications.

AUTHORITY NOTE: Promulgated in accordance with R.S. 15:571.36(A).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Commission on Law Enforcement and Administration of Criminal Justice, LR 50:1644 (November 2024).

§9907. Simultaneous Access

A. Providers shall grant simultaneous access of all monitoring records to an authorizing entity.

B. Monitoring records include but are not limited to location data, violation alerts, tampering incidents, battery status, and any other pertinent information related to electronic monitoring.

AUTHORITY NOTE: Promulgated in accordance with R.S. 15:571.36(A).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Commission on Law Enforcement and Administration of Criminal Justice, LR 50:1644 (November 2024).

Jim Craft
Executive Director

2411#009

RULE

**Office of the Governor
Commission on Law Enforcement and
Administration of Criminal Justice**

Peace Officer Training (LAC 22:III.4703)

In accordance with the provision of R.S. 40:2401, et seq., the Peace Officer Standards and Training Act, and R.S. 40:905 et seq., which is the Administrative Procedure Act, the Peace Officer Standards and Training Council hereby promulgates rules and regulations relative to the training of peace officers. This Rule is hereby adopted on the day of promulgation.

Title 22

**CORRECTIONS, CRIMINAL JUSTICE AND LAW
ENFORCEMENT**

**Part III. Commission on Law Enforcement and
Administration of Criminal Justice**

Subpart 4. Peace Officers

Chapter 47. Standards and Training

§4703. Basic Certification

A. All full-time peace officers, as defined R.S. 40:2403, shall complete a basic training course as prescribed and certified by the Council on Peace Officers Standards and Training (POST Council) within one year of employment as a peace officer. All part-time, reserve, or auxiliary peace officers shall complete a basic training course within three years of employment as a peace officer. Military police officers stationed in Louisiana are eligible for certification if they successfully complete a basic training course prescribed for peace officers and pass the POST statewide examination.

A.1. - D. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 15:1204 and R.S. 15:1207.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Commission on Law Enforcement and Administration of Criminal Justice, LR 13:434 (August 1987), amended LR 25:663 (April 1999), LR 27:49 (January 2001), LR 28:475 (March 2002), LR 31:2008 (August 2005), LR 35:1235 (July 2009), LR 36:992 (May 2010), LR 37:1606 (June 2011), LR 42:274 (February 2016), LR 44:1007 (June 2018), LR 46:693 (May 2020), amended LR 50:1645 (November 2024).

Jim Craft
Executive Director

2411#008

RULE

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

House Rules (LAC 35:III.5728)

In accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., and through the authority granted in R.S. 4:148, notice is hereby given that the Racing Commission formally adopts LAC 35:III.5728. The Rule establishes that an association's house rules cannot contradict the commission's rules, regulations, and directives

and specifies requirements for commission approval of an association's proposed house rules. This Rule is hereby adopted on the day of promulgation.

Title 35

HORSE RACING

**Part III. Personnel, Registration and Licensing
Chapter 57. Associations' Duties and Obligations
§5728. House Rules**

A. An association shall not have house rules that are inconsistent with and/or contrary to the commission's rules, regulations, and directives.

1. All association house rules in place when this rule is promulgated will remain in place until the end of the association's current active race meet.

2. New association house rules shall first be submitted to the Louisiana Horsemen's Benevolent and Protective Association for their review and then submitted to the commission for approval noting whether or not the Louisiana Horsemen's Benevolent and Protective Association is in agreement or disagreement with the proposed new house rules.

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

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Racing Commission, LR 50:1645 (November 2024).

Stephen Landry
Executive Director

2411#028

RULE

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

Purses from Sports Wagering (LAC 35:III.5734)

In accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., and through the authority granted in R.S. 4:148, notice is hereby given that the Racing Commission formally adopts LAC 35:III.5734. The Rule creates procedures on how the commission shall allocate appropriations from sports wagering pursuant to statute. This Rule is hereby adopted on the day of promulgation.

Title 35

HORSE RACING

**Part III. Personnel, Registration and Licensing
Chapter 57. Associations' Duties and Obligations
§5734. Purses from Sports Wagering**

A. Each fiscal year, the commission shall allocate any appropriations received pursuant to R.S. 27:625(G)(4) as prescribed in R.S. 4:199(E).

1. Thoroughbred funds per R.S. 4:199(E)(1) shall be distributed periodically based on requests from the Louisiana Thoroughbred Breeders Association upon issuance of each condition book from each racing association. Quarter horse funds per R.S. 4:199(E)(2) shall be distributed periodically based on requests from the Louisiana Quarter Horse Breeders Association upon issuance of each condition book from each racing association.

2. Each receiving association shall maintain funds in a separate interest-bearing bank account approved by the commission, with appropriate transfers made to the horsemen's bookkeeper for purse distribution. The purse fund account so designated shall be a separate account from all other sources of purse funds, and the source of funds shall be indicated as such on racing association daily racing programs (Louisiana Thoroughbred Breeders Association or Louisiana Quarter Horse Breeders Association).

3. Unused funds at the end of a race meeting shall be retained in such bank account, for use during the next race meeting, and shall be subject to the same restrictions as specified herein.

4. Adequate records, to the satisfaction of the commission, shall be maintained, and fund usage and records will be audited by the commission, with reports issued.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:148 and R.S. 4:199.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Racing Commission, LR 50:1645 (November 2024).

Stephen Landry
Executive Director

2411#027

RULE

Department of Health Board of Pharmacy

Pharmacy Technicians (LAC 46:LIII.901, 903, 905)

In accordance with the provisions of the Administrative Procedure Act (R.S. 49:950 et seq.) and the Pharmacy Practice Act (R.S. 37:1161 et seq.), the Board of Pharmacy amended §§901, 903, and 905 of its rules relative to pharmacy technicians. The Rule changes in §901 removes the definition of Training Program and instead defines Pharmacy Technician Educator. The Rule changes in §903 expand the eligibility criteria for obtaining a pharmacy technician candidate registration, modifies the language under exceptions to provide clarity, describe actions to be taken in the event the pharmacy technician candidate is no longer training, and describe requirements of the training to be provided by the pharmacy technician educator. The Rule changes in §905 correct a typographical error and clarify that the notification of a change of employment must include the pharmacy name. This Rule is hereby adopted on the day of promulgation.

Title 46

PROFESSIONAL AND OCCUPATIONAL STANDARDS

Part LIII. Pharmacists

Chapter 9. Pharmacy Technicians

§901. Definitions

A. As used in this Chapter, the following terms shall have the meaning ascribed to them in this Section.

* * *

Pharmacy Technician Educator—a pharmacy technician training program that is currently nationally-accredited and board-approved, a program by the Louisiana Department of

Education offering Pharmacy Technician as a career path, or a Louisiana licensed pharmacist, not on probation with the board, providing technician training in a pharmacy that is not on probation with the board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1212.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 30:2485 (November 2004), effective January 1, 2005, amended LR 39:1777 (July 2013), amended by Department of Health, Board of Pharmacy, LR 43:2496 (December 2017), effective January 1, 2018, amended LR 50:1646 (November 2024).

§903. Pharmacy Technician Candidates

A. Registration

1. ...
2. Qualifications

a. The applicant shall be of good moral character and non-impaired.

b. One of the three following eligibility criteria shall be satisfied by the applicant:

i. Verification of enrollment in a nationally-accredited and board-approved pharmacy technician training program and at least 18 years of age, as evidenced by a valid and legible copy of a birth certificate or other appropriate credential.

ii. Verification of enrollment in a Louisiana Department of Education program with a pharmacy technician career path and at least 16 years of age, as evidenced by a valid and legible copy of a birth certificate or other appropriate credential. Applicants under 18 years of age shall provide evidence of an Employment Certificate as required by the Louisiana Department of Labor.

iii. Verification from a Louisiana licensed pharmacist, who is not on probation with the board, indicating their intention to provide technician training in a pharmacy that is not on probation with the board. The applicant shall be at least 18 years of age, as evidenced by a valid and legible copy of a birth certificate or other appropriate credential.

c. Exceptions

i. A pharmacist or pharmacy intern whose board credential has been denied, suspended, revoked, or restricted for disciplinary reasons by any board of pharmacy shall not be a pharmacy technician candidate or pharmacy technician.

ii. A Louisiana pharmacist or pharmacy intern whose board credential is active shall not be a pharmacy technician candidate or pharmacy technician until such credential is relinquished.

3. Issuance and Maintenance

a. - c. ...

d. Termination of Training

i. In the event the candidate is no longer training with the Pharmacy Technician Educator, for any reason other than completion of the training, the candidate no longer meets the eligibility criteria to possess the registration, and the candidate shall relinquish the registration to the board within 10 days, giving notice of their last day of training.

ii. In the event a candidate fails to relinquish their registration when required to do so, the board staff shall inactivate the registration.

iii. In the event the candidate should resume training with a pharmacy technician educator, and verification of that training is provided to the board, the

board may re-issue the registration with the original expiration date preserved.

iv. In its discretion, the board may grant an exception to the original expiration date or reinstate the registration upon request by the candidate demonstrating unusual circumstances.

e. ...

f. A pharmacy technician candidate shall notify the board, in writing, no later than 10 days following a change in location(s) of employment. The written notice shall include the candidate's name, registration number, and pharmacy name, address, and permit numbers for old and new employers.

B. Pharmacy Technician Educators

1. Pharmacy technician educators shall provide academic preparation including technical skills and knowledge, sufficient to prepare the candidate to adequately perform the duties of a pharmacy technician. Academic preparation shall meet the minimum requirements of a board-approved pharmacy technician certification examination provider.

2. All nationally-accredited training programs approved by the board shall maintain their national accreditation.

3. Pharmacy technician educators shall notify the board within 10 days when a pharmacy technician candidate is no longer enrolled in the program or actively progressing in training with the Louisiana licensed pharmacist.

4. Pharmacy technician educators shall provide verification that the pharmacy technician candidate has successfully completed the training.

C. Practical Experience

1. - 3. ...

4. The candidate's registration shall evidence his authority to earn practical experience in a pharmacy, under the supervision of a pharmacist, in satisfaction of the requirements for pharmacy technician certification.

a. In the event the registration was issued to an applicant enrolled in a nationally-accredited and board-approved training program, the candidate shall earn the amount of experience prescribed by the curriculum of that program.

b. In the event the registration was issued to an applicant by any other method, the candidate shall earn at least 600 hours of practical experience in a pharmacy in Louisiana. A candidate may receive board credit for a maximum of 50 hours per week, unless further limited by an Employment Certificate as required by the Louisiana Department of Labor.

5. ...

D. Examination

1. A board-approved pharmacy technician certification examination shall consist of integrated pharmacy subject matter and any other disciplines the board may deem appropriate in order to permit the candidate to demonstrate his competency. The candidate shall achieve a passing score, as determined by the board.

2. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1212.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 30:2485 (November 2004), effective January 1, 2005, amended LR 39:1777 (July 2013), amended by the Department of Health, Board of Pharmacy, LR 43:2496 (December 2017), effective January 1, 2018, repromulgated LR 44:49 (January 2018), amended LR 46:574 (April 2020), amended LR 46:576 (April 2020), amended LR 50:1646 (November 2024).

§905. Pharmacy Technician Certificate

A. - B.2. ...

3. The annual renewal shall expire and become null and void on June 30 of each year.

a. The board shall make available, no later than May 1 of each year, an application for renewal to all pharmacy technicians to the address of record.

3.b. - 4. ...

5. A pharmacy technician shall notify the board, in writing, no later than 10 days following a change in location(s) of employment. The written notice shall include the technician's name, certificate number, and pharmacy name, address, and permit numbers for old and new employers.

6. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1212.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 30:2486 (November 2004), effective January 1, 2005, amended LR 38:1235 (May 2012), LR 39:1777 (July 2013), amended by the Department of Health, Board of Pharmacy, LR 43:2497 (December 2017), effective January 1, 2018, amended LR 46:576 (April 2020), amended LR 50:1647 (November 2024).

M. Joseph Fontenot, Jr.
Executive Director

2411#014

RULE

Department of Health Board of Social Work Examiners

Standards of Practice and General Provisions (LAC 46:XXV.Chapters 1 and 3)

In accordance with the Administrative Procedure Act R.S. 49:950 et seq., the Board of Social Work Examiners amends LAC 46:XXV.Chapter 1, Standards of Practice and Chapter 3, General Provisions.

Section 103 is amended to clarify the purpose of the Standards of Practice/Code of Conduct. Section 117 is amended to increase the report time of arrests or charges. Section 315 is amended to increase the time for the board to elect officers. Section 329 is enacting the board's anti-discrimination policy. Section 331 enacts public comment procedures to comply with R.S. 42:17.2. Section 333 enacts procedures to comply with R.S. 42:14(E) through R.S. 42:17.3 as amended by Act 393 (2023), relative to participation by individuals with disabilities recognized by the ADA and/or their caregivers. This Rule is hereby adopted on the day of promulgation.

Title 46

Professional and Occupational Standards

Part XXV. Credentialed Social Workers

Chapter 1. Standards of Practice

§103. Purpose

A. The Standards of Practice/Code of Conduct provide a basis upon which to assess and measure the professional conduct of social workers.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2705.C.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Certified Social Worker Examiners, LR 26:295 (February 2000), amended by the Department of Health, Board of Social Worker Examiners, LR 50:1648 (November 2024).

§117. Conduct

A. - D. ...

E. A social worker shall notify the Louisiana State Board of Social Work Examiners within thirty calendar days of any arrests or charges, to include DWI and DUI, regardless of final disposition. Minor traffic offenses such as speeding and parking tickets do not need to be reported.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2705.C.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Certified Social Work Examiners, LR 26:299 (February 2000), amended LR 29:2382 (November 2003), amended by the Department of Health and Hospitals, Board of Social Work Examiners, LR 40:304 (February 2014), amended by the Department of Health, Board of Social Work Examiners, LR 50:1648 (November 2024).

Chapter 3. General Provisions

§315. Board Members

A. - A.1.b. ...

B. Officers. The board shall elect annually at its May or June board meeting, a chair, vice-chair, and secretary/treasurer.

C. - E. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2705.C.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Certified Social Work Examiners, LR 26:304 (February 2000), amended LR 29: 2385 (November 2003), LR 34: 248 (February 2008), amended by the Department of Health and Hospitals, Board of Social Work Examiners, LR 40: 305 (February 2014), amended by the Department of Health, Board of Social Work Examiners, LR 50:1648 (November 2024).

§329. Discrimination Prohibited

A. The board shall not deny a license, certificate, or registration or otherwise discriminate against any applicant based upon the applicant's race, religion, creed, national origin, age, sex, sexual orientation, gender expression, or differing abilities.

B. The board shall not discriminate against any person based upon the person's race, religion, creed, national origin, age, sex, sexual orientation, gender expression, or differing abilities.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2705.C.

HISTORICAL NOTE: Promulgated by the Department of Health, Board of Certified Social Work Examiners, LR 50:1648 (November 2024).

§331. Public Comment at Board and Committee Meetings

A. *Public Comment* is defined as verbal or written comments given at a board or committee meeting pertaining to an agenda item specific to that meeting.

B. Members of the public may give public comments at meetings of the board or its committees pursuant to this section.

C. Written public comments may be submitted prior to the meeting via email. Emails will be received up to the close of business on the day prior to the meeting. All emails must be submitted to the address designated by the Board and must include the agenda item number, the commenter's name, and a brief statement. If the commenter wishes to speak during the meeting, they must so state in their email.

D. Verbal public comments may be submitted during the meeting. If attending virtually, commenters may seek recognition using the appropriate function on the virtual platform used by the board or committee to broadcast its meeting. The commenter may speak using their microphone after the chair has recognized them. All participants will be muted upon entry. Any participant that speaks without being acknowledged by the chair or that does not have their device muted will be muted by the moderator. The chair will announce when the floor is open for comments. Verbal comments are limited to 2 minutes per commenter.

E. All comments submitted are recorded and are public record.

F. Public comment will be allowed at the beginning of each meeting prior to any votes by the board or committee. Once the public comment period is closed, it will not be reopened unless permitted by the chair.

G. The board may provide reasonable accommodation to members of the public who request such accommodations within 72 hours before a meeting of the board or committee.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2705.C and R.S. 42:17.2.

HISTORICAL NOTE: Promulgated by the Department of Health, Board of Certified Social Work Examiners, LR 50:1648 (November 2024).

§333. Board Meetings

A. The board shall post its notices and agendas on the board's website at least 24 hours prior to each meeting.

B. The board shall provide for participation in open meetings via electronic means for any individuals with disabilities recognized by the Americans with Disabilities Act (ADA), and/or that individual's caregiver.

C. The board shall provide the requestor with the accommodation, including the teleconference and/or video conference link, for participation via electronic means following the receipt of the request.

D. The board shall maintain on its website a remote request form and shall provide a copy of this form via fax, mail or email in response to any written request for accommodation.

E. A board member shall be allowed to participate and vote in a meeting via teleconference as defined in R.S. 42:17.2.1.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2705.C and R.S. 42:14(E)-R.S. 42:17.3.

HISTORICAL NOTE: Promulgated by the Department of Health, Board of Certified Social Work Examiners, LR 50:1648 (November 2024).

Emily DeAngelo
Executive Administrator

2411#017

RULE

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

Managed Care for Physical and Behavioral Health
Hospital Directed Payments
(LAC 50:I.3113)

The Department of Health, Bureau of Health Services Financing amends LAC 50:I.3113 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950, et seq.

The Department of Health, Bureau of Health Services Financing amends the provisions governing Medicaid managed care organizations (MCOs) to update and align language in the administrative Rule with the preprints that are approved by the Department of Health and Human Services, Centers for Medicare and Medicaid Services that qualified hospitals with a balance owed as a result of reconciliation shall pay the amounts owed to the MCOs or the department. This Rule is hereby adopted on the day of promulgation.

Title 50

PUBLIC HEALTH—MEDICAL ASSISTANCE

Part I. Administration

Subpart 3. Managed Care for Physical and Behavioral Health

Chapter 31. General Provisions

§3113. Directed Payments

A. Hospital Directed Payments

1. - 6.b....

7. If a qualifying hospital that is subject to a reconciliation will not be participating in a directed payment arrangement in the future, the qualified hospital shall pay all amounts owed to LDH or the MCO, if any, within 30 calendar days' notice of the amount owed, in accordance with departmental requirements.

a. In addition to all other available remedies, LDH or the MCOs has the authority to offset all amounts owed by a qualifying hospital due to a reconciliation against any payment owed to the qualifying hospital, including, but not limited to, any payment owed by the MCO or LDH.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:245 and Title XIX of the Social Security Act

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing, LR 49:264 (February 2023), amended LR 49:1566 (September 2023), LR 50:1649 (November 2024).

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

Michael Harrington, MBA, MA
Secretary

2411#032

RULE

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

Pharmacy Benefits Management Program
Vaccine Administration and Fees
(LAC 50:XXIX.991)

The Department of Health, Bureau of Health Services Financing amends LAC 50:XXIX.991 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq.

The U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS) recommended that the Department of Health, Bureau of Health Services Financing clarify language in the Medicaid State Plan regarding the inclusion of vaccine counseling as a pharmacy benefit under the Medical Assistance Program, when the criteria is met and documented. The department amends the provisions governing the Pharmacy Benefits Management Program in order to align the language in the *Louisiana Administrative Code* relative to vaccine administration and fees for Medicaid coverage with the CMS-approved State Plan amendment. This Rule is hereby adopted on the day of promulgation.

Title 50

PUBLIC HEALTH—MEDICAL ASSISTANCE

Part XXIX. Pharmacy

Chapter 9. Methods of Payment

Subchapter H. Vaccines

§991. Vaccine Administration Fees

A. Reimbursement to pharmacies for immunization administration (intramuscular, subcutaneous or intranasal) performed by qualified pharmacists, is a maximum of \$15.22. Counseling for vaccines as a pharmacy benefit, when the criteria is met and documented, is a maximum of \$19.72.

B. ...

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 36:1783 (August 2010), amended LR 40:82 (January 2014), amended by the Department of Health, Bureau of Health Services, Financing, LR 43:1555 (August 2017), amended LR 46:345 (March 2020), LR 47:887 (July 2021), LR 50:1649 (November 2024).

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

Michael Harrington, MBA, MA
Secretary

2411#033

RULE

Department of Public Safety and Corrections Corrections Services

Disciplinary Rules and Procedures for Adult Inmates (LAC 22:I.341)

In accordance with the provisions of the Administrative Procedure Act (R.S. 49:950), the Department of Public Safety and Corrections, Corrections Services, hereby amends the contents of §341, Disciplinary Rules and Procedures for Adult Inmates.

The Department of Public Safety and Corrections, Corrections Services, revised the Disciplinary Rules and Procedures as the result of a comprehensive review in order to reorganize Rule 30 “General Prohibited Behavior”, and to remove duplicative rules, create new rules, and to move certain Rule 30 provisions under rules, which are more specific and appropriate. The revision also includes general updates. This Rule is hereby adopted on the day of promulgation.

Title 22

CORRECTIONS, CRIMINAL JUSTICE AND LAW ENFORCEMENT

Part 1. Corrections

Chapter 3. Adult Services

Subchapter B. Disciplinary Rules and Procedures of Adult Offenders

§341. Disciplinary Rules and Procedures for Adult Inmates

A. Purpose—this department regulation constitutes the department’s “*Disciplinary Rules and Procedures for Adult Inmates*” as a regulation.

B. Applicability—deputy secretary, chief of operations, regional wardens, wardens, director of probation and parole, director of prison enterprises, sheriffs, and administrators of local jail facilities and transitional work programs. Each unit head shall ensure appropriate unit written policies and procedures are in place to comply with the provisions of this regulation.

C. Policy. The secretary’s policy is that all inmates and employees shall have reasonable access to and comply with the department’s “*Disciplinary Rules and Procedures for Adult Inmates*”. The “*Disciplinary Rules and Procedures for Adult Inmates*” are established to provide structure and organization for the state’s facilities and a framework within which the inmate population can expect the disciplinary system to function.

1. Revisions shall be accomplished through this regulation under the signature of the secretary.

D. Disciplinary Rules and Procedures for Adult Inmates

1. This book of disciplinary rules and procedures constitutes clear and proper notice of same for each inmate sentenced to the Department of Public Safety and Corrections.

2. It is the policy of the Louisiana Department of Public Safety and Corrections to operate a swift and fair disciplinary process that follows constitutional and statutory standards. The *Disciplinary Rules and Procedures for Adult Inmates* establishes a uniform inmate disciplinary process that:

- a. maintains order and control of institutional safety;
- b. ensures inmates are disciplined fairly;
- c. ensures constitutional rights are protected;
- d. modifies inmate behavior in a positive manner;

and

e. maintains an official record of an inmate’s disciplinary history.

3. The *Disciplinary Rules and Procedures for Adult Inmates* provides structure and organization for the prisons and a framework within which the inmate population can expect the disciplinary system to function. All inmates sentenced to the custody of the Department of Public Safety and Corrections, regardless of their housing facility, shall be placed on notice as to the requirements of the *Disciplinary Rules and Procedures for Adult Inmates* by being provided with a copy of the rulebook. All inmates shall be required to sign for the receipt of the rulebook, and the signed receipt shall be filed in the inmate’s master record.

4. The secretary of the Department of Public Safety and Corrections has sole authority to change these rules, regulations, and procedures. Utilization of these procedures does not constitute the granting of any enforceable right or privilege to any inmate.

5. During incarceration, inmates can expect changes to custody level, job classification, housing assignment, institutional assignment, or opportunities to participate in institutional programs or activities. Such changes may result from classification, the imposition of disciplinary penalties, the promotion of legitimate institutional goals, or security concerns. Such changes are not necessarily disciplinary penalties. When the above changes occur as a result of other department regulations and institutional policies, they are not considered penalties in the context of the disciplinary process.

6. In the event of a genuine emergency, such as a serious disturbance disrupting normal operations or a natural disaster, the secretary or designee may suspend any and all disciplinary rules and procedures for the duration of the emergency. Full hearings must be held within a reasonable time after the end of the emergency for those inmates who were subjected to loss of good time or failure to earn incentive wages.

7. Certain procedures described herein may vary when an inmate is housed in a jail facility, including but not limited to: applicability of certain sanctions, appeals processes, availability of counsel substitutes, procedures applicable to reporting infractions, and hearing timelines. Additionally, an inmate housed in a jail facility who violates a rule for which forfeiture of good time is a possible sanction may be temporarily transferred to a state facility for the

purpose of conducting a high court hearing; alternatively, the hearing may be conducted remotely utilizing a department-approved telecommunications software. Hearings related to rule violations for which forfeiture of good time is not a possible sanction will be conducted in the jail facility, and the inmate will not be transferred to a state facility for a high court hearing. Variation from the procedures provided herein is not permitted in state facilities.

E. Definitions

Boards—the following boards, as below defined, shall assist in determining an inmate’s custody level and placement:

a. **Classification Board**—a multidisciplinary board(s) within each facility responsible for all inmate classification decisions.

i. A facility classification board shall consist of a minimum of two facility staff members, with those staff members representing each of the following two categories:

(a). classification, social services, medical/mental health, and

(b). security (which member shall be of the rank of captain or higher).

ii. All inmates shall be given notice 48 hours prior to their classification reviews and shall be present for those reviews, unless precluded due to security or other substantial concerns. An inmate may waive in writing the 48-hour notice.

b. **Disciplinary Board**—a multidisciplinary board convened to provide a fair and impartial review of an alleged rule violation by an inmate. A disciplinary board determines if an inmate is guilty or is not guilty of an alleged rule violation and determines an appropriate sanction if the disciplinary board determines an inmate in fact is guilty of a rule violation. A properly composed disciplinary board shall consist of three people— one duly authorized and trained chairman and two duly authorized and trained members.

c. **Re-entry Services Team**—a multidisciplinary team comprised of a classification officer, a security officer, a mental health provider, and a transition specialist to assist inmates with their transition to general population or to the community, utilizing an individualized plan and ensuring services are delivered in an effective manner.

d. **Segregation Review Board**—a multidisciplinary team comprised of a classification officer, mental health provider, and a security officer (major or above) to consider and make recommendations as to whether or not an inmate in protective segregation, preventative segregation, or restrictive housing may be moved to a less restrictive setting or remain in restrictive housing.

Classification—a process for determining the needs and requirements of those for whom confinement has been ordered and for assigning inmates to housing units, work assignments, and programs according to their needs and existing resources. Classification actions, even if resulting from an incident handled in the disciplinary process, are not disciplinary sanctions.

Confidential Informant—person whose identity is not revealed to the accused inmate but who provides an employee with information concerning misbehavior or planned misbehavior.

Confinement to Dormitory, Room, or Cell—confinement to one's regularly assigned living quarters (for example: dormitory, room, or cell) with restrictions on certain out-of-cell privileges such as participation in club meetings, hobby craft, or special events. Ordinarily assigned programming and medical or mental health treatment shall not be restricted. Telephone privileges, recreation time, and television privileges are not automatically included under this sanction unless otherwise separately sanctioned.

Custody Levels—see established policies and procedures for information regarding the various custody levels and status review procedures.

Extra Duty—work to be performed in addition to an inmate's regular job assignment as specified by the proper institutional authority. This work is performed without the benefit of incentive wages.

Incentive Pay—compensation paid to an inmate in the physical custody of the department and who is eligible to receive incentive wages and has performed satisfactory work in the compensation grade in which he has been classified.

Posted Policy—policy memoranda detailing what behavior is required or forbidden of inmates and generally reflecting the individual needs of the facility. Posted policies must be distributed and posted in such a manner that inmates are placed on notice as to what behavior is required or forbidden and that sanctions may be imposed should the policy be violated.

Prison Rape Elimination Act of 2003 (PREA)—federal law enacted to establish a zero-tolerance standard for the incidence of sexual assault within an institutional setting. Refer to Disciplinary Rule No. 21 (Aggravated Sex Offense).

Restrictive Housing—a placement that requires an inmate to be confined to a cell at least 22 hours per day for the safe and secure operation of the facility.

Sanction—a disciplinary penalty.

Segregation—special management housing whereby an inmate is confined to an individual cell separated from the general population.

Segregated Housing/Unit—any housing where an inmate lives separate and apart from the general population until such time as the segregation review board determines there is no need for further segregation. Segregated housing includes:

a. **Disciplinary Segregation**—a maximum custody housing area, typically a cell, where an inmate is housed for a definitive period of time as a result of a sanction from a disciplinary hearing.

i. **Investigative Segregation**—a maximum custody temporary holding area, preferably a cell, where an inmate is held pending the outcome of a disciplinary hearing, pending a classification review board review, or pending a transfer to an appropriate housing unit.

ii. **Preventative Segregation**—a maximum custody housing area, preferably a cell, where an inmate’s continued presence in general population is a danger to the good order and discipline of the institution and/or whose presence poses a danger to himself, other inmates, staff, or the general public.

iii. Protective Segregation—a maximum custody form of separation from the general population for inmates requesting or requiring protection from other inmates for reasons of health or safety.

(a). Protective segregation consists of three levels:

(i). Level 1 Protective Segregation—Level 1 is a lower level protection assignment and generally made at an inmate's request, but may be originated by staff. A disciplinary or classification review board, depending upon the established facts and circumstances, shall confirm or deny the request and provide written reasons for its decision. All facilities are eligible to house Level 1 inmates in Protective segregation.

(ii). Level 2 Protective Segregation—Level 2 is based upon the nature of an inmate's crime, prior employment history (for example: former law enforcement, politician, etc.), age, or other significant protection concerns. Generally, a Level 2 inmate is determined to be unable to live in general population at any facility, but may be considered a candidate for placement in general population at some point in the future. This designation may result in the inmate's assignment to protective segregation at Louisiana State Penitentiary, Elayn Hunt Correctional Center, David Wade Correctional Center, or the Louisiana Correctional Institute for Women.

(iii). Level 3 Protective Segregation—Long-term protection concerns usually due to past history of offense or employment, (for example, former law enforcement or correctional officer). Generally, the inmate is determined to be unable to live in general population at any facility and is very unlikely to ever be suitable for general population. These inmates are housed in the N-5 Protection Unit at David Wade Correctional Center which is an open cell environment.

iv. Transitional Segregation—a maximum custody temporary holding area, preferably a cell, until bed space is available for placement or awaiting a transfer to another institution- transitional segregation may occur in any segregated housing area.

v. Residential Treatment Housing—a maximum custody area within a facility where inmates who have a mental health disorder with symptoms that are severe and persistent to the point of interfering with the inmate's ability to behaviorally and cognitively live in a less structured secure environment are admitted for health observation and care under the supervision and direction of health care personnel. Placement in residential treatment housing is reliant on documented orders from a health care practitioner and/or psychiatrist.

vi. Working Segregation—a form of maximum custody for a determinate period of time distinguished by access to work and other programs consistent with security restrictions and facility procedures. This type of assignment is used primarily after a disciplinary hearing for an inmate found guilty of violating one or more rules according to established policies and procedures or as part of the step down from a more restrictive housing.

Note: The pronouns "he" and "his" as used herein are for convenience only and are not intended to discriminate against female employees or inmates. Additionally, "employee" as used herein refers not only to an employee of the Department of Public Safety and Corrections, but also to any individual having the authority to exercise supervision over an inmate.

F. Disciplinary Procedures

1. This rulebook contains the disciplinary rules and procedures for inmates remanded to the state's custody. All inmates are required to obey the rules and regulations. The following outlines the procedures that shall be followed when an inmate violates a rule.

a. General Procedures

i. Reporting Infractions

(a). When an employee witnesses or has knowledge of any act by an inmate that is in violation of the rules or posted policies, the employee shall first attempt, if appropriate, to resolve the matter informally. If the violation is observed or brought to the attention of a contract employee, volunteer, or institutional visitor, the incident shall be reported to an employee by the person observing or with knowledge of the behavior. Informal resolution may include counseling, verbal reprimand, or the giving of an instruction, warning, or order. Informal resolution is not appropriate for any offense that poses a risk to the security of the institution such as solicitation of staff to violate a rule or policy, an attempt to establish an inappropriate relationship, or possession of contraband.

(i). If the incident cannot or may not be resolved informally, the employee shall complete a disciplinary report formally charging the inmate with violating a rule. Refer to Section I "Inmate Rules and Violation Descriptions" for additional information.

(ii). The report shall be written by the employee who has reason to believe that an inmate has violated, attempted to violate or conspired to violate one or more disciplinary rules.

[a]. An inmate who intentionally attempts to violate a disciplinary rule, even if he is unsuccessful, may receive a disciplinary report for attempting to break that rule.

[b]. When two or more persons working in combination for the specific purpose of violating any disciplinary rule, they may receive a disciplinary report for conspiring to break that rule.

[c]. The description of an incident may include more than one separate and distinct rule violation. It is appropriate to include more than one rule violation on a single disciplinary report.

(iii). The disciplinary report shall include the following information:

[a].[i]. the accused inmate's name, DOC number, housing and job assignment;

[ii]. the reporting officer's name and title;

[iii]. the offense number;

[iv]. the date and approximate time of the offense; and

[v]. a description of the facts of the offense;

[b]. the description of the facts of the offense shall include the name of all witnesses, the location of the incident, and a full statement of the facts underlying the charges.

[c]. a description of any unusual inmate behavior, any physical evidence and its disposition, and any immediate action taken, including the use of force.

(b). Upon completion of the disciplinary report, the supervisor shall review the information and forward the report and any supporting documentation to the disciplinary office or designated depository for processing.

(c). The warden or his designee, or the shift supervisor, can order immediate removal from general population when it is necessary to protect the inmate or others, or when the inmate is the subject of an investigation. The action must be approved, denied, or modified within 24 hours by an appropriate and higher authority who is not involved in the initial placement.

(d). In instances when an inmate is placed in investigative segregation for disciplinary purposes, the supervisor shall conduct a review of the documentation to ensure it is complete and correct and, as needed, shall investigate to confirm the reasonableness of the allegation or circumstances prompting the assignment. This review (and investigation if needed) shall be done prior to the conclusion of the supervisor's tour of duty.

(e). Time spent in investigative segregation for the offense shall be credited against segregation or extra duty sentences even when these sanctions are suspended. Credit shall not be given for time spent in investigative segregation based upon a request for protection or while an inmate is awaiting transfer to another area.

(f). Assignment to disciplinary segregation shall be for a determinate period of time with reviews by a multi-disciplinary review board in accordance with established policies and procedures.

(g). Established policies and procedures shall govern the time an inmate may be in segregated housing for rule violations, except to the extent documented reasons and due process review result in the need for continued preventative segregation due to a threat exhibited by an inmate may exist to self, other inmates, or staff.

(h). The applicable review board shall review the status of inmates who are in investigative segregation at least seven days for the first 60 days and thereafter every 30 days.

(i). The segregation review board shall review the status of inmates who are in protective segregation:

[a]. Level 1 protective segregation: at least every seven days for the first 60 days and thereafter at least every 30 days;

[b]. Level 2 protective segregation: every 90 days;

[c]. Level 3 protective segregation: annually.

(j). The applicable review board shall review the status of inmates who are in preventative segregation at least every 60 days.

(k). The applicable review board shall review the status of inmates who are in working segregation at least every 90 days.

ii. Notice of Disciplinary Report

(a). Inmates shall be served with notice of charges at least 24 hours prior to the hearing.

(b). Confirmation that the inmate was advised of the charges shall be noted on the original of the disciplinary report by the inmate's signature.

(c). If the inmate refuses to sign the disciplinary report, the delivering officer shall note the refusal in the inmate signature block and initial the box.

iii. Counsel and Counsel Substitutes

(a). Counsel is a licensed attorney of the inmate's choice who has been retained by the inmate.

(b). Counsel substitutes are people not admitted to the practice of law, but who are instead inmates who aid and assist, without cost or fee, an accused inmate in the preparation and presentation of his defense and appeal.

(c). Counsel substitutes are only those inmates appointed by the warden or designee to assist other inmates with their legal claims, including but not limited to, assistance with filing of administrative remedy procedure requests, disciplinary board appeals, and lost property claims. Counsel substitutes are not required to file disciplinary appeals, but should inform the inmate who wants to appeal of the proper way to file. Counsel substitutes may be removed from their positions if the warden or designee believes it appropriate. Inmates who are not counsel substitutes may not provide services to other inmates without the approval of the warden or designee.

G. Disciplinary Hearings and Sanctions

1. Hearing Procedure

a. Hearings shall provide a fair and impartial review conducted by a disciplinary officer or disciplinary board to determine if a rule infraction occurred, if the inmate is guilty or not guilty of the charges, and the appropriate sanction or sanctions.

b. An investigation report may be submitted to the disciplinary board detailing the facts uncovered in an investigation. If the investigation report is used as evidence in the hearing, a copy of the report shall be maintained in the administrative record. In the alternative, the investigator may be called as a witness to present testimony.

c. There are two types of disciplinary hearings: high court and low court. Generally, high court hearings are conducted for Schedule B violations, and low court hearings are conducted for Schedule A violations. See Section I, "Inmate Rules and Violation Descriptions," for the schedule designation applicable to each rule violation.

2. Low Court Hearing with a Disciplinary Officer

a. A hearing conducted by a ranking security officer (lieutenant or above) or any supervisory level employee from administration or treatment appointed by the warden or designee who conducts hearings of minor violations (Schedule A) and who may impose only designated sanctions.

b. Any disciplinary officer directly involved in the incident or one who is biased for or against the accused cannot hear the case unless the accused waives recusal in writing. Performance of a routine administrative duty does not necessarily constitute direct involvement or bias.

c. At these hearings, the accused inmate represents himself and is given full opportunity to speak in his own behalf.

d. Counsel substitutes, witnesses, or the accusing employee are not permitted in the hearing.

e. Low court hearings are not recorded.

f. Hearings shall be held within seven days of the date of the report, excluding weekends and holidays, unless the hearing is prevented by exceptional circumstances, unavoidable delays, or reasonable postponements. Reasons for any delays shall be documented.

3. High Court Hearing with a Disciplinary Board

a. A properly-composed board shall consist of three people—one duly authorized and trained chairman and two duly authorized and trained members—each representing a different discipline (security, administration, or treatment). The secretary or designee must approve the chairman, and the warden or designee must approve the members.

b. If the inmate will be transferred to a state correctional facility from a local jail facility for the purpose of conducting the hearing, the inmate shall be brought before the disciplinary board of the local jail facility where the violation occurred and informed of the pending transfer and necessitated delay of the hearing. The date the notice was given to the inmate shall be documented on the disciplinary report.

c. 72-Hour Rule

i. Any inmate who is placed in investigative segregation for a rule violation shall be afforded a disciplinary hearing within 72 hours of being placed in investigative segregation. Exceptions include official holidays, weekends, genuine emergencies, or for other good cause. The inmate shall be heard at the next available court date. When it is not possible to provide a full hearing within 72 hours of placement, the accused shall be brought before the disciplinary board, informed of the reasons for the delay, and remanded back to investigative segregation or released to his quarters after a date for a full hearing has been set.

ii. The 72 hour rule does not apply to inmates housed in local jail facilities or transitional work programs whose hearings are conducted once they are transferred to a state correctional facility or those who have their disciplinary hearing conducted at a state correctional facility even if they are not transferred there. Inmates in this status have no expectation of a disciplinary hearing within 72 hours.

iii. The 72 hour rule does not apply to those inmates who are placed in investigative segregation for reasons other than for a rule violation. Examples of these classifications include, but are not limited to:

(a) awaiting transfer to another facility or to another housing unit within the facility;

(b) transitional work program, or intake.

iv. For those inmates placed in investigative segregation for a reason other than a rule violation, an initial review shall be conducted by the appropriate board within seven days of the date of the report of placement in investigative segregation. Exceptions include official holidays, weekends, genuine emergencies, exceptional circumstances, unavoidable delays or for other good cause. Reasons for all delays shall be documented. This does not

apply to inmates housed in local jail facilities or transitional work programs whose reviews are conducted once they are transferred to a state correctional facility or those who have their disciplinary hearing conducted at a state correctional facility even if they are not transferred there.

d. Any member directly involved in the incident or one who is biased for or against the accused shall not hear the case unless the accused waives recusal in writing or verbally on the record.

e. The disciplinary board also may hear cases of inmates who signed written requests for protection and may recommend appropriate action.

4. Conduct of the Hearing - Disciplinary Board

a. Before the hearing may begin, an accused inmate must acknowledge that he is familiar with the inmate rights during the disciplinary process. Refer to Section J "Inmate Rights and Responsibilities" for additional information.

b. All rights and procedural requirements shall be followed unless waived by the accused.

c. Disciplinary board hearings shall be recorded in their entirety, and the recording shall be preserved for five years.

d. An inmate who chooses not to be present at the hearing may sign a waiver which shall be read into the record. A counsel substitute shall represent him and enter a not guilty plea. The same applies to a disruptive inmate who refuses to cooperate. If the inmate refuses to sign a waiver, a waiver shall be prepared and the refusal noted by two witnesses. In either scenario, the disciplinary chairman shall also sign the waiver.

e. The accused enters his name and DOC number into the record as does his counsel or counsel substitute, if any, and confirms that he understands his rights. If the inmate indicates he does not know or understand his rights, his rights shall be explained to him.

f. The chairman or designated board member shall read the disciplinary report into the record. The chairman or designated board member has the option to spell words they believe to be offensive. Upon the report being read into the record, the chairman shall ask the accused inmate for a plea of "not guilty" or "guilty." Should the accused inmate attempt to enter an unavailable plea or refuse to enter a plea, the chairman shall enter a plea of "not guilty" before proceeding with the hearing.

g. Preliminary motions shall be raised at the first opportunity or be considered waived and may include:

i. dismissal of the charge or charges;

ii. continuance, but note that inmates are not entitled to a continuance to secure counsel unless they are charged with a violation that is also a crime under state or federal law, and only one continuance will be granted unless new information is produced;

iii. requests to face accuser and call witnesses;

iv. a motion due to lack of 24-hour notice, including any challenge to the waiver of the 24-hour notice rule having not been made in writing;

v. request for investigation;

vi. any other appropriate motions.

h. All motions shall be made at the same time in the proceedings. Subsequent verbal motions shall be denied as having been waived.

i. The board shall deliberate and rule on motions at the time the motion is made, unless expressly deferred to the actual hearing.

j. A summary of motions presented shall be documented with written reasons for each ruling made on the disciplinary court motions which is available from classification or security staff.

k. After entering a plea and any potential motions, the accused may present his defense.

l. The board may ask questions of the accused, his witnesses or his accuser. During the hearing, the accuser should only be present to testify. The accuser shall never be present during deliberations.

m. The disciplinary board shall carefully evaluate all evidence presented or stipulated.

n. In situations where the disciplinary report is based on a single confidential informant, there must be other evidence to corroborate the violation. That evidence may include, but is not limited to: testimony from another confidential informant, the record, the investigative report, or other evidence. Whenever information is provided by confidential informants, the informant must be certified as having provided reliable information in the past and have personal knowledge of the present incident. If requested, the accusing employee shall be summoned to testify about the reliability and credibility of the confidential informant when the disciplinary report is based solely on information from confidential informants.

i. All confidential information used in the disciplinary process shall be documented on the confidential informant testimony and certification.

o. The board shall review the information presented during the deliberations.

i. During deliberations, everyone except the board and any official observers shall leave the room; and the board shall decide the case on the basis of the evidence presented at the hearing.

ii. Official observers shall not take part in the hearing or the deliberations.

iii. The disciplinary record of the accused may be examined to discover a pattern of similar misbehavior or to determine if a pending suspended sanction exists.

iv. The disciplinary record may be used to determine the appropriate sanction or sanctions to be imposed.

v. All members of the board shall verbally discuss and render their verdict.

vi. The audio recording will continue throughout the deliberations.

p. Following the deliberations, the chairman shall announce the verdict. A verdict shall require the agreement of two of three board members.

q. A dissenting board member may provide written or oral reasons for their dissent.

r. If the verdict is guilty, the chairman shall then announce the sanction or sanctions.

s. The chairman shall articulate clearly which sanction applies to each specific rule violation for which the inmate was found guilty.

t. The board has full authority to suspend any sanction imposed for a period of up to 90 days.

5. Correcting Disciplinary Reports

a. A reviewing employee may change the rule violation number to fit the description prior to the hearing, but should ensure that the accused receives a corrected copy of the report at least 24 hours before the hearing begins. Additional rule violations may be added if the offense is clearly described on the report. In the event that an additional rule violation is added, the reviewing employee shall ensure that the accused receives a corrected copy of the report including the additional rule violation at least 24 hours before the hearing begins.

b. Before the hearing begins, the board may change the rule number to match the description of the alleged misbehavior, if necessary, and may also change the rule number at any point prior to the deliberations, but the board should offer the accused a continuance to prepare the defense. It is the description of the conduct and not the rule violation number that determines the offense.

c. The continuance may be waived and does not necessarily need to be for 24 hours. This information shall be voiced on the recorder for the record.

6. Sanctions

a. There is an established department-approved uniform system of administrative sanctions which may be imposed upon an inmate for rule violations. The department-approved uniform system of administrative sanctions considers the severity of the violation, behavior, and any prior history of similar violations.

b. Sanctions shall be for a determinant period of time which shall be documented.

c. The imposition of sanctions shall be imposed using only the department-approved uniform system of administrative sanctions.

d. No sanction shall be administered that is not in accordance with the department-approved uniform system of administrative sanctions, unless waived in writing by the department chief of operations, after consideration of the hearing record, the inmate's conduct record, and any other aggravating circumstance.

e. Any violation of a rule may result in a change in an inmate's custody level. Changes in an inmate's custody level shall be recommended as a sanction by the disciplinary board and approved by the classification board in accordance with established policies and procedures.

f. In addition to other appropriate sanctions, the disciplinary board may order a job change as the result of any rule violation.

g. An inmate who violates more than one rule or the same rule more than once during an incident may receive a permissible sanction for each violation. For example, an inmate who has established a documented pattern of behavior indicating that he is dangerous to himself or others is a repeat rule violator.

h. Inmates shall be sanctioned for rule violations as first offenders unless they commit a second violation within 12 months of the prior violation; at which time, they shall be sanctioned as a second offender and so on until they reach the maximum penalty according to the department-approved uniform system of administrative sanctions.

i. After a finding of guilt for a new violation, a previously-suspended sanction may be imposed as well as a new sanction for the new violation.

j. State and federal criminal laws apply to inmates. In addition to being sanctioned by prison authorities, inmates may also be referred for prosecution in state or federal court for criminal conduct.

k. Restitution may be imposed in accordance with established policies and procedures and may be assessed in addition to any other permissible penalties.

l. An inmate who has received a forfeiture of good time as a result of disciplinary action shall be eligible to be considered for restoration of previously forfeited good time upon meeting the requirements established policies and procedures.

H. Appeals

1. A request for review of a disciplinary decision must follow these procedures.

a. Appeals to the Disciplinary Board

i. An inmate may appeal a case heard by the disciplinary officer only to the disciplinary board.

ii. As soon as the ruling is issued, the inmate who wants to appeal must clearly say so to the disciplinary officer who will then automatically suspend the sanction and schedule the case for the disciplinary board.

iii. The appeal hearing before the disciplinary board is a full hearing the same as any other hearing conducted by the board. The disciplinary board cannot increase the sanction imposed by the disciplinary officer.

iv. The appeal to the disciplinary board will be the final appeal in a case heard by the disciplinary officer. No other appeals are allowed. The appeal from the disciplinary officer to the disciplinary board will constitute the final administrative remedy regarding the disciplinary decision. Decisions rendered by the disciplinary officer and appealed to the disciplinary board may not be appealed to the warden or to the secretary.

b. Appeals to the Warden

i. An inmate may appeal a case heard by the disciplinary board. All appeal requests on high court cases shall be to the warden.

ii. The inmate may appeal himself or through counsel or counsel substitute. In any case, the appeal must be received within 15 calendar days of the hearing.

iii. The appeal should be clearly written or typed on the appeal from the disciplinary board template which is available from the inmate's classification officer. If the form is not available, the appeal may be on plain paper but should contain the information called for on the form.

iv. The warden will decide all appeals within 30 calendar days of the date of receipt of the appeal, and the inmate will be promptly notified in writing of the results unless circumstances warrant an extension of that time period and the inmate is notified accordingly.

I. Inmate Rules and Violation Descriptions

v. Lengthy appeals of disciplinary actions will not be accepted into the appeals process. It is necessary for the inmate to only provide basic factual information regarding his case. Lengthy appeals will be returned to the inmate for summarization. The inmate will have five calendar days from receipt to comply with the instructions and resubmit. It is important to remember that abuse of the system impairs the department's ability to respond to legitimate problems in a timely fashion.

c. Appeals to the Secretary

i. An inmate may appeal the decision of the warden to the secretary and must indicate that he is not satisfied in the appropriate box on the appeal decision. The document shall then be submitted to the disciplinary office or designated depository.

ii. The inmate must submit the form within five calendar days of the date of the receipt of the warden's decision. No supplement to the appeal shall be considered.

iii. It is only necessary that the inmate check the box indicating, "I am not satisfied," date, sign, and forward the form to the appropriate person.

iv. An inmate who does not file an appeal to the warden in a timely manner shall relinquish his right to appeal to the secretary.

v. The inmate shall receive an acknowledgment of receipt and date forwarded to the secretary's office.

vi. The institution shall provide a copy of the inmate's original appeal to be attached to the appeal decision template for submission to the secretary. The appeal decision template is available from the inmate's classification officer.

vii. The secretary shall only consider appeals of sanctions from decisions of the warden that resulted in an imposed or suspended sentence of one or more of the following penalties:

(a). forfeiture of good time;

(b). a custody change from minimum to medium if it involves transfer to another institution;

(c). a custody change to maximum;

(d). failure to earn incentive wages.

viii. In addition, appeals regarding restitution assessments may be submitted to the secretary. The appeal of such assessments must be submitted in accordance with established policies and procedures.

ix. The secretary shall decide all appeals within 85 days of the date of receipt of the appeal, and the inmate shall be promptly notified in writing of the results unless circumstances warrant an extension of that time period and the inmate is notified accordingly. Absent unusual circumstances, the secretary shall only consider review of the sanction imposed of an inmate who pled guilty.

Rule No.	Rule Name	Description	Maximum Sanction
An inmate found guilty of violating one or more of the rules defined below will be sanctioned according to the penalty schedule designated in the rule and the type of hearing provided.			
After a finding of guilt, the disciplinary officer or the disciplinary board may impose one or two of the penalties below for each violation. The specified penalties below represent the maximum allowable sanction for an offense, and lesser penalties may be imposed as directed by the secretary.			
Suspended Sentences: The disciplinary officer or the disciplinary board may suspend any sanction either imposes for a period of up to 90 days. The period of suspension begins on the date of the issuance of the ruling. When the time period has expired, the report itself remains a part of the record; however, the sanction may no longer be imposed.			
1	Contraband (Schedule B)	No inmate shall have under his immediate control any illicit drugs, any product that could be used to adulterate a urine sample, unauthorized	General • Disciplinary segregation: Up to 60

Rule No.	Rule Name	Description	Maximum Sanction
		<p>medication, alcoholic beverage, yeast, tattoo machine, tattoo paraphernalia, syringe, any type weapon, cellular phone or component hardware or other electronic communications device, whether operational or not, including but not limited to beepers, pagers, subscriber identity module (SIM) cards, portable memory chips, batteries for these devices, chargers, global satellite system equipment, or any other item not permitted by department regulation or institutional posted policy to be received or possessed or any other item detrimental to the security of the facility. Money is contraband. Any item not being used for the purpose for which it was intended will be considered contraband if it is being used in a manner that is clearly detrimental to the security of the facility. Cigarettes or other smoking materials are considered contraband. To smuggle or attempt to smuggle prohibited items into or out of the facility will be in violation of this rule.</p> <p>The area of immediate control is an inmate's person, his locker or storage area, his cell, his room, his bed, his laundry bag, his hobby craft and his assigned job equipment (such as, but not limited to, his desk, his tool box, or his locker at the job) or the area under his bed on the floor unless the evidence clearly indicated that it belonged to another inmate.</p> <p>Contraband found in a common area cell shared by two or more inmates will be presumed to belong to all of them equally.</p> <p>Any inmate who is tested and has a positive reading on a urinalysis or breathalyzer test will be considered in violation of this rule. An inmate who refuses to be tested or to cooperate in testing, as well as an inmate who alters his urine specimen, will also be found in violation of this rule. Inmates unable to provide a urine specimen within three hours of being ordered to do so shall also be deemed to be in violation of this rule.</p> <p>Any sketch, painting, drawing, or other pictorial rendering produced in whole or in part by a death row inmate, unless authorized by the warden of the institution, is also considered in violation of this rule.</p>	<p>days</p> <ul style="list-style-type: none"> • Loss of minor privilege: Up to 12 weeks • Confinement to dormitory, room or cell: Up to 30 days • Extra duty: Up to 8 days • Forfeiture of good time: Up to 90 days • Failure to earn incentive wages: Up to 12 months • Loss of hobby craft: Up to 12 months • Loss of visiting privileges: Up to 90 days <p>Weapon</p> <ul style="list-style-type: none"> • Disciplinary segregation: Up to 180 days • Forfeiture of good time: Up to 180 days • Failure to earn incentive wages: Up to 12 months • Loss of visiting privileges: Up to 90 days • Loss of hobby craft: Up to 12 months <p>Cell Phone</p> <ul style="list-style-type: none"> • Disciplinary segregation: Up to 180 days • Forfeiture of good time: Up to 90 days • Failure to earn incentive wages: Up to 12 months • Loss of visiting privileges: Up to 90 days <p>Drugs</p> <ul style="list-style-type: none"> • Disciplinary segregation: Up to 180 days • Forfeiture of good time: Up to 180 days • Failure to earn incentive wages: Up to 12 months • Loss of visiting privileges: Up to 90 days <p>Monetary Related</p> <ul style="list-style-type: none"> • Disciplinary segregation: Up to 180 days • Forfeiture of good time: Up to 180 days • Failure to earn incentive wages: Up to 12 months • Loss of visiting privileges: Up to 90 days
2	Unauthorized Items (Schedule A)	An inmate shall not have in his possession any item, object, or thing impermissible under prison and rules procedures. Said item, object, or thing shall not be considered a threat to the safety or security of the institution	<ul style="list-style-type: none"> • Reprimand: At the discretion of the board • Loss of electronic media player/TV: Up to 14 days • Extra duty: Up to 4 days • Loss of canteen privileges: Up to 14 days • Loss of telephone privileges: Up to 14 days • Confinement to dormitory, room or cell: Up to 14 days • Failure to earn incentive wages: Up to 3 weeks • Loss of yard or recreation activities: Up to 14 days • Loss of other minor privileges: Up to 14 days
3	Defiance (Schedule B)	<p>No inmate shall commit or attempt to commit bodily harm upon another person. This includes throwing any object, water or any other liquid or substance, feces, urine, blood, saliva or any form of human waste, or spitting or attempting to spit on another person.</p> <p>No inmate shall curse, insult, or threaten another person in any manner. This prohibited conduct includes abusive, harassing, or insulting conversation, correspondence, phone calls, or gestures by an inmate, including strong-arming or using threats of violence of perceived harm or reprisal to secure gain or favor for oneself or others.</p>	<p>General</p> <ul style="list-style-type: none"> • Loss of minor privilege: Up to 12 weeks • Confinement to dormitory, room or cell: Up to 30 days • Extra duty: Up to 8 days • Disciplinary segregation: Up to 20 days • Forfeiture of good time: Up to 90 days • Failure to earn incentive wages: Up to 12 months

Rule No.	Rule Name	Description	Maximum Sanction
		<p>No inmate shall communicate any statements or information known to be malicious, false, or inflammatory, where the purposes of such statement is reasonably intended to harm, embarrass, or intimidate an employee, visitor, guest, inmate, or their families. An inmate shall not be subject to forfeiture of good time or loss of incentive wages for the conduct enumerated in this paragraph. The conduct described in this paragraph shall not be a rule violation where the information or statements communicated were for the express purpose of obtaining legal assistance.</p> <p>Further, no inmate shall obstruct, resist, distract, or attempt to elude staff in the performance of their duties. Nor shall an inmate intimidate or attempt to intimidate staff to manipulate staff's actions.</p> <p>This rule does not prohibit an inmate from advising staff of planned legal redress even during a confrontational situation; however, an inmate's behavior in such a situation shall not be disrespectful or violate any other disciplinary rule.</p>	<p>to 12 months</p> <ul style="list-style-type: none"> Loss of hobby craft: Up to 12 months Loss of visiting privileges: Up to 90 days <p>Battery of a CSO</p> <ul style="list-style-type: none"> Disciplinary segregation: Up to 180 days Forfeiture of good time: Up to 180 days Failure to earn incentive wages: Up to 12 months
4	Disobedience (Schedule A)	Inmates must obey the posted policies for the facility in which they are confined. They must obey signs or other notices of restricted activities in certain areas, safety rules, or other general instructions. The only valid defense for disobedience or aggravated disobedience is when the immediate result of obedience would be bodily injury. This defense includes incapacity by virtue of a certified medical reason.	<ul style="list-style-type: none"> Reprimand: At the discretion of the board Loss of electronic media player/TV: Up to 14 days Extra duty: Up to 4 days Loss of canteen privileges: Up to 14 days Loss of telephone privileges: Up to 14 days Confinement to dormitory, room or cell: Up to 14 days
5	Disobedience, Aggravated (Schedule B)	Inmates must obey direct verbal orders cooperatively and promptly and not debate, argue, or ignore orders before obeying. The last order received must be obeyed when orders conflict. Even orders the inmate believes improper must be obeyed, and grievances must be pursued through proper channels. Sanctions imposed by the disciplinary officer or the disciplinary board are to be carried out by the inmate. Violations of duty status shall be punishable under this rule as willful violation of an order from the disciplinary board. The only valid defense for disobedience or aggravated disobedience is when the immediate result of obedience would be bodily injury. This defense includes incapacity by virtue of a certified medical reason.	<ul style="list-style-type: none"> Disciplinary segregation: Up to 60 days Forfeiture of good time: Up to 90 days Failure to earn incentive wages: Up to 12 months
6	Disorderly Conduct (Schedule A)	All boisterous behavior is forbidden. This includes, but is not limited to, horseplay, rowdy, or unruly conduct. Inmates shall not jump ahead or cut into lines at the canteen, recreational activities, dining or kitchen area, or during group movements of inmates. Visitors and guests shall be treated courteously and shall not be subjected to disorderly or intrusive conduct. Inmates shall not communicate verbally into or out of cellblocks or other housing areas.	<ul style="list-style-type: none"> Reprimand: At the discretion of the board Loss of electronic media player/TV: Up to 14 days Extra duty: Up to 4 days Loss of canteen privileges: Up to 14 days Loss of telephone privileges: Up to 14 days Confinement to dormitory, room or cell: Up to 14 days
7	Disrespect (Schedule A)	<p>Employees, visitors, guests, or their families shall not be subject to disrespectful conversation, correspondence, phone call, actions, or gestures. Inmates shall address employees, visitors, guests or their families by proper title or rank or by "Mr.," "Mrs.," or "Miss," whichever is appropriate.</p> <p>Inmates shall not engage in, or make an attempt to engage in, a non-professional relationship with an employee, visitor, guest, their families, or other person an inmate may come in contact with while incarcerated.</p>	<ul style="list-style-type: none"> Reprimand: At the discretion of the board Loss of electronic media player/TV: Up to 14 days Extra duty: Up to 4 days Loss of canteen privileges: Up to 14 days Loss of telephone privileges: Up to 14 days Confinement to dormitory, room or cell: Up to 14 days
8	Escape or Attempt to Escape (Schedule B)	<p>Note: All costs associated with an escape may be recovered through the appropriate imposition of restitution procedures.</p> <p>A. Attempted Escape: The attempt to commit a simple or aggravated escape as defined herein.</p> <p>B. Simple Escape: The intentional, unauthorized departure of an inmate under circumstances in which human life was not endangered, including but not limited to: from the grounds of an institution, a designated area or place within an institution, the custody of a corrections' employee while off the grounds of an institution or the custody of any law enforcement officer; the departure of a transitional work program inmate from the designated area where he is legally confined; the failure of an inmate participating in a transitional work program to report or return from his planned employment or other activity at the appointed time, or who leaves the job site or any other location where he is approved and expected to be for any reason without permission. This includes leaving without authorization from any penal and correctional facility, community rehabilitation center, transitional work program, hospital, clinic, and any and all programs where inmates are legally assigned.</p>	<p>Attempted Escape</p> <ul style="list-style-type: none"> Disciplinary segregation: Up to 180 days Forfeiture of good time: Up to maximum of all good time earned on the portion of the sentence served prior to the escape Failure to earn incentive wages: Up to 12 months <p>Simple Escape</p> <ul style="list-style-type: none"> Disciplinary segregation: Up to 180 days Forfeiture of good time: Up to maximum of all good time earned on the portion of the sentence served prior to the escape. Failure to earn incentive wages: Up to 12 months <p>Aggravated Escape</p>

Rule No.	Rule Name	Description	Maximum Sanction
		C. Aggravated Escape: The intentional, unauthorized departure of an inmate under circumstances in which human life was endangered, including but not limited to: from the grounds of an institution, a designed area or place within an institution, the custody of a corrections' employee while off the grounds of an institution or the custody of any law enforcement officer; the departure of a transitional work program inmate from the designated area where he is legally confined; the failure of an inmate participating in a transitional work program to report or return from his planned employment or other activity at the appointed time, or who leaves the job site or any other location where he is approved and expected to be for any reason without permission. This includes leaving without authorization from an penal and correctional facility, community rehabilitation center, transitional work program, hospital, clinic, and any and all programs where inmates are legally assigned. For the purpose of this rule, the commission of a crime while on escape status constitutes aggravated escape.	<ul style="list-style-type: none"> Disciplinary segregation: Up to 180 days Forfeiture of good time: Up to maximum of all good time earned on the portion of the sentence served prior to the escape Failure to earn incentive wages: Up to 12 months
9	Rescinded		
10	Fighting (Schedule B)	<p>Hostile physical contact or attempted physical contact is not permitted. This includes fist fighting, shoving, wrestling, kicking, and other such behavior. Contact does not necessarily have to be made for this rule to be violated.</p> <p>Self-defense clarification: Self-defense is a complete defense and can be established to the board by the inmate demonstrating that his actions did not exceed those necessary to protect himself from injury.</p>	<ul style="list-style-type: none"> Disciplinary segregation: Up to 30 days Forfeiture of good time: Up to 90 days Failure to earn incentive wages: Up to 12 months Loss of hobby craft: Up to 12 months Loss of visiting privileges: Up to 90 days
11	Fighting, Aggravated (Schedule B)	<p>Inmates shall not fight with each other using any object as a weapon (including any liquid or solid substances thrown or otherwise projected on or at another person). When two or more inmates attack another inmate without using weapons, the attackers are in violation of this rule, as are all participants in a group or gang fight. The use of teeth will also be sufficient to constitute a violation of this rule. No inmate shall intentionally inflict serious injury or death upon another inmate. Contact does not necessarily have to be made for this rule to be violated.</p> <p>Self-defense clarification: (Refer to clarification under rule no. 10).</p>	<ul style="list-style-type: none"> Disciplinary segregation: Up to 180 days Forfeiture of good time: Up to 90 days Failure to earn incentive wages: Up to 12 months
12	Gambling (Schedule B)	No inmate shall operate or participate in any game of chance involving bets or wagers or goods or other valuables. Possession of one or more gambling tickets or stubs for football or any other sport is a violation. No inmate shall operate a book-making scheme. Possession of gambling sheets with a list of names or codes, point spreads, how much owed, or how much wagered will be considered a violation.	<ul style="list-style-type: none"> Forfeiture of good time: Up to 90 days Failure to earn incentive wages: Up to 12 months Loss of hobby craft: Up to 12 months Loss of visiting privileges: Up to 90 days
13	Rescinded		
14	Intoxication (Schedule B)	No inmate shall be under the influence of any intoxicating substance while in physical custody. Evidence of intoxication may include, but is not limited to, redness in eyes, slurred speech, odor of alcohol, elation, unsteady gait, boisterous behavior, being amused for no apparent reason, hysteria, being in a stupor, daze, or trance.	<ul style="list-style-type: none"> Disciplinary segregation: Up to 60 days Forfeiture of good time: Up to 90 days Failure to earn incentive wages: Up to 12 months
15	Rescinded		
16	Rescinded		
17	Property Destruction (Schedule B)	No inmate shall destroy the property of others or of the state. No inmate shall alter his own property when the result of such alteration is to render the article unsuitable according to property guidelines. Flooding an area and the shaking of doors or "racking down" are not permitted. Standing or sitting on face bowls is a violation. Whether or not the inmate intended to destroy the property and the degree of negligence involved may be utilized in defense of the charge.	<ul style="list-style-type: none"> Disciplinary segregation: Up to 60 days Loss of minor privilege: Up to 12 weeks Confinement to dormitory, room, or cell: Up to 30 days Extra duty: Up to 8 days Forfeiture of good time: Up to 90 days Failure to earn incentive wages: Up to 12 months Loss of hobby craft: Up to 12 months Loss of visiting privileges: Up to 90 days
18	Rescinded		
19	Self-Mutilation (Schedule B)	<p>No inmate shall deliberately inflict or attempt to inflict injury upon himself or upon another consenting inmate or consent to have an injury inflicted upon him. Tattoos, piercing of any parts of the body, branding, scarring, and alterations to teeth are specifically included in this rule.</p> <p>Clear and obvious suicide, attempted suicide, or self-harm related to mental distress shall not be considered a violation of this rule.</p>	<ul style="list-style-type: none"> Loss of minor privilege: Up to 12 weeks Confinement to dormitory, room or cell: Up to 30 days Extra duty: Up to 8 days Forfeiture of good time: Up to 90 days Failure to earn incentive wages: Up to 12 months

Rule No.	Rule Name	Description	Maximum Sanction
			<ul style="list-style-type: none"> Loss of hobby craft: Up to 12 months Loss of visiting privileges: Up to 90 days
20	Rescinded		
21	Sex Offenses, Aggravated (Schedule B)	<p>Nonconsensual or consensual sexual acts involving inmate-on-inmate, inmate-on-staff, or non-incarcerated person is strictly prohibited. Contact by any inmate of any person without the person’s consent or of a person who is unable to consent or refuse through coercion is strictly prohibited. There can be no consensual sex in a custodial or supervisory relationship. The following sexual behaviors are prohibited and the provisions of department regulation no. OP-A-15 (Prison Rape Elimination Act) shall be followed for all allegations of a violation of Subparts A, B, C, and D.</p> <p>A. Nonconsensual Sexual Act (inmate-on-inmate): Contact between the penis and the vagina and the anus including penetration, however slight; contact between the mouth and the penis, vagina, anus, groin, breast, inner thigh or buttocks; penetration of the anal and/or genital opening of another inmate by a hand, finger, or other object. No inmate shall sexually harass another inmate by force or threat of force.</p> <p>B. Abusive Sexual Contact (inmate-on-inmate): Contact such as, but not limited to, intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, buttocks, or mouth of any person. No inmate shall sexually assault another inmate by force or threat of force.</p> <p>C. Sexual Misconduct (inmate-on-inmate): Contact or attempted contact between the penis and the vagina or the penis and the anus including penetration or attempted penetration, however slight; contact or attempted contact between the mouth and the penis, vagina, or anus; penetration or attempted penetration of the anal or genital opening of another inmate by a hand, finger or other object; carnal copulation by two or more inmates with each other, or by one or more inmates with an implement or animal; two or more inmates who have clearly been interrupted immediately before or after carnal copulation. Use of the genital organs of one of the inmates is sufficient to constitute the offense. Inmates may not participate in any sexual activity with each other.</p> <p>D. Sexual Misconduct (inmate-on-staff or non-incarcerated person): Contact or attempted contact between the penis and the vagina or the penis and the anus including penetration or attempted penetration, however slight; contact or attempted contact of the mouth and the penis, vagina or anus; penetration or attempted penetration of the anal or genital opening of another person by a hand, finger, or other object; two or more persons who have clearly been interrupted immediately before or after carnal copulation. Inmates may not participate in any sexual activity with staff or non-incarcerated persons.</p> <p>E. Obscenity: No inmate shall intentionally expose the genital organs or masturbate in view of staff or non-incarcerated persons.</p> <p>F. Other Prohibited Sexual Behavior (inmate- on-inmate, inmate-on-staff or non-incarcerated person): No inmate shall make sexual remarks, gestures, or sounds; flirt; exchange personal items or make sexual threats in conversation by correspondence or telephone.</p> <p>G. Overt display of affection in a manner that may elicit sexual arousal with anyone is prohibited.</p>	<p>A</p> <ul style="list-style-type: none"> Disciplinary segregation: Up to 180 days Forfeiture of good time: Up to 90 days Failure to earn incentive wages: Up to 12 months <p>B</p> <ul style="list-style-type: none"> Disciplinary segregation: Up to 90 days Forfeiture of good time: Up to 90 days Failure to earn incentive wages: Up to 12 months <p>C</p> <ul style="list-style-type: none"> Disciplinary segregation: Up to 90 days Forfeiture of good time: Up to 90 days Failure to earn incentive wages: Up to 12 months <p>D</p> <ul style="list-style-type: none"> Disciplinary segregation: Up to 90 days Forfeiture of good time: Up to 90 days Failure to earn incentive wages: Up to 12 months <p>E, F, G</p> <ul style="list-style-type: none"> Disciplinary segregation: Up to 90 days Forfeiture of good time: Up to 90 days Failure to earn incentive wages: Up to 12 months
22	Theft (Schedule B)	<p>No inmate shall steal from anyone.</p> <p>Fraud or the deliberate misrepresentation of fact to secure material return, special favors, or considerations is also a form of theft.</p> <p>An inmate who knowingly submits clear and obvious false information to any employee within the Department of Public Safety and Corrections is guilty of this violation.</p> <p>No inmate shall have stolen items under his immediate control. No inmate shall have institutional property – including food – under his immediate control unless he has specific permission. (Refer to rule no. 1 for the definition of “area of immediate control”).</p>	<ul style="list-style-type: none"> Confinement to dormitory, room or cell: Up to 30 days Extra duty: Up to 8 days Disciplinary segregation: Up to 90 days Forfeiture of good time: Up to 90 days Failure to earn incentive wages: Up to 12 months Loss of hobby craft: Up to 12 months Loss of visiting: Up to 90 days
23	Forgery (Schedule B)	<p>Forgery, which is a form of theft, is the unauthorized altering or signing of a document to secure material return or special favors or considerations. The very act of forgery will constitute proof of the crime. The forgery need not have been successful in its conclusion.</p>	<ul style="list-style-type: none"> Confinement to dormitory, room or cell: Up to 30 days Extra duty: Up to 8 days Disciplinary segregation: Up to 90 days Forfeiture of good time: Up to 90 days Failure to earn incentive wages: Up to 12 months Loss of hobby craft: Up to 12

Rule No.	Rule Name	Description	Maximum Sanction
			months <ul style="list-style-type: none"> Loss of visiting: Up to 90 days
24	Unauthorized Area (Schedule B)	An inmate must be in the area in which he is authorized to be at that particular time and date, or he is in an unauthorized area. No inmate shall go into any housing unit other than that to which he is assigned unless he has permission. This includes standing in the doorway.	<ul style="list-style-type: none"> Confinement to dormitory, room or cell: Up to 30 days Extra duty: Up to 8 days Disciplinary segregation: Up to 90 days Forfeiture of good time: Up to 90 days Failure to earn incentive wages: Up to 12 months
25	Rescinded		
26	Unsanitary Practices (Schedule A)	Inmates must maintain themselves, their clothing, and their shoes in as presentable a condition as possible under prevailing circumstances. Each inmate is responsible for keeping his bed and bed area reasonably clean, neat, and sanitary. Beds will be made according to the approved posted policy at the facility. Inmates must wear shoes or boots and cannot wear shirts that leave the armpits exposed or shorts into the kitchen or dining area. Chewing gum in the kitchen or dining area is prohibited.	<ul style="list-style-type: none"> Reprimand: At the discretion of the board Loss of electronic media player/TV: Up to 14 days Extra duty: Up to 4 days Loss of canteen privileges: Up to 14 days Loss of telephone privileges: Up to 14 days Confinement to dormitory, room or cell: Up to 14 days
27	Work Offenses (Schedule A)	Inmates must perform their assigned tasks with reasonable speed and efficiency. Though inmates have specific job assignments, it may be required that they do work other than what their job assignments require. This work shall also be done cooperatively and with reasonable speed and efficiency. Being present, but failing to answer at the proper time during work roll call is a violation. A school assignment is considered to be a work assignment for the purpose of this rule.	<ul style="list-style-type: none"> Reprimand: At the discretion of the board Loss of electronic media player/TV: Up to 14 days Extra duty: Up to 4 days Loss of canteen privileges: Up to 14 days Loss of telephone privileges: Up to 14 days Confinement to dormitory, room or cell: Up to 14 days
28	Work Offenses, Aggravated (Schedule B)	An inmate who refuses to work or to go out to work or who asks to go to segregation rather than work, or otherwise participates in or advocates a work stoppage, is in violation of this rule, as is an inmate who disobeys repeated instructions as to how to perform his work assignment. Hiding out from work or leaving the work area without permission is a violation. Falling far short of fulfilling reasonable work quotas is not permitted. Being absent or late for work roll call without a valid excuse such as a no duty status or callout is a violation, as is not reporting for extra duty assignment. Being late to work or to school assignment is a violation. A school assignment is considered to be a work assignment for the purposes of this rule.	<ul style="list-style-type: none"> Confinement to dormitory, room or cell: Up to 30 days Extra duty: Up to 8 days Disciplinary segregation: Up to 180 days Forfeiture of good time: Up to 90 days Failure to earn incentive wages: Up to 12 months Loss of hobby craft: Up to 12 months
29	Disturbance (Schedule B)	No inmate shall create or participate in a disturbance. No inmate shall incite any other person to create or participate in a disturbance. A disturbance is defined as two or more inmates involving acts of force or violence toward persons or property or acts of resistance to the lawful authority of correctional officers or other law enforcement officers under circumstances which present a threat of injury to persons, property, or to the security and good order of the institution	<ul style="list-style-type: none"> Forfeiture of good time: Up to 90 days Disciplinary segregation: Up to 180 days Failure to earn incentive wages: Up to 12 months Loss of hobby craft: Up to 12 months
30	General Prohibited Behaviors (Schedule A)	Any behavior not specifically enumerated herein that may impair or threaten the security or stability of the unit or well-being of an employee, visitor, guest, inmate, or their families.	<ul style="list-style-type: none"> Reprimand: At the discretion of the board Loss of electronic media player/TV: Up to 14 days Extra duty: Up to 4 days Loss of canteen privileges: Up to 14 days Loss of telephone privileges: Up to 14 days Confinement to dormitory, room or cell: up to 14 days Failure to earn incentive wages: Up to 3 weeks Loss of yard or recreation activities: Up to 14 days Loss of other minor privileges: Up to 14 days
31	Unauthorized Use of an Authorized Item (Schedule A)	<p>A. No inmate shall use telephones, computers, or office equipment without approval.</p> <p>B. No inmate shall establish or maintain an account of any internet-based social networking website, as well as unauthorized access to any internet network; however, this shall not include social media accounts maintained by an outside third party on behalf of the inmate.</p> <p>C. No inmate shall be in possession of another inmate's legal work or</p>	<ul style="list-style-type: none"> Reprimand: At the discretion of the board Loss of electronic media player/TV: Up to 14 days Extra Duty: Up to 4 days Loss of canteen privileges: Up to 14 days Loss of telephone privileges: Up to 14 days

Rule No.	Rule Name	Description	Maximum Sanction
		<p>purchase or trade for inmate legal services when not assigned as a counsel substitute or when not approved by the warden. No inmate shall give or receive anything of value relative to the provision of paralegal services. No inmate shall perform or be in possession of staff legal work.</p> <p>D. Radios or tape players, CD players or other electronic media players, department-approved tablets, or other electronic devices must be used in accordance with the posted policies of the facility. In addition to any sanction that may be imposed by the disciplinary officer or disciplinary board, the ranking employee on duty may confiscate the device for a period of up to 30 days.</p> <p>E. No Inmate shall disassemble or otherwise alter any tablet, including its software or hardware, and shall preserve the tablet in its original condition. No inmate shall have in their possession material regarding the modification of tablet hardware or software. No inmate shall possess a tablet assigned to another inmate. No inmate shall utilize any tablet or kiosk for prohibited communication with any other inmate or staff. Use of wireless connections (WiFi) for tablets is restricted to the contract vendor's routers only. Connecting to any other wireless connection is prohibited. Inmates shall sync tablets to a kiosk within the required 30 day period in order to ensure that the software remains updated in accordance with department requirements. No inmate shall use their tablet or kiosk privileges in a manner that threatens the safe and secure operation of the facility.</p>	<ul style="list-style-type: none"> • Confinement to dormitory, room or cell: Up to 14 days • Failure to earn incentive wages: Up to 3 weeks • Loss of yard or recreation activities: Up to 14 days • Loss of other minor privileges: Up to 14 days • Suspension of tablet and kiosk privileges (31E only): Up to 90 days • Revocation of tablet and kiosk privileges (31 E only)
32	Gang Affiliation (Schedule B)	No inmate shall advocate membership in a gang, or participate in any gang-related activities, including any form of gang or group identification or signaling.	<ul style="list-style-type: none"> • Forfeiture of good time: Up to 90 days • Disciplinary segregation: Up to 180 days • Failure to earn incentive wages: Up to 12 months • Loss of hobby craft: Up to 12 months
33	Prohibited Communication (Schedule A)	<p>No inmate shall communicate or visit with any person when not approved or communicate with any person after being given instructions not to communicate with that person.</p> <p>No inmate shall make unsolicited contact or attempted contact with the victims of the inmate's criminal activity or any immediate family member of the victim</p>	<ul style="list-style-type: none"> • Reprimand: At the discretion of the board • Loss of electronic media player/TV: Up to 14 days • Extra duty: Up to 4 days • Loss of canteen privileges: Up to 14 days • Loss of telephone privileges: Up to 14 days • Confinement to dormitory, room or cell: Up to 14 days • Failure to earn incentive wages: Up to 3 weeks • Loss of yard or recreation activities: Up to 14 days • Loss of other minor privileges: Up to 14 days
34	Trafficking (Schedule B)	No inmate shall commit trafficking of drugs alcohol, stolen goods, sexual activity, or persons for the purpose of sexual activity.	<ul style="list-style-type: none"> • Disciplinary segregation: Up to 180 days • Forfeiture of good time: Up to 90 days • Failure to earn incentive wages: Up to 12 months • Loss of hobby craft: Up to 12 months • Loss of visiting privileges: Up to 90 days
35	Arson (Schedule B)	Intentionally starting, causing, assisting in the creation of any fire, heat, or spark of any nature by any means or methods, or attempting to start a fire or attempting to heat substances utilizing electrical or mechanical devices or any other means, other than in the performance of an approved work assignment.	<ul style="list-style-type: none"> • Forfeiture of good time: Up to 90 days • Disciplinary segregation: Up to 180 days • Failure to earn incentive wages: Up to 12 months • Loss of hobby craft: Up to 12 months
36	Failure to Cooperate with an Investigation (Schedule A)	No inmate shall deliberately refuse to cooperate with a department employee who is exercising his investigative authority where there is probable cause to believe that the inmate witnessed, or otherwise has knowledge of, relevant facts or circumstances pertaining to an event being investigated by the department.	<ul style="list-style-type: none"> • Reprimand: At the discretion of the board • Loss of electronic media player/TV: Up to 14 days • Extra duty: Up to 4 days • Loss of canteen privileges: Up to 14 days • Loss of telephone privileges: Up to 14 days • Confinement to dormitory, room or cell: Up to 14 days
37	Bribery or Coercion	Bribing, influencing or coercing anyone to violate institutional policies	<ul style="list-style-type: none"> • Reprimand: At the discretion of the

Rule No.	Rule Name	Description	Maximum Sanction
	(Schedule A)	procedures, rules, or state and federal laws, or attempt to do so.	board • Loss of electronic media player/TV: Up to 14 days • Extra duty: Up to 4 days • Loss of canteen privileges: Up to 14 days • Loss of telephone privileges: Up to 14 days • Confinement to dormitory, room or cell: Up to 14 days

J. Inmate Rights and Responsibilities

1. the right to be given a written copy of the disciplinary report at least 24 hours before the hearing. The disciplinary report shall describe the contents of the charges against the inmate. The inmate may waive this right in writing;

2. the right to a hearing within 72 hours of placement in segregation for a rule violation;

Note: See Section G. Disciplinary Hearings and Sanctions, Section 3(c) for specific instructions regarding the 72 Hour Rule.

3. the right to counsel substitute for all alleged violations and the right to outside retained counsel, if the alleged violation is one for which the inmate could also be charged in a criminal court;

4. the right to not be compelled to incriminate himself;

5. the right to present evidence and witnesses on his behalf and to request cross-examination of the accuser provided such request is relevant, not repetitious, not unduly burdensome to the institution, and not unduly hazardous to staff or inmate safety. The board has the option of stipulating expected testimony from witnesses. In such cases, the record of the hearing shall contain a statement indicating the nature of the stipulated testimony. The board should assign proper weight to such testimony as though the witness had actually appeared. The accusing employee must be summoned when the report is based solely on information from confidential informants, if such a motion is raised;

6. the right to an unbiased hearing. Any chairman or member directly involved in the incident, who is biased for or against the accused, or who is in a therapeutic relationship with the inmate that would be jeopardized by the therapist's presence on the disciplinary board, cannot hear the case unless the accused waives recusal in writing or verbally on the record. Performance of a routine administrative duty does not necessarily constitute direct involvement or bias;

7. the right to enter a separate plea to each rule violation for which he is charged;

8. the right to a written summary of the evidence and reasons for the judgment, including reasons for the sanction imposed, when the accused entered a plea of not guilty and was found guilty by the disciplinary board. The convicted inmate shall be given or sent a written summary;

9. the right to appeal the decision consistent with the appropriate appeal procedure.

AUTHORITY NOTE: Promulgated in accordance with R.S. 15:823, *Wolff v. McDonnell*, 94 S.Ct. 2963 (1974), *Ralph v. Dees*, C.A. 71-94, USDC (Md. La.) and *Sandin v. Conner*, 115 S.Ct. 2293 (1995).

HISTORICAL NOTE: Promulgated by the Department of Corrections, Office of Adult Services, LR 27:413 (March 2001), amended by the Department of Public Safety and Corrections,

Corrections Services, LR 34:2194 (October 2008), LR 39:3309 (December 2013), LR 40:1010 (May 2014), repromulgated LR 40:1104 (June 2014), amended LR 50:1650 (November 2024).

James M. Le Blanc
Secretary

2411#020

RULE

**Department of Public Safety and Corrections
Office of Management and Finance**

**Firemen Supplemental Pay
(LAC 55:XV.Chapters 1, 3, 5, 7, and 9)**

In accordance with the emergency provisions of R.S. 36:404, and 40:1666 et seq., the Department of Public Safety and Corrections, Public Safety Services, Office of Management and Finance (department) hereby amends warrant and payroll procedures for Firemen Supplemental Pay, authorized and administered pursuant to 36:404, and 1666 et seq., 2022 regular session of the legislature. Prior to enactment of 36:404, and 1666 et seq., the law required the fire chief of the respective municipality, parish, or fire protection district to forward all approved and certified supplemental pay warrants to the secretary of the Department of Public Safety and Corrections, Public Safety Services, Office of Management and Finance, on the basis of such warrants, the secretary of the department had to prepare, sign, and issue individual checks representing the amount to be paid out of state funds to each recipient. Each such check showed the legislative appropriation from which payment was made and noted that it represents additional compensation paid by the state. Checks were required to be delivered by mail to the individual recipients in whose favor it was drawn. Many instances were recorded where recipients of supplemental pay were either underpaid or overpaid. These cases primarily arose from miscommunication in the trilateral relationship between the department, employer, and recipient. Where underpayments occurred, the remediation process was protracted, unduly burdensome and, in some cases, significantly adversely affected the financial health, safety or wellbeing of the recipient. Where overpayments occurred, the claw-back period of collecting funds was likewise protracted thereby affecting the department's budget and funding of services and, ultimately, affected the state fiscal year. The utility of the former process was far outweighed by the gravity of harm often suffered by recipients of supplemental pay and the state.

The legislature recognized the detrimental effects of the former process and enacted laws to streamline the procedures and bring about immediacy when financial errors are being corrected. The new law eliminated the trilateral process where the department paid supplemental pay directly to the recipient based on information provided by the municipality, parish, or fire protection district (governing authority). The new law streamlined the process by requiring the governing authority to furnish warrant information to the department and then the department pays the total sum of the warrants solely to the governing authority. The governing authority then distributes the supplemental pay directly to its individual recipients. When there is an error, the governing authority and recipient can remediate the problem without the need for intervention by the department. The expedited process is important, particularly where a financial error affects the home mortgage, utility bills, or prescriptive medication of a recipient. It improves departmental budgeting procedures by making line item allowances predictable, and with greater accuracy in reporting to departmental auditors and legislative oversight bodies.

This Rule provides clarity for the procedural operations by recognizing modern technological methods for delivery of supplemental pay, e.g., direct deposit to the recipient's financial institution. Moreover, this Rule clarifies how warrants are to be processed, how changes are to be made, notification of changes to employment status, and eligibility requirements for the receipt thereof, all limited by the provisions of 36:404, and 1666 et seq. This Rule is hereby adopted on the day of promulgation.

Title 55

PUBLIC SAFETY

Part XV. Firemen Supplemental Pay

Chapter 1. Warrants

§101. Purpose

A. The warrant consists of a list of all recipients in the municipality who are currently receiving supplemental pay and a signature sheet. The warrant is the municipality's authorization for the department to pay the listed recipients for the following month. Warrants will be issued by the department on a monthly basis.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:404, and 40:1666 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Public Safety Services, LR 13:246 (April 1987), amended by the Department of Public Safety and Corrections, Office of Management and Finance, LR 50:1664 (November 2024).

§103. Who is Required to Sign the Warrants

A. Two officials must sign every warrant authorizing payment of supplemental pay in addition to the preparer. The fire chief is required to sign the warrant as the approving officer. The mayor or parish president/fire board president is required to sign the warrant as the certifying officer. The preparer must hold an administrative position, such as payroll/human resources/financial.

B. The department will request an updated document of authorized signatures annually. The municipality must notify the department whenever there is a change to the person or persons authorized to sign.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:404, and 40:1666 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Public Safety Services, LR 13:246 (April 1987), amended by the Department of Public Safety and Corrections, Office of Management and Finance, LR 50:1664 (November 2024).

§105. Extent of Municipalities' Obligation

A. The department shall remit the supplemental pay for employees listed on the warrant to the recipient(s). If the department overpays the recipient(s) as a result of any changes in the employee's employment status, the applicable municipality will be invoiced and shall promptly reimburse the department for the amount of the overpayment. If an overpayment is not a result of error by the municipality, parish, or fire protection district, the department shall collect the overpayment from the recipient(s). If the recipient's mailing address is undeliverable, the department shall collect such overpayment from the municipality, parish, or fire protection district. The municipality, parish, or fire protection district shall use extreme care in ascertaining each recipient's eligibility for the next month prior to certifying and submitting the warrant.

B. Each person who prepares, signs, or submits any supplemental pay form or document on behalf of a municipality, parish, or fire protection district is hereby deemed to acknowledge understanding the following legal ramifications.

C. The submission of a supplemental pay form or document and the contents therein constitutes the filing or depositing of a public record pursuant to R.S. 14:132 and R.S. 14:133. Intentionally submitting false information, forging the documents, or wrongfully altering the documents and the contents therein may constitute a violation of applicable provisions of criminal law, including but not limited to R.S. 14:132 or R.S. 14:133, or both, and may subject the submitting party or parties to felony criminal prosecution, criminal fines, and criminal restitution.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:404, and 40:1666 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Public Safety Services, LR 13:246 (April 1987), amended by the Department of Public Safety and Corrections, Office of Management and Finance, LR 50:1664 (November 2024).

§107. How to Indicate Changes

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 33:2006 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Public Safety Services, LR 13:246 (April 1987), repealed by the Department of Public Safety and Corrections, Office of Management and Finance, repealed LR 50:1664 (November 2024).

§109. Due Date

A. The approved and certified warrants must be returned to the department by close of business on the fifteenth day of the month. If the fifteenth day of the month falls on a Saturday, Sunday, or a legal holiday, the warrant must be received by the Friday immediately thereto. If the warrant is not received by the deadline, the recipients shall be placed in deferment and shall not receive any payments until the municipality is in compliance.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:404, and 40:1666 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Public Safety Services, LR 13:246 (April 1987), amended by the Department of Public Safety and Corrections, Office of Management and Finance, LR 50:1664 (November 2024).

Chapter 3. Applications

§301. Requirements

A. The municipality is required to submit all applications online through the SuMPay portal, using the most current forms and instructions on the department's website.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:404, and 40:1666 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Public Safety Services, LR 13:246 (April 1987), amended by Department of Public Safety and Corrections, Public Safety Services, Office of Management and Finance, LR 50:1665 (November 2024).

§303. Prior Service

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 33:2006 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Public Safety Services, LR 13:246 (April 1987), repealed by the Department of Public Safety and Corrections, Office of Management and Finance, LR 50:1665 (November 2024).

§305. When to Submit Applications to Public Safety

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 33:2006 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Public Safety Services, LR 13:246 (April 1987), repealed amended by the Department of Public Safety and Corrections, Office of Management and Finance, LR 50:1665 (November 2024).

Chapter 5. Changes in Status

§501. When to Notify the Department

A. Notification of any change in employment or pay status must be received within fifteen days of the effective date of the change. These changes may be indicated on the warrant if time permits, if not, notification must be made via an official electronic means. Supporting documentation must be provided.

B. Changes in employment status include but are not limited to:

1. resignations/retirements/death;
2. suspensions;
3. leave without pay;
4. change in duties;
5. classification/job title changes;
6. workmen's compensation;
7. military leave;
8. furlough;
9. reinstatement/return from any of the above;

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:404, and 40:1666 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Public Safety Services, LR 13:246 (April 1987), amended by the Department of Public Safety and Corrections, Office of Management and Finance, LR 50:1665 (November 2024).

§503. Resignations

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 33:2006 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Public Safety Services, LR 13:246 (April 1987), repealed by the Department of Public Safety and Corrections, Office of Management and Finance, LR 50:1665 (November 2024).

§505. Suspensions

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 33:2006 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Public Safety Services, LR 13:246 (April 1987), repealed by the Department of Public Safety and Corrections, Office of Management and Finance, LR 50:1665 (November 2024).

§507. Leave without Pay

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 33:2006 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Public Safety Services, LR 13:246 (April 1987), repealed by the Department of Public Safety and Corrections, Office of Management and Finance, LR 50:1665 (November 2024).

§509. Change in Duties

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 33:2006 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Public Safety Services, LR 13:246 (April 1987), repealed by the Department of Public Safety and Corrections, Office of Management and Finance, LR 50:1665 (November 2024).

§511. Change in Classification/Title

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 33:2006 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Public Safety Services, LR 13:246 (April 1987), repealed by the Department of Public Safety and Corrections, Office of Management and Finance, LR 50:1665 (November 2024).

§513. Workmen's Comp

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 33:2006 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Public Safety Services, LR 13:246 (April 1987), repealed by the Department of Public Safety and Corrections, Office of Management and Finance, LR 50:1665 (November 2024).

§515. Death

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 33:2006 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Public Safety Services, LR 13:246 (April 1987), repealed by the Department of Public Safety and Corrections, Office of Management and Finance, LR 50:1665 (November 2024).

Chapter 7. Reinstatements

§701. Reinstatement from Suspension

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 33:2006 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Public Safety Services, LR 13:246 (April 1987), repealed by the Department of Public Safety and

Corrections, Office of Management and Finance, LR 50:1665 (November 2024).

§703. Reinstatement from Resignation

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 33:2006 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Public Safety Services, LR 13:246 (April 1987), repealed by the Department of Public Safety and Corrections, Office of Management and Finance, LR 50:1666 (November 2024).

§705. Reinstatement from Workmen's Comp

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 33:2006 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Public Safety Services, LR 13:246 (April 1987), repealed by the Department of Public Safety and Corrections, Office of Management and Finance, LR 50:1666 (November 2024).

§707. Reinstatement from L.W.O.P.

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 33:2006 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Public Safety Services, LR 13:246 (April 1987), repealed by the Department of Public Safety and Corrections, Office of Management and Finance, LR 50:1666 (November 2024).

Chapter 9. Eligibility and Board Approval

§901. Eligibility Requirements for Supplemental Pay

A. The eligibility requirements for supplemental pay are regulated by state statute, R.S. 40:1666.1, and approved by the board of review. The board is mandated to follow all state statutes.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:404, and 40:1666 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Public Safety Services, LR 13:246 (April 1987), amended by the Department of Public Safety and Corrections, Office of Management and Finance, LR 50:1666 (November 2024).

§903. Board Approval of Applications

A. All applications, for supplemental pay are subject to board approval. Applicants whose job duties and/or classifications are among those the board routinely approves are placed on the payroll in the appropriate month prior to board approval. The board meets quarterly and approves these routine additions to the payroll for the quarter just ended. Applicants whose duties and/or classifications are not among those the board routinely approves or applications with questionable information are put before the board for an eligibility ruling.

B. In the event of an application being put before the board, the municipality is notified of the meeting and is invited to attend and participate in any discussion pertaining to the application. The municipality and applicant are also notified of the board's decision.

C. Decisions of the board are final as per R.S. 40:1666.8. However, the employee has the right to appeal a board's decision. Written notice of intent to appeal the board's decision must be submitted to the department no later than 30 days after receipt of the denial letter. The appeal shall be included on the next regular meeting agenda. See §913 for information on the policies of the board on "Back Pay".

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:404, and 40:1666 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Public Safety Services, LR 13:246 (April 1987), amended by the Department of Public Safety and Corrections, Office of Management and Finance, LR 50:1666 (November 2024).

§904. Daily Rate Calculation

A. Supplemental pay shall be prorated for the number of days worked using the current daily scale when supplemental pay recipient works less than a full month. State supplemental pay shall be distributed monthly based on a 30-day cycle. When the daily rate (current monthly pay amount divided by 30 days) is calculated, the recipient will be paid for the number of days in the month. The most recent pay grid shall be posted to the SuMPay website.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:404, and 40:1666 et seq.

HISTORICAL NOTE: Promulgated by Department of Public Safety and Corrections, Public Safety Services, Office of Management and Finance, LR 50:1666 (November 2024).

§905. Waiting Period for New Employees

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 33:2006 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Public Safety Services, LR 13:246 (April 1987), repealed by the Department of Public Safety and Corrections, Office of Management and Finance, LR 50:1666 (November 2024).

§907. Step Increases

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 33:2006 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Public Safety Services, LR 13:246 (April 1987), repealed by the Department of Public Safety and Corrections, Office of Management and Finance, LR 50:1666 (November 2024).

§909. Cut Off Date for Raises

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 33:2006 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Public Safety Services, LR 13:246 (April 1987), repealed by the Department of Public Safety and Corrections, Office of Management and Finance, LR 50:1666 (November 2024).

§911. Cut Off Date for Eligibility for that Month's Check

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 33:2006 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Public Safety Services, LR 13:246 (April 1987), repealed by the Department of Public Safety and Corrections, Office of Management and Finance, LR 50:1666 (November 2024).

§913. Back Pay Policy

A. The Department of Public Safety's fiscal year ends on June 30th, therefore, Legislative approval is required for back supplemental pay beyond July. The Board of Review must approve all back supplemental pay, whether or not it extends beyond the current fiscal year.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:404, and 40:1666 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Public Safety Services, LR 13:246 (April 1987), amended by Department of Public Safety and Corrections, Public Safety Services, Office of Management and Finance, LR 50:1666 (November 2024).

§915. Stop Payments

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 33:2006 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Public Safety Services, LR 13:246 (April 1987), repealed by the Department of Public Safety and Corrections, Office of Management and Finance, LR 50:1667 (November 2024).

§917. Duplicate W-2's

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 33:2006 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Public Safety Services, LR 13:246 (April 1987), repealed by the Department of Public Safety and Corrections, Office of Management and Finance, LR 50:1667 (November 2024).

§919. Correspondence

A. All correspondence and or notifications to the department must come from the municipality, parish, or fire protection district, not the individual recipient. In all correspondence or notifications, please include the applicant or recipient's name, last four digits of social security number, and the municipality's contact information. All correspondence or notifications shall be by electronic means.

AUTHORITY NOTE: Promulgated in accordance with R.S. 33:2006 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Public Safety Services, LR 13:246 (April 1987), amended by the Department of Public Safety and Corrections, Office of Management and Finance, LR 50:1667 (November 2024).

Lt. Colonel Greg Graphia
Chief Administrative Officer

2311#004

RULE

**Department of Public Safety and Corrections
Office of Management and Finance**

**Municipal Police Officers Supplemental Pay
(LAC 55:XVII.Chapters 1, 3, 5, 7, and 9)**

In accordance with the provisions of R.S. 36:404, and 40:1667 et seq., the Department of Public Safety and Corrections, Public Safety Services, Office of Management and Finance (department) hereby amends warrant and payroll procedures for Municipal Police Officers Supplemental Pay, authorized and administered pursuant to Act 637, 2022 regular session of the legislature. Prior to enactment of Act 637, the law required the mayor of the respective municipality to forward all approved and certified supplemental pay warrants to the secretary of the Department of Public Safety and Corrections and Corrections, Public Safety Services, Office of Management and Finance, on the basis of such warrants, the secretary of the department had to prepare, sign, and issue individual

checks representing the amount to be paid out of state funds to each recipient. Each such check showed the legislative appropriation from which payment was made and noted that it represents additional compensation paid by the state. Checks were required to be delivered by mail to the individual recipients in whose favor it was drawn. Many instances were recorded where recipients of supplemental pay were either underpaid or overpaid. These cases primarily arose from miscommunication in the trilateral relationship between the department, employer, and recipient. Where underpayments occurred, the remediation process was protracted, unduly burdensome and, in some cases, significantly adversely affected the financial health, safety or wellbeing of the recipient. Where overpayments occurred, the claw-back period of collecting funds was likewise protracted thereby affecting the department's budget and funding of services and, ultimately, affected the state fiscal year. The utility of the former process was far outweighed by the gravity of harm often suffered by recipients of supplemental pay and the state.

The legislature recognized the detrimental effects of the former process and enacted laws to streamline the procedures and bring about immediacy when financial errors are being corrected. The new law eliminated the trilateral process where the department paid supplemental pay directly to the recipient based on information provided by the municipality. The new law streamlined the process by requiring the municipality to furnish warrant information to the department and then the department pays the total sum of the warrants solely to the municipality. The municipality then distributes the supplemental pay directly to its individual recipients. When there is an error, the municipality and recipient can remediate the problem without the need for intervention by the department. The expedited process is important, particularly where a financial error affects the home mortgage, utility bills, or prescriptive medication of a recipient. It improves departmental budgeting procedures by making line item allowances predictable, and with greater accuracy in reporting to departmental auditors and legislative oversight bodies.

This Rule provides clarity for the procedural operations by recognizing modern technological methods for delivery of supplemental pay, e.g., direct deposit to the recipient's financial institution. Moreover, this Rule clarifies how warrants are to be processed, how changes are to be made, notification of changes to employment status, and eligibility requirements for the receipt thereof, all limited by the provisions of Act 637. This Rule is hereby adopted on the day of promulgation.

Title 55

PUBLIC SAFETY

**Part XVII. Municipal Police Officers Supplemental Pay
Chapter 1. Warrants**

§101. Purpose

A. The warrant consists of a list of all recipients in a municipality who are currently receiving supplemental pay and a signature sheet. The warrant is the municipality's authorization for the department to pay the listed recipients for the following month. Warrants will be issued by the department on a monthly basis.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:404, and 40:1667 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, LR 13:247 (April 1987), amended by the Department of Public Safety and Corrections, Office of Management and Finance, LR 50:1667 (November 2024).

§103. Who Is Required to Sign the Warrants

A. Two officials must sign every warrant authorizing payment of supplemental pay in addition to the preparer. The police chief is required to sign the warrant as the approving officer. The mayor is required to sign the warrant as the certifying officer. The marshal is required to sign the warrant as the approving officer. The certifying officer is the mayor. The preparer must hold an administrative position, such as payroll/human resources/finance.

B. The department will request certifying signature authorizations annually. The municipality must notify the department whenever there is a change to the person or persons authorized to sign.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:404, and 40:1667 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, LR 13:247 (April 1987),—amended by the Department of Public Safety and Corrections, Office of Management and Finance, LR 50:1668 (November 2024).

§105. Extent of Municipalities' Obligation

A. The department shall remit the supplemental pay for employees listed on the warrant to the municipality. Prior to distributing payment to employees who are eligible for supplemental pay, the municipality is obligated to confirm eligibility for that specific month. If the department overpays the municipality as a result of any change in any employee's employment status, the municipality will be invoiced for the amount of the overpayment and shall promptly reimburse the department for the amount of the overpayment. The municipality shall use extreme care in ascertaining each recipient's eligibility for the next month prior to certifying and submitting the warrant.

B. Each person who prepares, signs, or submits any supplemental pay form or document on behalf of a municipality is hereby deemed to acknowledge understanding the following legal ramifications.

C. The submission of a supplemental pay form or document and the contents therein constitutes the filing or depositing of a public record pursuant to R.S. 14:132 and R.S. 14:133. Intentionally submitting false information, forging the document or wrongfully altering the document and the contents therein may constitute a violation of applicable provisions of criminal law, including but not limited to R.S. 14:132 or R.S. 14:133, or both, and may subject the submitting party or parties to felony criminal prosecution, criminal fines and criminal restitution.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:404, and 40:1667 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, LR 13:247 (April 1987), amended by the Department of Public Safety and Corrections, Office of Management and Finance, LR 50:1668 (November 2024).

§107. How to Indicate Changes

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 33:2218.7 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, LR 13:247 (April 1987), repealed by the Department of Public Safety and Corrections, Office of Management and Finance, LR 50:1668 (November 2024).

§109. Due Date

A. The approved and certified warrants must be returned to the department by the close of business on the fifteenth day of the month. If the fifteenth day of the month falls on a Saturday, Sunday, or a legal holiday, the warrant must be received immediately prior thereto. If the warrant is not received by the deadline, the municipality shall be placed in deferment and shall not receive any payments until the municipality is in compliance.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:404, and 40:1667 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, LR 13:247 (April 1987), amended by the Department of Public Safety and Corrections, Office of Management and Finance, LR 50:1668 (November 2024).

Chapter 3. Applications

§301. Requirements

A. The municipality is required to submit all applications on line through the SuMPay Portal, using the most current forms and instructions on the department's website.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:404, and 40:1667 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, LR 13:247 (April 1987), amended by the Department of Public Safety and Corrections, Office of Management and Finance, LR 50:1668 (November 2024).

§303. Prior Service

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 33:2218.7 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, LR 13:247 (April 1987), repealed by the Department of Public Safety and Corrections, Office of Management and Finance, LR 50:1668 (November 2024).

§305. POST Certification

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 33:2218.7 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, LR 13:247 (April 1987), repealed by the Department of Public Safety and Corrections, Office of Management and Finance, LR 50:1668 (November 2024).

§307. When to Submit Applications to D.P.S.

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 33:2218.7 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, LR 13:247 (April 1987), repealed by the Department of Public Safety and Corrections, Office of Management and Finance, LR 50:1668 (November 2024).

Chapter 5. Change in Status

§501. When to Notify the Department

A. Notification of any change in employment or pay status must be received within 15 days of the effective date of the change. These changes may be indicated on the warrant if time permits, if not, notification must be made via an official electronic notification. Supporting documentation must be provided. Changes in employment status include but are not limited to:

1. resignations/retirements/death;
2. suspensions;
3. leave without pay;
4. change in duties;
5. classification/job title changes;
6. workmen's compensation;

7. military leave;
8. furlough;
9. reinstatement/return from any of the above.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:404, and 40:1667 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, LR 13:247 (April 1987), amended by the Department of Public Safety and Corrections, Office of Management and Finance, LR 50:1668 (November 2024).

§503. Resignations

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 33:2218.7 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, LR 13:247 (April 1987), repealed by the Department of Public Safety and Corrections, Office of Management and Finance, LR 50:1669 (November 2024).

§505. Suspensions

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 33:2218.7 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, LR 13:247 (April 1987), repealed by the Department of Public Safety and Corrections, Office of Management and Finance, LR 50:1669 (November 2024).

§507. Leave without Pay (L.W.O.P.)

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 33:2218.7 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, LR 13:247 (April 1987), repealed by the Department of Public Safety and Corrections, Office of Management and Finance, LR 50:1669 (November 2024).

§509. Change in Duties

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 33:2218.7 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, LR 13:247 (April 1987), repealed by the Department of Public Safety and Corrections, Office of Management and Finance, LR 50:1669 (November 2024).

§511. Change in Classification/Title

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 33:2218.7 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, LR 13:247 (April 1987), repealed by the Department of Public Safety and Corrections, Office of Management and Finance, LR 50:1669 (November 2024).

§513. Workmen's Compensation

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 33:2218.7 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, LR 13:247 (April 1987), repealed by the Department of Public Safety and Corrections, Office of Management and Finance, LR 50:1669 (November 2024).

§515. Death

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 33:2218.7 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, LR 13:247 (April 1987), repealed by the Department of Public Safety and Corrections, Office of Management and Finance, LR 50:1669 (November 2024).

Chapter 7. Reinstatements

§701. Reinstatement from Suspension

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 33:2218.7 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, LR 13:247 (April 1987), repealed by the Department of Public Safety and Corrections, Office of Management and Finance, LR 50:1669 (November 2024).

§703. Reinstatement from Resignation

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 33:2218.7 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, LR 13:247 (April 1987), repealed by the Department of Public Safety and Corrections, Office of Management and Finance, LR 50:1669 (November 2024).

§705. Reinstatement from Workmen's Comp

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 33:2218.7 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, LR 13:247 (April 1987), repealed by the Department of Public Safety and Corrections, Office of Management and Finance, LR 50:1669 (November 2024).

§707. Reinstatement from L.W.O.P.

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 33:2218.7 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, LR 13:247 (April 1987), repealed by the Department of Public Safety and Corrections, Office of Management and Finance, LR 50:1669 (November 2024).

Chapter 9. Eligibility and Board Approval

§901. Eligibility Requirements for Supplemental Pay

A. The eligibility requirements for supplemental pay are regulated by state statute, R.S. 40:1667.1, and approved by the board of review. The board is mandated to follow all state statutes.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:404, and 40:1667 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, LR 13:247 (April 1987), amended by the Department of Public Safety and Corrections, Office of Management and Finance, LR 50:1669 (November 2024).

§903. Board Approval of Applications

A. All applications for supplemental pay are subject to board approval. Applicants whose job duties and/or classifications are among those the board routinely approves are placed on the payroll in the appropriate month prior to board approval. The board meets quarterly and approves these routine additions to the payroll for the quarter just ended. Applicants whose duties and/or classifications are not among those the board routinely approves or applications with questionable information are put before the board for an eligibility ruling.

B. In the event of an application being put before the board, the municipality is notified of the meeting and is invited to attend and participate in any discussion pertaining to the application. The municipality and applicant are also notified of the board's decision.

C. Decisions of the board are final as per R.S. 40:1667.6. However, the employee has the right to appeal a board decision. Written notice of intent to appeal the board's

decision must be submitted to the department no later than 30 days after receipt of the denial letter. The appeal shall be included on the next regular meeting agenda. See §913 for information on the policies of the board on "Back Pay".

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:404, and 40:1667 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, LR 13:247 (April 1987), amended by the Department of Public Safety and Corrections, Office of Management and Finance, LR 50:1669 (November 2024).

§904. Daily Rate Calculation

A. Supplemental pay shall be prorated for the number of days worked using the current daily scale when a supplemental pay recipient works less than a full month. State supplemental pay shall be distributed monthly based on a 30-day cycle. When the daily rate (current monthly pay amount divided by 30 days) is calculated, the recipient will be paid for the number of days in the month. The most recent pay grid shall be posted to the SuMPay website.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:404, and 40:1667 et seq.

HISTORICAL NOTE: Promulgated by Department of Public Safety and Corrections, Public Safety Services, Office of Management and Finance, LR 50:1670 (November 2024).

§905. Waiting Period for New Employees

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 33:2218.7 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, LR 13:247 (April 1987), repealed by the Department of Public Safety and Corrections, Office of Management and Finance, LR 50:1670 (November 2024).

§907. Step Increases

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 33:2218.7 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, LR 13:247 (April 1987), repealed by the Department of Public Safety and Corrections, Office of Management and Finance, LR 50:1670 (November 2024).

§909. Cut Off Date for Raises

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 33:2218.7 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, LR 13:247 (April 1987), repealed by the Department of Public Safety and Corrections, Office of Management and Finance, LR 50:1670 (November 2024).

§911. Cut-Off Date for Eligibility for that Month's Check

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 33:2218.7 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, LR 13:247 (April 1987), repealed by the Department of Public Safety and Corrections, Office of Management and Finance, LR 50:1670 (November 2024).

§913. Back Pay Policy

A. The department's fiscal year ends on June 30th, therefore, Legislative approval is required for back supplemental pay beyond July. The Board of Review must approve all back supplemental pay, whether or not it extends beyond the current fiscal year.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:404, and 40:1667 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Public Safety Services, LR 13:246 (April 1987), amended by Department of Public Safety and Corrections, Public Safety Services, Office of Management and Finance, LR 50:1670 (November 2024).

§915. Stop Payments

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 33:2218.7 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, LR 13:247 (April 1987), repealed by the Department of Public Safety and Corrections, Office of Management and Finance, LR 50:1670 (November 2024).

§917. Duplicate W-2's

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 33:2218.7 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, LR 13:247 (April 1987), repealed by the Department of Public Safety and Corrections, Office of Management and Finance, LR 50:1670 (November 2024).

§919. Correspondence

A. All correspondence and or notifications to the department must come from the municipality, not the individual recipient. In all correspondence or notifications, please include the applicant or recipient's name, last four digits of social security number, and the municipality's contact information. All correspondence or notifications shall be by electronic means.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:404, and 40:1667 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Public Safety Services, LR 13:246 (April 1987), amended by Department of Public Safety and Corrections, Public Safety Services, Office of Management and Finance, LR 50:1670 (November 2024).

Lt. Colonel Greg Graphia
Chief Administrative Officer

2411#005

RULE

Department of Public Safety and Corrections Office of Motor Vehicles

Reinstatement Relief Program
(LAC 55:III.1801 and 1803)

In compliance with Act 629 of the 2024 Regular Session of the Louisiana Legislature, ("Act"), the Department of Public Safety and Corrections, Office of Motor Vehicles ("OMV") is required to create a Reinstatement Relief Program to assist citizens to reinstate outstanding insurance cancellations and the related reinstatement fees. In connection with the Reinstatement Relief Program, the OMV commissioner is authorized by the Act to settle and compromise the debt citizens owe in the form of insurance cancellation fees. There currently over 600,000 people whose driving privileges are suspended, or who cannot obtain a valid renewed or duplicate driver's license because of a block on their record. Further, there are approximately 1.8 million unresolved insurance cancellations. Many of these people simply do not have the financial resources to

pay these debts. It is also likely that some of the people are driving illegally without a valid driver's license and without being covered by liability insurance. OMV has adopted the permanent Rule effective on November 20, 2024. This Rule is hereby adopted on the day of promulgation.

Title 55

PUBLIC SAFETY

Part III. Motor Vehicles

Chapter 18. Reinstatement Relief Program

§1801. Application

A. Any person shall complete and sign the Reinstatement Relief Program application form in order to apply for participation in the Reinstatement Relief Program. Any application or request, no matter in what form, which is not on the Office of Motor Vehicles approved application form shall be rejected, and such applicant shall not be considered for participation in the Reinstatement Relief Program until they submit the application on the approved form.

B. The applicant for the Reinstatement Relief Program shall provide the following information in order to be considered for the program:

1. personal information, including but not limited to:
 - a. name;
 - b. address. If the applicant's mailing address and physical address are different, the applicant shall provide both address;
 - c. driver's license number. If the applicant does not know their driver's license number, they shall provide their social security number;
 - d. telephone number;
2. marital status;
3. the name of all children under the age of 18 and any other person who is a dependent and lives with the applicant;
4. applicant's employment information or self-employment information;
5. applicant's spouse employment information or self-employment information;
6. complete information on income;
7. complete information on monthly deductions and expenses;
8. credit card debt and loans not included in "9";
9. any financial assistance received by the applicant by another person;
10. listing of all assets;
11. listing of all bank accounts;
12. any pending bankruptcies.

C. The applicant shall sign the application certifying that all the information contained in the application is true, correct, and complete.

D. Based upon the applicant's responses, the Office of Motor Vehicles may require additional information or documentation to properly evaluate the application.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:863.1.2

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of Motor Vehicles, LR 50:1671 (November 2024).

§1803. Determination of Amount to be owed.

A. The amount to be owed in the Reinstatement Relief Program shall be determined on an individual basis taking into account outstanding insurance cancellations which have not been reinstated including an insurance cancellation for which only a partial payment has been made. Any insurance

cancellation, and any money paid, on an insurance cancellation which was reinstated prior to the application for the Reinstatement Relief Program shall not be considered in determining the amount owed.

B. The applicant shall have the option to make a single payment for the total amount owed, or the applicant may request that the amount owed be paid through an installment agreement authorized in RS 32:429.4. The applicant shall choose which option is authorized in this Subsection within 10 calendar days of the commissioner making a determination of the amount owed. If the applicant chooses to make a single payment, the payment shall be received by the Office of Motor Vehicles prior to the expiration of the ten calendar day period.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:863.1.2

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of Motor Vehicles, LR 50:1671 (November 2024).

Daniel Casey
Commissioner

2411#038

RULE

Department of Revenue Office of Legal Affairs Tax Policy and Planning Division

Tobacco Tax
(LAC 61:I.Chapter 51)

Under the authority of R.S. 13:5077(F), R.S. 47:843(F), 857 and 1511, and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the Department of Revenue, Tax Policy and Planning Division, has amended LAC 61:I.5101 pertaining to reporting of certain imported cigarettes and has adopted LAC 61:I.5107-5115 related to wholesale tobacco dealers receiving unstamped and or unpaid tobacco products, purchasing and affixing tax stamps, and bonds waivers.

This Rule is needed to provide guidelines and clarification for licensed wholesale tobacco dealers regarding how to report certain imported cigarettes, the purchase of unstamped cigarettes and tobacco that require approval from the Tobacco Unit of the Attorney General's Office, the purchase of stamps and insurance on the shipment, procedure for affixing tax stamps, procedures for bond waiver, and procedures for requesting a refund for stamps affixed to goods that become damage or removed from the state's directory.

This Rule is written in plain language in an effort to increase transparency. This Rule is hereby adopted on the day of promulgation.

Title 61

Revenue and Taxation

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

Chapter 51. Tobacco Tax

§5101. Reporting of Certain Imported Cigarettes;

Penalty

A. - C. ...

D. The information furnished under Subsection A may be disclosed as provided in R.S. 47:1508(B)(11).

AUTHORITY NOTE: Promulgated in accordance with R.S. 13:5062 and R.S. 47:1511.

HISTORICAL NOTE: Promulgated by the Department of Revenue, Office of Legal Affairs, Policy Services Division, LR 28:866 (April 2002), amended by the Department of Revenue, Office of Legal Affairs, Tax Policy and Planning Division, LR 50:1671 (November 2024).

§5107. Authority for Stamping Agents to Purchase Certain Unstamped Cigarettes, Tobacco; Approval from Attorney General

A. Stamping agents licensed with the Office of Alcohol and Tobacco Control may sell cigarettes in or into the state only if the manufacturer and brand family of the cigarettes are listed on the state directory maintained by the attorney general at the time of stamping. However, unless prior written approval is obtained from the attorney general, stamping agents may not purchase cigarettes from an entity other than an importer, manufacturer, or sales entity affiliate.

B. For a stamping agent to purchase unstamped cigarettes from an entity other than an importer, manufacturer, or sales entity affiliate, the stamping agent must first request approval from the attorney general on a quarterly basis by submitting a written request on a form approved and provided by the attorney general that includes the following:

1. names and addresses of the entities from whom the stamping agent intends to purchase unstamped cigarettes or roll-your-own tobacco products;

2. manufacturers and brand names of the unstamped cigarettes and roll-your-own tobacco products that the stamping agent intends to purchase;

3. intended state of destination of the unstamped cigarettes and roll-your-own tobacco products upon resale by the stamping agent;

4. written verification from the entities from whom the stamping agent intends to purchase unstamped cigarettes or roll-your-own tobacco products that the former agrees to provide copies of invoices and any other necessary documentation to confirm the accuracy of the reported transactions within 20 days following the end of the applicable sales quarter; and

5. any other information that the attorney general may deem relevant.

C. The request shall be made at least 10 days prior to the beginning of the applicable sales quarter and prior to the purchase of any unstamped cigarettes or roll-your-own tobacco products as described in this Section. In the event that any information changes after the request has been submitted, whether or not approval has been given, a revised form shall be submitted immediately to the attorney general.

D. The decision to approve or deny the request shall be based upon the information provided by the stamping agent as well as any additional information that the attorney general may deem relevant, but in any case, approval shall be contingent upon agreement and cooperation by the entities from whom the stamping agent intends to purchase the unstamped cigarettes or roll-your-own tobacco products to provide copies of invoices and any other necessary documentation to confirm the accuracy of the reported transactions within 20 days following the end of the applicable sales quarter.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:847 and R.S. 47:1511.

HISTORICAL NOTE: Promulgated by the Department of Revenue, Office of Legal Affairs, Tax Policy and Planning Division, LR 50:1672 (November 2024).

§5109. Purchase, Shipment of Tax Stamps; Insurance

A. Tobacco tax stamps shall be purchased by licensed wholesale distributors who are registered as stamping agents with the Office of Alcohol and Tobacco Control. The tobacco tax stamps are shipped to the stamping agents directly from the stamp provider.

B. Purchase orders for tax stamps shall be placed electronically with the Department of Revenue using the prescribed electronic format. Tobacco tax stamp sheets shall be ordered in multiples of ten. When placing the order, the stamping agent may purchase insurance on the shipment for reimbursement purposes in the event the tax stamps are lost or damaged. If insurance is not purchased, the stamping agent assumes liability for any missing or damaged tax stamps.

C. All electronic orders shall be verified and approved by the Department of Revenue before the stamp provider is authorized to fill and ship the order.

D. Orders will be processed as standard two-day delivery. Stamping agents that request next day delivery are responsible for the delivery costs and must provide billing account information for this purpose.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:843 and R.S. 47:1511.

HISTORICAL NOTE: Promulgated by the Department of Revenue, Office of Legal Affairs, Tax Policy and Planning Division, LR 50:1672 (November 2024).

§5111. Affixing of Tax Stamps

A. Tax stamps required by R.S. 47:843 and 847 shall be affixed to the bottom of cigarette packages in a manner that is clearly visible to subsequent purchasers. No other stamp, label, decal, mark or sign shall be affixed to or displayed on the bottom of a package of cigarettes without prior written approval from the Department of Revenue.

B. The stamp shall be affixed in such a manner that it cannot be removed from the package without being mutilated or destroyed.

C. Each individual package must contain more than 50 percent of the stamp to be considered stamped and taxed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:843(F) and R.S. 47:1511.

HISTORICAL NOTE: Promulgated by the Department of Revenue, Office of Legal Affairs, Tax Policy and Planning Division, LR 50:1672 (November 2024).

§5113. Bond Waiver

A. A registered tobacco dealer in tobacco products including but not limited to cigars, cigarettes, and smoking tobacco, shall furnish a bond in accordance with R.S. 47:848(A).

B. The secretary is authorized to waive the furnishing of a surety bond as set forth in R.S. 47:848(B).

C. If any dealer whose bond has been waived by the secretary:

1. commits a stamping violation,

2. fails to file monthly reports with the Department of Revenue or the Tobacco Unit with the Department of Justice, or

3. acts in bad faith, such as not filing the required tobacco monthly return or schedules or repeatedly filing

inaccurate or incomplete tobacco monthly returns or schedules with either department, the secretary may revoke the waiver and require the dealer to furnish a bond in the amount required in R.S. 47:848(A). If a bond waiver is revoked, the dealer shall not be eligible for a bond waiver for a period of three years thereafter.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:848 and R.S. 47:1511.

HISTORICAL NOTE: Promulgated by the Department of Revenue, Office of Legal Affairs, Tax Policy and Planning Division, LR 50:1672 (November 2024).

§5115. Refunds/Credits and Destruction of Products

A. A dealer may be refunded or credited the cost of stamps affixed to goods when:

1. by reason of damage the goods become unfit for sale and are destroyed by the dealer or returned to the manufacturer or jobber; or

2. the goods were listed on the state directory at the time the stamps were affixed but have subsequently been removed from the state directory and the goods have been destroyed.

B. A dealer seeking a refund or credit of the cost of stamps affixed to goods which, because of damage were unfit for sale and have been returned to the manufacturer, must claim the refund or credit in the manner prescribed by the secretary and provide the following documentation:

1. a notarized affidavit containing the product brand name, the quantity returned to the manufacturer or jobber, the date of return of the product and the location to which the product was returned; and

2. a copy of the credit memo received from the manufacturer.

C. A dealer who intends to destroy goods which have been affixed with a tax stamp because they have either been damaged and are unfit for sale or have been removed from the state directory shall notify the department prior to the destruction and comply with the following requirements: .

1. The destruction shall be witnessed by a representative of the Department of Revenue and/or the Office of the Attorney General.

2. Goods shall be destroyed by cutting in half and saturating the product with bleach.

3. The Department of Revenue shall provide the dealer with a certification of the destruction which shall be submitted with the claim for credit or refund.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:857 and R.S. 47:1511.

HISTORICAL NOTE: Promulgated by the Department of Revenue, Office of Legal Affairs, Tax Policy and Planning Division, LR 50:1673 (November 2024).

Richard Nelson
Secretary

2411#010

RULE

Department of Revenue Tax Policy and Planning Division

Net Capital Gains Deduction (LAC 61:I.1312)

Under the authority of R.S. 47: 293.2 and 1511, and in accordance with the provisions of the Administrative Procedures Act, R.S. 49:950 et seq., the Department of Revenue, Tax Policy and Planning Division, adopts LAC 61:I.1312 to effectively administer R.S. 47:293.2 relative to the net capital gains deduction.

Revised Statutes 47:293(9)(a)(xvii) and (10) provide an individual income tax deduction for net capital gains resulting from the sale or exchange of an equity interest in or substantially all of the assets of a non-publicly traded corporation, partnership, limited liability company, or other business organization commercially domiciled in Louisiana.

Act 242 of the 2023 Regular Legislative Session (“Act 242”) requires the department to promulgate regulations relative to the net capital gains deduction and outlines minimum rule requirements. Act 242 provides that the regulations must contain: 1) documentation requirements applicable to taxpayers claiming the deduction; 2) a de minimis exception to documentation requirements for small transaction eligible for the deduction; 3) restrictions on eligibility for transactions where the majority of the physical assets are located outside of Louisiana; and 4) restrictions on eligibility for transactions between related parties. The primary purpose of this Rule is to conform to these regulation requirements.

This Rule is written in plain language with a readability score of 11.11. This Rule is hereby adopted on the day of promulgation.

Title 61

REVENUE AND TAXATION

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

Chapter 13. Income: Individual

§1312. Net Capital Gains Deduction

A. General. R.S. 47:293(9)(a)(xvii) and (10) provide a deduction for resident individuals and nonresident individuals (“taxpayers”), respectively, for net capital gains resulting from the sale or exchange of an equity interest in, or from the sale or exchange of substantially all of the assets of a non-publicly traded corporation, partnership, limited liability company, or other business organization (“business”) commercially domiciled in Louisiana.

B. Definitions

Capital Gains from the Sale or Exchange of the Assets of a Business—capital gains from sales and exchanges that are reported on Federal Form 4797—Sales of Business Property, the gains from which are reportable on Schedule D of Federal Form 1040.

Commercial Domicile—the principal place from which the business is directed or managed.

Controlled Entities—with respect to a business or taxpayer

a. a corporation in which more than 50 percent of the value of the outstanding stock is owned (directly or indirectly) by or for the taxpayer or business,

b. a partnership in which more than 50 percent of the capital interest or profits interest is owned (directly or indirectly) by or for the taxpayer or business, and

c. any entity which is a related person to the taxpayer or business pursuant to paragraph (3), (10), (11), or (12) of 26 U.S.C § 267(b).

Equity Interest—an ownership interest in a business that is not publicly traded, such as stock in a corporation, a partnership interest in a partnership, or a membership interest in a limited liability company.

Net Assets—the total value of gross assets after deducting liabilities reportable or would be reportable on the Federal Form 1120, Schedule L if the form was required to be filed at time of sale as total assets at the end of the year.

Net Capital Gains—the amount reported as capital gains on the Federal Form 1040.

Gross Assets—the total value of assets reportable or would be reportable on the Federal Form 1120, Schedule L if the form was required to be filed at time of sale as total assets at the end of the year without regard to location of the assets and excluding any negative values reported on Lines 1-13.

Related Party—

a. a business or taxpayer and all entities which are controlled entities with respect to such business or taxpayer;

b. a business or taxpayer and any trust in which such business or taxpayer (or his spouse) is a beneficiary, unless such beneficiary's interest in the trust is five percent or less of the value of the trust property; and

c. except in the case of a sale or exchange in satisfaction of a pecuniary bequest, a taxpayer who is an executor of an estate and a beneficiary of such estate.

Sale or Exchange of an Equity Interest—a sale or exchange of an equity interest that is reportable on Schedule D of Federal Form 1040—Capital Gains and Losses.

Sale or Exchange of Substantially all of the Assets of a Business—a sale or exchange of assets that leaves the entity unable to carry-on its business. A sale or exchange of assets is presumed to be a sale or exchange of substantially all of the assets of the business if the selling business transfers at least 90 percent of the fair market value of the net assets and at least 70 percent of the fair market value of the gross assets that it held immediately before the transfer.

C. Documentation Requirements

1. Taxpayers claiming the deduction shall submit the following documentation at the time of filing their Louisiana individual income tax return claiming the deduction:

a. a completed Louisiana Form R-6180, Net Capital Gains Deduction Worksheet;

b. documentary evidence of the date the taxpayer acquired an equity interest in the business, such as articles of

incorporation or organization, acts of sale or exchange, or donative instruments;

c. a copy of the taxpayer's federal Schedule K-1, if applicable, from the entity from which the gain was derived; and

d. a complete copy of the taxpayer's Federal Form 1040 filed with the IRS for the period in which the gain was recognized, including the Schedule D and any corresponding schedules and forms.

2. In addition to the documentation required by Paragraph 1 above, when the capital gain for which a deduction is being claimed is greater than \$250,000, taxpayers shall also submit the following at the time of filing their Louisiana individual income tax return claiming the deduction:

a. copies of the last two returns on which the income from the business was reported. If the gain is derived from a partnership, provide Form IT-565, Louisiana Partnership Return of Income, for the last two years.

b. If the gain is derived from a pass-through entity, provide detailed information on the pass-through structure, such as a complete organizational chart showing each tier between the taxpayer and the entity from which the gain is derived.

c. If the gain is from the sale of assets, the taxpayer shall also provide the following:

i. a depreciation schedule or fixed asset schedule showing a calculation of gross to net asset values; and

ii. an allocation of purchase price among assets as required by IRC Section 1060, and generally reportable on IRS Form 8594.

D. Eligibility Restrictions

1. Net capital gains resulting from the sale or exchange of real property or other immovable assets may qualify for the deduction if more than 50 percent of the real property or other immovable assets are located within Louisiana, provided however, that the income from the related business was subject to Louisiana income tax prior to the sale or exchange.

2. Net capital gains resulting from the sale or exchange of tangible movable assets may qualify for the deduction if during the three years immediately preceding the sale or exchange, the tangible movable assets are located within Louisiana for at least 50 percent of the time in which the assets are in service, provided however, that the income from the related business was subject to Louisiana income tax prior to the sale or exchange. "In service" shall have the same meaning as it does for the purposes of calculating depreciation.

3. Net capital gains from the sale or exchange of an equity interest or from the sale or exchange of substantially all assets shall not qualify for the deduction if the transaction transfers ownership of the interest or assets to a related party.

E. The accrual of refund interest shall be suspended during any period of time that a delay in allowance or approval of the deduction is attributable to the taxpayer's failure to provide information or documentation required herein.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:293(9)(a)(xvii) and (10), 47:293.2 and 47:1511.

HISTORICAL NOTE: Promulgated by the Department of Revenue, Tax Policy and Planning Division, LR 50:1673 (November 2024).

Richard Nelson
Secretary

2411#013

RULE

**Workforce Commission
Plumbing Board**

Plumbers—Licenses and
Continuing Professional Education Programs
(LAC 46:LV.101, 301, 309, 310, 312,
508, 901, and 1001)

In accordance with the provisions of the Administrative Procedure Act, R.S. 49:953, the Plumbing Board (board), hereby amends LAC 46:LV.101, 301, 309, 310, 508, 901, and 1001 to be in compliance with recent legislative changes designated as Act No. 721. These Rules, §§101, 301, 309, 310, 312, 508, 901 and 1001 substitute residential plumber in place of tradesman plumber. These Rules will be effective upon final publication in the *Louisiana Register*. This Rule is hereby adopted on the day of promulgation.

Title 46

**PROFESSIONAL AND OCCUPATIONAL
STANDARDS**

Part LV. Plumbers

Chapter 1. Introductory Information

§101. Definitions

* * *

Repair—as that term is used in R.S. 37:1367(A), shall mean and be limited to the performance of repairs to existing plumbing, the clearing of stoppages, or repairing leaks.

Residential Plumber—a natural person who possesses the necessary qualifications and knowledge to install, alter, repair, and maintain plumbing systems and is issued a residential plumber limited license by the board to install, alter, repair, and maintain plumbing systems in one- and two-family dwellings at the direction of a master plumber, without the supervision of a journeyman plumber.

* * *

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1366(D).

HISTORICAL NOTE: Adopted by the Department of Labor, Plumbing Board, 1968, amended and promulgated by the Department of Employment and Training, Plumbing Board, LR 17:49 (January 1991), amended by the Department of Labor, Plumbing Board, LR 21:1348 (December 1995), LR 26:329 (February 2000), amended by the Workforce Commission, Plumbing Board, LR 42:575 (April 2016), LR 43:541 (March 2017), LR 43:972 (May 2017), LR 44:633 (March 2018), amended by the Workforce Commission, Plumbing Board, LR 44:1915 (October 2018), amended by the Workforce Commission, Plumbing Board LR 44:274 (February 2021), LR 49:914 (May 2023), amended by the Workforce Commission, Plumbing Board, LR 50:41 (January 2024), amended by the Workforce Commission, Plumbing Board, LR 50:1675 (November 2024).

Chapter 3. Licenses

§301. Licenses Required

A. - W. ...

X. No natural person shall engage in doing the work of a residential plumber unless he possesses a tradesman residential plumber limited license or renewal thereof issued by the board. At the direction of a master plumber licensed by the board, a residential plumber may independently install, alter, repair, and maintain plumbing in one- and two-family dwellings without the supervision of a journeyman plumber.

Y. The board shall issue a limited license to any person who qualifies under the board’s regulations and who desires to engage in doing the work of a residential plumber if he passes a written and manual residential plumber’s examination given by the board and pays the fees established by the board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1366(D).

HISTORICAL NOTE: Adopted by the Department of Labor, Plumbing Board, 1968, amended and promulgated by the Department of Employment and Training, Plumbing Board, LR 17:49 (January 1991), amended by the Department of Labor, Plumbing Board LR 19:897 (July 1993), LR 19:1593 (December 1993), LR 21:1348 (December 1995), LR 25:1857 (October 1999), amended by the Workforce Commission, Plumbing Board, LR 42:576 (April 2016), LR 43:541 (March 2017), LR 43:972 (May 2017), LR 47:274 (February 2021), LR49:915 (May 2023), amended by the Workforce Commission, Plumbing Board, LR 50:41 (January 2024), amended by the Workforce Commission, Plumbing Board, LR 50:1675 (November 2024).

**§309. Requirements to Take Exam for Residential
Plumber Limited License**

A. Requirements

1. An applicant for residential plumber's examination shall be a registered apprentice with the board and have performed 4,000 hours as an unindentured apprentice or 3,000 hours as an indentured apprentice of manual labor of plumbing under the direct, constant, on-the-job supervision of a licensed plumber as defined in §101, by way of official payroll documentation or W-2’s with an accompanying paycheck stub.

2. - 5. ...

6. No residential plumber certificate shall permit any residential plumber to do the work of a journeyman plumber.

B. - F.1. ...

2. These applicants will be granted provisional licenses. This provisional and limited license shall permit any such applicant to engage in the work of a residential plumber, upon passing the special examination described herein, within the geographic areas to which the Louisiana plumbing law has been made applicable. However, the license issued by the board shall state that the license was issued pursuant to these provisions.

3. Applicants under these special provisions will not be relieved of any other requirements or conditions associated with the issuance of a residential plumber's license by this board as established under the board's revised rules and regulations and the Louisiana plumbing laws, R.S. 37:1365-37:1378.

G. Notwithstanding the foregoing provisions of this Section, any person or persons who at any time within three years of being cited by the board or its agents for engaging in the work of a residential plumber at a time when he did not possess a license or renewal thereof issued by the board, or was otherwise subject to civil or criminal prosecution for

doing the work of a journeyman plumber without possessing a license or renewal thereof issued by the board, may request that he be examined by the board pursuant to this Section, but only after the payment of a special enforcement fee as established by the board, which shall be in addition to the regular license fee established by the board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1366(D) and R.S. 37:1368(G).

HISTORICAL NOTE: Promulgated by the Workforce Commission, Plumbing Board, LR 43:973 (May 2017), amended LR 49:918 (May 2023), amended by the Workforce Commission, Plumbing Board, LR 50:42 (January 2024), amended by the Workforce Commission, Plumbing Board, LR 50:1675 (November 2024).

§310. Renewals

A. ...

B. All renewal applications received at the board's office later than midnight the last day of December will be delinquent and will require a revival fee in addition to the renewal fee. Any license not renewed by the last day of December will pay a revival fee, in addition to the renewal fee, if renewed between January 1 and March 31. Any license renewed after March 31, will require an increased revival fee, in addition to the renewal fee. The fees are set forth in §312. Any person performing the work of a residential plumber, journeyman plumber or a master plumber without the appropriate license issued by the board after March 31 of any year without having renewed his license from the immediately preceding year shall be subject to the special enforcement fee established in §305 or §306 or §309.

C. A person who has allowed his previously issued residential plumber or journeyman plumber license to expire may be afforded the option, in lieu of re-examination, of paying a special revival fee of \$50 per year for each year the license was not renewed up to a limit of four consecutive years. However, any such person who performs the work of a journeyman plumber without possessing a license issued by the board during this period shall be subject to the special enforcement fee established in §305 or §309.

D. - F.2. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1366(D).

HISTORICAL NOTE: Adopted by the Department of Labor, Plumbing Board, 1968, promulgated LR 2:419 (December 1976), amended LR 7:588 (November 1981), amended by Department of Employment and Training, Plumbing Board, LR 17:52 (January 1991), LR 18:30 (January 1992), amended by the Department of Labor, Plumbing Board, LR 21:1350 (December 1995), LR 26:329 (February 2000), amended by the Workforce Commission, Plumbing Board, LR 42:577 (April 2016), LR 43:544 (March 2017), LR 43:974 (May 2017), LR 49:919 (May 2023), LR 50:1676 (November 2024).

§312. Fees

A. - A.5. ...

B. The fees and charges of the board relative to residential plumbers shall be as follows:

B.1. - I.12 ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1366.D and R.S. 37:1371.

HISTORICAL NOTE: Adopted by the Department of Labor, Plumbing Board, 1968, amended and promulgated LR 7:588 (November 1981), amended LR 15:1089 (December 1989), amended by the Department of Employment and Training, Plumbing Board, LR 16:23 (January 1990), LR 17:53 (January

1991), amended by the Department of Labor, Plumbing Board, LR 19:898 (July 1993), LR 19:1594 (December 1993), LR 21:1351 (December 1995), LR 26:327 (February 2000), LR 43:545 (March 2017), LR 43:975 (May 2017), LR 44:633 (March 2018), repromulgated LR 46:401 (March 2020), amended LR 49:919 (May 2023), amended by the Workforce Commission, Plumbing Board, LR 50:1676 (November 2024).

Chapter 5. The Board

§508. Duties of the Board

A. - B. ...

C. The board shall assist the Board of Supervisors of Community and Technical Colleges in developing training, program, and course requirements that will prepare individuals to meet the qualifications established by the board for a residential plumber.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1336(D).

HISTORICAL NOTE: Promulgated by the Workforce Commission, Plumbing Board, LR 43:978 (May 2017), amended by the Workforce Commission, Plumbing Board, LR 50:43 (January 2024), amended by the Workforce Commission, Plumbing Board, LR 50:1676 (November 2024).

Chapter 9. Revocation and Related Administration Proceedings

§901. Revocation, Suspension and Probation Procedures

A. All adjudication proceedings initiated pursuant to R.S. 37:1378 and conducted by the board shall be in accordance with the Administrative Procedure Act, R.S. 49:955 et seq. The term *licensee*, as used in this Section, shall refer, where applicable, to the holder of a residential plumber, journeyman plumber, master plumber, gas fitter, master gas fitter, medical gas piping installer or medical gas and vacuum systems verifier license, and holder of a water supply protection specialist endorsement.

B. - L. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1366.D.

HISTORICAL NOTE: Adopted by the Department of Labor, Plumbing Board, 1968, amended and promulgated by the Department of Employment and Training, Plumbing Board, LR 17:55 (January 1991), amended by Department of Labor, Plumbing Board, LR 21:1352 (December 1995), LR 26:331 (February 2000), LR 43:549 (March 2017), LR 43:978 (May 2017), LR 49:921 (May 2023), amended by the Workforce Commission, Plumbing Board, LR 50:1676 (November 2024).

Chapter 10. Continuing Professional Education Programs

§1001. Residential, Journeyman and Master Plumbers

A. CPE Requirement

1. All persons seeking to renew a residential license issued by the board are required to attend and show proof of attendance at no less than three and one half hours of a board-approved CPE class in the prior calendar year, as set out in this Section.

2. - 5. ...

6. All persons holding and seeking to renew both journeyman plumber or residential plumber and gas fitter licenses issued by the board are required to attend and show proof of attendance at no less than 4 and one half hours as set out in this Section and in §1002.

7. All persons holding and seeking to renew both journeyman plumber or residential plumber and master gas fitter licenses issued by the board are required to attend and

show proof of attendance at no less than six hours as set out in this Section and in §1002.

A.8. - B.1. ...

2. The course materials will provide the basis for a minimum of three and one half hours of study for residential plumbers and journeyman plumbers. One hour will be in the subjects of health protection, consumer protection or environmental protection, half hour shall include information concerning R.S. 37:1361, et seq., LAC 46:LV, and two hours covering current industry practices and codes, and subjects from a list approved and published by the board.

3. - 6. ...

C. Course Providers

1. Course providers shall offer classroom instruction in the course materials used for the CPE required for renewal of residential, journeyman and master licenses issued under the Act. Board approval of course providers will be subject to all of the terms and conditions of this Section.

2. CPE courses shall be presented in the following formats:

a. for residential and journeyman plumbers, a minimum of 3 and one half classroom hours presented on one day; or

C.2.b. - 18. ...

D. Course Instructors

1. The board will initially approve course instructors to provide instruction in the course materials used for the CPE required for renewal of tradesman residential plumber, journeyman plumber and master plumber licenses. Board approval of course instructors will be subject to all terms and conditions of this Section. An individual who wishes to be approved by the board as a course instructor must apply to the board using an application form approved by the board. The following minimum criteria will be used by the board in considering approval of course instructors:

D.1.a. - 6. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1366(I).

HISTORICAL NOTE: Promulgated by the Department of Labor, State Plumbing Board, LR 30:2068 (September 2004), amended LR 37:2440 (August 2011), LR 43:979 (May 2017), LR 44:634 (March 2018), LR 48:1591 (June 2022), amended by the Workforce Commission, Plumbing Board, LR 50:1676 (November 2024).

Ashley Jones Tullier
Executive Director

2411#001

Notices of Intent

NOTICE OF INTENT

Department of Culture, Recreation and Tourism Office of State Parks

Cultural Resources
(LAC 25:IX.101, Chapter 3, and Chapter 5)

The Department of Culture, Recreation and Tourism, Office of State Parks, proposes to adopt additions, revisions, and deletions to LAC 25:IX.101, 303, 305, 307, 308, 309, 313, 321, 331, 500, 501, 502, 503, 504, 505, 506, and 507. The proposed Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq. The proposed Rule change is made in accordance with R.S. 36:204, which gives the secretary of culture, recreation and tourism the authority to make, alter, amend, and promulgate rules and regulations necessary for the administration of the functions of the department in accordance with the Administrative Procedure Act. This proposed Rule is written in plain language in an effort to increase transparency.

The proposed Rule abbreviates the terms "office of state parks" to "OSP" and "Department of Culture, Recreation and Tourism" to "DCRT" and makes numerous spelling, grammar, and re-numbering/re-lettering revisions throughout LAC 25:IX.101, 303, 305, 307, 308, 309, 313, 321, 331, 500, 501, 502, 503, 504, 505, 506, and 507. The proposed Rule adds language for certain items that may be included as "Property" of OSP or another person that may not be intentionally removed, damaged, disturbed, or destroyed. The proposed Rule adds language prohibiting the display, possession, and/or use of metal detectors or similar devices on OSP property. The proposed Rule adds language prohibiting visitors to state historic sites "and recreation sites" from leaving designated trails. The proposed Rule revises the period of time that vehicles will be considered abandoned if left unattended from 7 consecutive days to twenty-four hours. The proposed Rule revises the term "should" to "shall" in requiring OHV riders to wear appropriate protective clothing. The proposed Rule removes "Hodges Gardens Lake" as a location where personal watercrafts are prohibited. The proposed Rule revises the title of LAC 25:IX.307 to state "Watercraft" instead of "Water Craft." The proposed Rule revises the term "pet(s)" to "dog(s)" and clarifies the locations on OSP property where dogs are allowed. The proposed Rule adds language that "OSP follows all rules, guidelines, and enforcements from the Louisiana Department of Wildlife and Fisheries (LDWF)" and removes language restricting the "taking of flounder by gigs, crabbing at Grand Isle SP and the taking of fish by means of a yo-yo or trigger device (as defined in R.S. 56:8) in Chicot Lake at Chicot State Park." The proposed Rule adds language prohibiting fishing in all designated swimming areas. The proposed Rule adds language requiring site visitors "without a reservation" to provide photo identification and other basic contact information. The

proposed Rule adds language that "higher value items (Ex: Flat Screen TVs, appliances, etc.) are subject to market value replacement fee" if an item not reported as missing or damaged upon occupancy, becomes missing or damaged when the structure is vacated. The proposed Rule removes the term "Hodges Gardens SP" and all general admission fees for Hodges Gardens SP. The proposed Rule adds language that allows "seniors 62 and older" to receive free admission to St. Bernard State Park and requires proof of residency for St. Bernard and Plaquemines Parish residents to receive free admission to St. Bernard State Park on Sundays. The proposed Rule removes language specifying that an annual vehicle permit for St. Bernard State Park will be in the form of a windshield decal and replaces the word "decal" with "permit." The proposed Rule revises the replacement fee for an annual vehicle permit to \$10 instead of free "if a windshield or vehicle has been replaced." The proposed Rule adds language increasing and/or modifying the general admission fees for all state historic sites and Poverty Point World Heritage Site, establishing charges for guided site, house, or tram tours, and clarifying that guided site, house, or tram tour fees include all grounds, gardens, and structures open to the public. The proposed Rule revises general admission charges and guided house tour charges for Rosedown Plantation State Historic Site and clarifies that guided house tour fees include all grounds and gardens of Rosedown Plantation State Historic Site. The proposed Rule removes all site-specific admission charges for Audubon State Historic Site. The proposed Rule adds language exempting admission fees at "state historic sites and Poverty Point World Heritage Site as defined in §502.C" for all students and chaperones on a field trip. The proposed Rule removes language giving example locations of all type I, II, and III meeting rooms. The proposed Rule adds language authorizing the assistant secretary to set day-use facility rental rates at his/her discretion and lists factors to be considered in pricing the day-use facility rental rates. The proposed Rule revises the title of LAC 25:IX.502 to state "Fees and Exemptions; Entrance Discounts." The proposed Rule removes duplicative language regarding annual day-use permits and the ability for the permit holder to obtain a permit in the form of a vehicle decal. The proposed Rule revises the cost of an annual day-use permit from \$80 to \$100 per year. The proposed Rule adds language instructing the annual day-use permit holder on what actions to take if their permit needs to be replaced and that a \$10 fee will be charged for a replacement permit. The proposed Rule revises the maximum campsite fee not to exceed \$75 per night and the group camp rental fee not to exceed \$2,500 per night. The proposed Rule removes summer weekday, winter weekend, and winter weekday campsite rental rates and revises the summer weekend campsite rental rate to the standard "Overnight Rate" for all visitors. The proposed Rule removes the standard weekday cabin rental rate and revises the standard weekend cabin rental rate to the "Overnight Rate" for all visitors. The proposed Rule removes the provision that the "rental fee for all cabins at

Hodges Gardens S.P. and modular cabins at Sam Houston Jones S.P. will be the standard weekday rate year-round.” The proposed Rule removes the standard weekday lodge rental rate, the standard lodge classification rental rates, revises the standard weekend lodge rental rate to the “Overnight Rate” for all visitors, and revises the new Overnight Rate from \$225 to \$250. The proposed Rule removes the Class I, II, and III classification, maximum capacity, and overnight rate schedule for group camps and replaces it with a new site-specific group camp overnight rate schedule with site-specific group camp sleeping capacity limitations. The proposed Rule adds language requiring that group camp reservation guests be charged a one-time fee of \$5 in addition to paying the new site-specific group camp overnight rates. The proposed Rule adds language that “[g]roup camps with multiple structures will provide facilities based on the number of guests on a reservation.” The proposed Rule revises Poverty Point “SHS” to Poverty Point “World Heritage Site.” The proposed Rule adds language requiring requests for use of the special research dormitory facility at Poverty Point World Heritage Site to be made in writing via letter “or email.” The proposed Rule adds language requiring requests for all programs and activities conducted by groups or individuals using the special research dormitory facility at Poverty Point World Heritage Site to be made in writing “via letter or email.” The proposed Rule adds language authorizing the assistant secretary to set overnight rates for all campsites, camping areas, cabins, lodges, group camps, and dormitory facilities at his/her discretion and lists factors to be considered in pricing the overnight rates. The proposed Rule removes the specific telephone number to make a reservation for all OSP facilities and replaces the telephone number with the phrase “the currently contracted reservation center customer service line.” The proposed Rule revises the time that overnight and day-use facilities, including cabins, lodges, group camps, camping sites, rally shelters, meeting rooms and pavilions may be reserved in advance from 11 months to 13 months. The proposed Rule revises the terms “he” with “they” and “August” with “June”, and removes the language “, or the first business day after August 2,” in an example given to illustrate the timeframe for when a reservation may be made for all OSP facilities. The proposed Rule removes the language “Deposit in f” in the first line of LAC 25:IX.505.A.4., so that the first line now just states “Full deposit.” The proposed Rule adds language implementing a one night charge at the reserved facility’s rate if a guest is a no-show for a reservation, but allows the assistant secretary or their designee to grant an exception to that charge in writing. The proposed Rule removes all two and three night minimum reservation requirements for weekend and weekday reservations at all OSP facilities and the specifications for which rate would apply in a situation where a weekend and weekday reservation overlapped. The proposed Rule adds language clarifying that exceptions “to the reservation policy” may be granted by the assistant secretary or his designee. The proposed Rule removes the provision that “up to five” campsites may be designated for long-term stays during the winter season. The proposed Rule removes the provision that “[t]emporary visitors passes are available for the purpose of inspecting the site facilities prior to an anticipated visit.” The proposed Rule revises the title

of LAC 25:IX.507 to state “Special Uses and Use Restrictions.” The proposed Rule also revises the title of LAC 25:IX.507.A. to state “Special Use.” Lastly, the proposed Rule adds language so that the title to LAC 25:IX.507.D. is now “Commercial Media” and adds subsections 1., a., and b. to LAC 25:IX.507.D.

Title 25

CULTURAL RESOURCES

Part IX. Office of State Parks

Chapter 1. Definitions

§101. Definitions

* * *

Assistant Secretary—the assistant secretary of the OSP is executive head of the office and is appointed by the lieutenant governor with consent of the Senate. This officer is subject to the overall direction and control of the secretary of the Department of Culture, Recreation and Tourism (DCRT) while having direct responsibility for the policies of the OSP, and for the administration, control and operation of the functions, programs and affairs of the office.

Classification System—the method of categorizing OSP sites based on purpose, selection, development and management criteria. The categories established by this system are state park, state historic site, and state preservation area. Use of these classification terms in any official name, public or private lands, or holdings is prohibited except when approved by the secretary of DCRT, and when such areas meet the classification criteria as identified in R.S. 56:1684.

* * *

Secretary—the secretary of DCRT serves as the executive head and chief administrative officer of the department and is appointed by the lieutenant governor with consent of the Senate. This officer has responsibility for the policies of the department and for the administration, control and operation of the functions, programs and affairs of the department.

Site—any holding of the OSP including, but not limited to, state historic sites, state parks, state preservation areas, and special holdings.

* * *

State Park (SP)—an official designation within the classification system of the OSP. State parks are natural areas, which when evaluated on a statewide basis, possess outstanding scenic and natural qualities, as well as exceptional potential for recreation utilization.

* * *

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:1681-1690, R.S. 56:1801-1809 and R.S. 36:204.

HISTORICAL NOTE: Promulgated by the Department of Culture, Recreation and Tourism, Office of State Parks, LR 12:90 (February 1986), amended LR 19:308 (March 1993), LR 31:1979 (August 2005), LR 36:1225 (June 2010), LR 43:290 (February 2017), LR 51:

Chapter 3. General Provisions

§303. Park Property and Environment

A. ...

B. No person shall intentionally remove, damage, disturb, or destroy any OSP property or the property of another person, without the consent of the owner. "Property" shall include but is not limited to structures, watercraft, movables, signs, markers, natural features, cultural features wildlife, plants, and overnight supplies for rental facilities (pots, pans, pillows, blankets, etc.).

C. - G. ...

H. The display, possession, and/or use of metal detectors or similar devices is prohibited on OSP property. It is strictly forbidden to dig for or otherwise remove any historical feature, relic or artifact. Persons wishing to excavate and remove historical features by professional archaeological means for research purposes must request a permit from the Louisiana Archaeological Survey and Antiquities Commission. Applications for such permits must be made through the assistant secretary.

I. ...

J. Visitors to state historic sites and recreation sites are prohibited from leaving designated trails and may not walk on historic earthworks, fortifications, mounds or like features without specific permission of the site manager.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:1681-1690 and R.S. 36:204.

HISTORICAL NOTE: Promulgated by the Department of Culture, Recreation and Tourism, Office of State Parks, LR 8:634 (December 1982), amended LR 12:89 (February 1986), LR 16:1052 (December 1990), LR 19:308 (March 1993), LR 26:25 (January 2000), LR 27:1673 (October 2001), LR 31:1980 (August 2005), LR 36:1226 (June 2010), LR 43:290 (February 2017), LR 51:

§305. Vehicle Use

A. - F. ...

G. Vehicles will be considered abandoned if left unattended for more than twenty-four hours unless the proper permit or advanced written approval is granted by the site manager.

H. ...

I. Off-highway vehicles (OHV) are prohibited on OSP sites, including back country trails, except as set forth in this section.

I.1.a.i. - I.1.b. ...

c. OHV riders shall wear appropriate personal protective clothing such as eye protection, gloves, boots, long-sleeve shirt, and long pants.

I.1.d. - I.2. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:1681-1690 and R.S. 36:204.

HISTORICAL NOTE: Promulgated by the Department of Culture, Recreation and Tourism, Office of State Parks, LR 8:634 (December 1982), amended LR 12:89 (February 1986), LR 14:772 (November 1988), LR 26:25 (January 2000), LR 31:1980 (August 2005), LR 39:1264 (May 2013), LR 43:290 (February 2017), LR 51:

§307. Watercraft

A. - J. ...

K. Personal watercrafts (defined as any one or more person jet propelled craft such as a Jet Ski or Sea-Doo) are prohibited at Poverty Point Reservoir, Chicot Lake and in any portion of any site posted as a "no ski zone."

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:1681-1690 and R.S. 36:204.

HISTORICAL NOTE: Promulgated by the Department of Culture, Recreation and Tourism, Office of State Parks, LR 8:634 (December 1982), amended LR 12:89 (February 1986), LR 16:1052 (December 1990), LR 26:26 (January 2000), LR 31:1981 (August 2005), LR 36:1226 (June 2010), LR 39:1265 (May 2013), LR 43:291 (February 2017), LR 51:

§308. Poverty Point Reservoir State Park

A. All of the restrictions on and requirements for operating watercraft in Poverty Point Reservoir State Park listed in this section are in addition to those restrictions and

requirements found elsewhere in these OSP rules and regulations. These section rules apply only to Poverty Point Reservoir State Park's visitors. No part of this section however, shall be construed so as to nullify, in whole or in part, any other section of the OSP rules and regulations as they exist.

B. - C.3. ...

4. operating a watercraft without a current day-use receipt or "resident boat permit."

D. - J. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:1681-1690 and R.S. 36:204.

HISTORICAL NOTE: Promulgated by the Department of Culture, Recreation and Tourism, Office of State Parks, LR 31:1981 (August 2005), amended LR 36:1226 (June 2010), LR 43:291 (February 2017), LR 51:

§309. Horseback Riding, Livestock, Animals and Pets

A. ...

B. Any dog brought on OSP property must be leashed, caged or crated. Leashes shall not exceed 6 feet in length. With the exception of service animals, dogs are only permitted in designated cabins. Dogs are not permitted within any other buildings or other enclosed structures on site, nor are they allowed near designated swimming areas and in other overnight facilities. Owners shall be fully responsible for any injury and/or damage caused by their dog.

C. - D. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:1681-1690 and R.S. 36:204.

HISTORICAL NOTE: Promulgated by the Department of Culture, Recreation and Tourism, Office of State Parks in LR 8:635 (December 1982), amended LR 12:89 (February 1986), LR 14:773 (November 1988), LR 26:26 (January 2000), LR 31:1982 (August 2005), LR 36:1226 (June 2010), LR 43:292 (February 2017), LR 51:

§313. Fishing, Hunting, Trapping and the Use of Firearms or Fireworks

A. - D. ...

E. OSP follows all rules, guidelines, and enforcements from the Louisiana Department of Wildlife and Fisheries (LDWF). A person fishing on OSP property must adhere to all state and federal laws and criteria regarding fresh and/or salt water fishing. The taking of fish by nets, traps or any means other than hook or line is prohibited at any and all sites, except for management purposes as authorized by special permit.

F. ...

G. Fishing is prohibited in all designated swimming areas.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:1681-1690 and R.S. 36:204.

HISTORICAL NOTE: Promulgated by the Department of Culture, Recreation and Tourism, Office of State Parks, LR 8:633 (December 1982), amended LR 12:89 (February 1986), LR 14:773 (November 1988), LR 16:1052 (December 1990), LR 19:308 (March 1993), LR 31:1982 (August 2005), LR 36:1227 (June 2010), LR 39:1265 (May 2013), LR 43:292 (February 2017), LR 51:

§321. Fines and Enforcement

A. - B. ...

C. Site visitors without a reservation are required to provide photo identification and basic contact information including phone number, mailing address and email address.

Site visitors may also be required to furnish specific information upon admission or registration, including but not limited to, vehicle license plate number and a driver's license number.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:1681-1690 and R.S. 36:204.

HISTORICAL NOTE: Promulgated by the Department of Culture, Recreation and Tourism, Office of State Parks, LR 8:636 (December 1982), amended LR 12:89 (February 1986), LR 26:27 (January 2000), LR 27:1673 (October 2001), LR 31:1983 (August 2005), LR 36:1227 (June 2010), LR 39:1266 (May 2013), LR 43:293 (February 2017), LR 51:

§331. Overnight-Use Facilities

A. - B.6. ...

C. Cabins, Lodges, Other Overnight Facilities

1. A written inventory of movable equipment and furnishings is posted in each overnight structure or will be furnished to the visitor. It is the visitor's responsibility to check the inventory immediately upon occupancy. The visitor must report to the site manager or his designee any discrepancy between the actual inventory and the printed inventory. The visitor may be assessed the cost of items which, if not reported as missing or damaged upon occupancy, are missing or damaged when the structure is vacated. Higher value items (Ex: Flat Screen TVs, appliances, etc.) are subject to market value replacement fee. Failure to reimburse the OSP for any missing property or damage to property may result in denial of future use of OSP facilities.

C.2. - C.6. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:1681-1690 and R.S. 36:204.

HISTORICAL NOTE: Promulgated by the Department of Culture, Recreation and Tourism, Office of State Parks, LR 8:634 (December 1982), amended LR 12:89 (February 1986), LR 14:772 (November 1988), LR 16:1053 (December 1990), LR 19:308 (March 1993), LR 26:28 (January 2000), LR 27:1673 (October 2001), LR 31:1984 (August 2005), LR 36:1227 (June 2010), LR 39:1266 (May 2013), LR 43:293 (February 2017), LR 51:

Chapter 5. Procedures and Fees

§500. Admission Fees and Exemptions

A. State Parks—General Admission Fees

1. Except as otherwise provided in this Chapter, a general admission fee is charged at all state parks as follows.

	State Parks
Visitors (age 4-61) in non-commercial vehicles, walk-in visitors, visitors on bicycles	\$3 per person, per day
Children 3 and under	Free
Seniors 62 and older	Free
Persons, regardless of age, arriving by bus	\$75 per bus, per day

* * *

2. St. Bernard State Park General Admission Fees

a. The general admission fee at St. Bernard State Park is \$2 per person 16 years of age and older and \$1 per person under 16 years of age with a maximum of \$5 per vehicle for all passengers in that vehicle. Seniors 62 and older receive admission free of charge.

b. Except there shall be no admission fee for St. Bernard and Plaquemines Parish residents on Sundays. Proof of residency will be required for admission on Sundays.

c. An annual vehicle permit may be obtained from the park office by St. Bernard and Plaquemines Parish residents only. The annual vehicle permit fee is \$25. There will be no admission charge at any time for anyone entering the park as a passenger or driver of a vehicle with a permit.

d. OSP will replace an annual vehicle permit for \$10.

B. State Historic Sites General Admission Fees

1. General Admission Fees for State Historic Sites

a. Except as otherwise provided in this Chapter, the following general admission fee structure is charged at all state historic sites and Poverty Point World Heritage Site:

- i. \$6 per person (ages 7 to 61);
- ii. \$4 per senior citizen (ages 62 and over);
- iii. free for children (ages 6 and under).

b. Charges for guided site, house or tram tours are as follows:

- i. \$10 per person (ages 7 to 61);
- ii. \$8 per senior citizen (ages 62 and over);
- iii. free for children (ages 6 and under).

c. Guided site, house, or tram tour fees include all grounds, gardens and structures open to the public.

2. ...

3. Rosedown Plantation State Historic Site

a. Charges for admission to the plantation house and the gardens surrounding the house at the following rates:

- i. \$7 per person (ages 7 to 61);
- ii. \$5 per senior citizen (ages 62 and over);
- iii. free for children (ages 6 and under).

b. Charges for guided house tours are as follows:

- i. \$12 per person (ages 7 to 61);
- ii. \$10 per senior citizen (ages 62 and over);
- iii. free for children (ages 6 and under).

c. Guided house tour fees include all grounds and gardens.

d. Organized groups of 20 or more are requested to notify the site manager in advance of their arrival. Special entry rates may apply to organized groups, set by the assistant secretary or his designee.

4. Organized groups of 10 or more are requested to notify the site manager in advance of their arrival. Except as otherwise provided in this Chapter, there is no additional fee for SHS visitors arriving by bus.

5. Special programs and events may include special admission rates.

C. - F. ...

G. Students and chaperones on a field trip are exempt from admission fees at state historic sites and Poverty Point World Heritage Site as defined in §502.C.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:1681-1690 and R.S. 36:204.

HISTORICAL NOTE: Promulgated by the Department of Culture, Recreation and Tourism, Office of State Parks, LR 8:636 (December 1982), amended LR 12:89 (February 1986), LR 14:774 (November 1988), LR 16:1053 (December 1990), LR 19:309 (March 1993), LR 26:29 (January 2000), LR 27:1673 (October 2001), LR 31:1986 (August 2005), LR 36:1228 (June 2010), LR 39:1266 (May 2013), LR 43:294 (February 2017), LR 48:28 (January 2022), LR 51:

§501. Day-Use Fees; Miscellaneous Services, Privileges, and Facility Fees

A. - F.7.b. ...

c. type III pavilion—\$120 per day.

G. Meeting Rooms

1. Meeting rooms used to accommodate meetings and functions of private groups, clubs and other organizations are available during normal park operating hours. Kitchen facilities may be used, if available. Meeting room rates are as follows:

- a. type I—\$100;
- b. type II—\$160;
- c. type III—\$220.

H. Fees for pavilion and meeting room rentals are subject to applicable state and local taxes. Fees for general admission and miscellaneous day-use services, permits, and privileges include applicable state and local sales taxes.

I. Day-use facility rental rates will be at the discretion of the assistant secretary or their designee. Factors considered in pricing will include a facility’s amenities and condition (i.e. age of facility, remodel, new construction, access to boat launch, electricity, water, etc.).

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:1681-1690 and R.S. 36:204.

HISTORICAL NOTE: Promulgated by the Department of Culture, Recreation and Tourism, Office of State Parks, LR 8:637 (December 1982), amended LR 12:89 (February 1986), LR 14:774 (November 1988), LR 16:1052 (December 1990), LR 26:29 (January 2000), LR 27:1673 (October 2001), LR 31:1986 (August 2005), LR 36:1228 (June 2010), LR 39:1266 (May 2013), LR 43:295 (February 2017), LR 51:

§502. Fees and Exemptions; Entrance Discounts

A. Disabled Veterans. A special veteran entrance permit allows any disabled Louisiana resident who is a veteran of the armed forces of the United States and any person(s) accompanying him in a single, private, non-commercial vehicle exemption from the day-use entrance fees to any Louisiana state park. Applications for a veteran permit may be made to the Louisiana Department of Veterans' Affairs service office serving the parish in which the applicant resides. After certification of eligibility has been established by the Department of Veterans' Affairs, the assistant secretary of the OSP will issue a permit directly to the applicant.

B. Active-Duty Military. Active-duty military personnel and one immediate family member shall receive a 50 percent discount for general admission to a state park or state historic site by presenting a current, valid military photo ID.

C. - D. ...

E. Non-Profit Community Home-Based Organization. Any child age 18 or under who is retained in the legal custody of the state through a bona fide contractual service agreement with a public, non-profit community home-based organization or provider shall be exempt from paying the general admission fees or any other day-use fee at any site. Such use must be in conjunction with an organized group outing or event sponsored and supervised by the public, non-profit organization or provider.

F. Annual Day-Use Permits

1. Permits are available at a cost of \$100 per year. This permit, in the form of a wallet I.D. card, allows the holder individually or as a passenger in a single, private non-commercial vehicle entry to all sites in lieu of the normal admission fee. All people accompanying a permit holder as occupants in a single, private non-commercial vehicle in

which the permit holder is a passenger or driver are also admitted without charge.

a. The annual day-use permits are valid for a period of one year from the date of purchase. Permits may be obtained at any site.

b. Price does not include applicable state and local taxes.

c. Holder of the annual day-use permit should record the original number. If the original number is lost, they must notify the site office where the permit was purchased and provide the permittee’s name and permit number. A \$10 fee will be charged for a replacement permit.

F.2. - H. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:1681-1690 and R.S. 36:204.

HISTORICAL NOTE: Promulgated by the Department of Culture, Recreation and Tourism, Office of State Parks, LR 8:637 (December 1982), amended LR 12:89 (February 1986), LR 14:774 (November 1988), LR 16:1053 (December 1990), LR 19:309 (March 1993), LR 26:29 (January 2000), LR 27:1673 (October 2001), LR 31:1987 (August 2005), LR 36:1229 (June 2010), LR 39:1267 (May 2013), LR 43:296 (February 2017), LR 51:

§503. Fees and Exemptions; Special Promotions

A. ...

B. As approved by the assistant secretary and subject to the limits set forth herein, overnight use rates may be subject to a surcharge based on demand. In no event shall campsite rental fees exceed \$75 per night, cabin rental fees exceed \$350 per night, lodge rental fees exceed \$400 per night, nor group camp rental fees exceed \$2,500 per night.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:1681-1690 and R.S. 36:204.

HISTORICAL NOTE: Promulgated by the Department of Culture, Recreation and Tourism, Office of State Parks, LR 8:637 (December 1982), amended LR 12:89 (February 1986), LR 14:774 (November 1988), LR 16:1053 (December 1990), LR 26:29 (January 2000), LR 27:1673 (October 2001), LR 31:1988 (August 2005), LR 43:296 (February 2017), LR 51:

§504. Fees and Exemptions; Overnight Accommodations

A. - A.1.f. ...

g. Campsite Fees

Classification	Overnight Rate
Premium	\$33
Improved	\$28
Unimproved	\$18
Backcountry	\$9

2. Primitive Group Camping Areas

a. Designated primitive areas accommodating organized groups (Boy Scouts, Girl Scouts, etc.) are available for camping at \$35 to \$60 per night based on capacity. Capacity will be set by the site manager.

3. Rally Camping

a. Areas designated and reserved for use by organized groups of overnight campers. These areas differ from the normal state park campgrounds since they are available for group use only.

b. Fees

i. A fee of \$60 per night is assessed to the group for the exclusive use of the area, and each individual camper rig is also charged the improved campsite rate.

ii. The day-use fee for a rally campground is \$60 per day for the group, in addition to the standard general admission fees per person.

c. Carrying Capacity

i. Maximum carrying capacity for rally areas is established by individual site managers, and information concerning these capacities is available through the individual site offices.

4. Long-Term Stays

a. No fee exemption or discount provided for by rule may be applied to a long-term stay.

B. Cabins, Lodges and Group Camps—Fees and Exemptions

1. Cabins

a. Except as otherwise set forth in this Chapter, cabins may be rented in accordance with the following rates.

Classification	Overnight Rate	Bedding Accommodations	Maximum Capacity
Deluxe	\$175	6-8	8
Standard	\$95	4-6	6-8

2. Lodges

a. Lodges are large overnight structures equipped with kitchen, bath and sleeping facilities and can accommodate a large family or several family groups. Except as otherwise set forth in this Chapter, lodges may be rented at the following rates.

Overnight Rate	Bedding Accommodations	Maximum Capacity
\$250	14	16

3. Group Camps

a. Group camps are available at certain parks for organized group use, for day- or overnight use. The capacity and rates are as follows:

State Park	Overnight Rate	Sleeping Capacity
Bayou Segnette	\$700	80
Bogue Chitto	\$600	52
Chemin-A-Haut	\$400	38
Chicot	\$600	112
Fontainebleau	\$700	100
Fontainebleau	\$400	65
Jimmie Davis	\$700	124
Lake Bistineau	\$400	160
Lake D'Arbonne	\$600	50
North Toledo Bend	\$600	150
Tickfaw	\$400	52

b. Group camp reservation guests will be charged a one-time \$5 per person fee in addition to the overnight rate listed above.

c. Group camps with multiple structures will provide facilities based on the number of guests on a reservation.

4. Special Research Dormitory Facilities at Poverty Point World Heritage Site

4.a. - 4.b.i. ...

c. Application Process. Requests for use of the dormitory must be made in writing via letter or email addressed to the site manager. The site manager and the

assistant secretary will review the request and respond in writing to the applicant.

4.d. - 4.f.iv. ...

g. Special Conditions. All programs and activities conducted by groups or individuals using the dormitory must be approved in writing via letter or email by the site manager.

h. ...

5. Prices for the facilities listed in this section do not include applicable state and local taxes.

6. ...

7. Overnight rates will be at the discretion of the assistant secretary or their designee. Factors considered in pricing will include a facility's amenities and condition (i.e. age of facility, remodel, new construction, location on park, etc.).

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:1681-1690 and R.S. 36:204.

HISTORICAL NOTE: Promulgated by the Department of Culture, Recreation and Tourism, Office of State Parks, LR 8:638 (December 1982), amended LR 12:89 (February 1986), LR 12:828 (December 1986), LR 26:30 (January 2000), LR 27:1674 (October 2001), LR 31:1988 (August 2005), LR 36:1229 (June 2010), LR 39:1267 (May 2013), LR 43:297 (February 2017), LR 51:

§505. Reservation Policy

A. General Provisions

1. Reservations may be made for all OSP facilities that are subject to reservation by calling the currently contracted reservation center customer service line. Overnight and day-use facilities, including cabins, lodges, group camps, camping sites, rally shelters, meeting rooms and pavilions may be reserved 13 months in advance. For example, if a park user wants to use a facility on July 2, they may make the reservation no earlier than June 2 of the prior year. Reservations may also be made online 24 hours a day by accessing the OSP web site, www.lastateparks.com. A non-refundable service fee is charged for all reservations.

A.2. - A.3. ...

4. Full deposit amount must be received within 10 days of the date the reservation is made; otherwise, the reservation is canceled. Payment may be made by credit card, in-state personal check or money order. A \$35 NSF fee will be charged for checks written on accounts with insufficient funds. If the reservation is made within 14 days or fewer of the usage date, payment shall be by credit card only.

A.5. - A.6.d. ...

7. In the event a guest is a no-show for a reservation, the guest will be charged for one night at the reserved facility's rate. Exceptions can be granted in writing by the assistant secretary or their designee.

8. In the event reservations must be canceled by OSP staff (e.g., for maintenance or emergency reasons) the rental fee will be refunded in full.

9. Weekday nights are considered Sunday through Thursday and weekends are Friday through Saturday.

10. If facilities are not reserved in advance, they may be rented on weekends or weekdays for one night to walk-up users using the facilities that day.

11. Exceptions to the reservation policy may be granted by the assistant secretary or his designee. Minimum night reservation terms may be adjusted site-by-site or periodically

by the assistant secretary or his designee in order to encourage visitation or to correlate with special events.

12. Campsites in a park may be designated for long-term stays during the winter season, October 1 through March 31, with assistant secretary approval. A long-term stay shall not exceed 60 consecutive nights.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:1681-1693 and R.S. 36:204.

HISTORICAL NOTE: Promulgated by the Department of Culture, Recreation and Tourism, Office of State Parks, LR 8:640 (December 1982), amended LR 12:89 (February 1986), LR 14:777 (November 1988), LR 16:1051 (December 1990), LR 26:32 (January 2000), LR 27:1674 (October 2001), LR 31:1989 (August 2005), LR 36:1230 (June 2010), LR 39:1267 (May 2013), LR 43:298 (February 2017), LR 51:

§506. Refunds

A. - D. ...

E. Refunds of day-use fees are not granted when a visitor, by his own choosing, leaves the site due to inclement weather.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:1681-1690 and R.S. 36:204.

HISTORICAL NOTE: Promulgated by the Department of Culture, Recreation and Tourism, Office of State Parks, LR 8:633 (December 1982), amended LR 12:89 (February 1986), LR 12:828 (December 1986), LR 26:32 (January 2000), LR 31:1989 (August 2005), LR 36:1230 (June 2010), LR 51:

§507. Special Uses and Use Restrictions

A. Special Uses

1. Any function requiring special or restricted use of any facility or area within an OSP site must be approved by the assistant secretary and the fee for such will be computed on a negotiated rate unless otherwise established. Special use for an organized group event (e.g. weddings, tournaments, fundraiser, runs/walks, etc.) will typically require a facility use agreement (FUA). The determination for the requirement of a FUA will be made by the assistant secretary. Written request for special use of a facility must be received at the Office of State Parks, P.O. Box 44426, Baton Rouge, LA 70804-4426 at least 30 days prior to the scheduled event. No telephone requests are accepted.

B. - C.2. ...

D. Commercial Media

1. Use of OSP sites for commercial film-making, videography, or commercial still photography including but not limited to the production of motion picture, television programs, video or print advertising commercials, or commercial video tapings, any of which involves the exclusive use and occupancy of OSP property and/or facilities must be arranged and negotiated with the Office of State Parks' administrative office, public information officer for location agreement.

a. Such use shall only be permitted in accordance with a signed location agreement. Each location agreement is unique depending on the site, the proposed use, and other relevant factors and is negotiated accordingly. Contact the Office of State Parks' administrative office, public information officer for location agreement.

b. Exempt from this rule and policy are photographers and videographers who enter OSP property at the request of the DCRT, in response to a press release, or otherwise; to cover an event, conduct interviews, capture footage of the OSP site or program, or else to gather information for a news or feature story or DCRT project.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:1681-1690 and R.S. 36:204.

HISTORICAL NOTE: Promulgated by the Department of Culture, Recreation and Tourism, Office of State Parks, LR 8:633 (December 1982), amended LR 12:89 (February 1986), LR 14:779 (November 1988), LR 19:313 (March 1993), LR 26:32 (January 2000), LR 27:1674 (October 2001), LR 31:1989 (August 2005), LR 36:1230 (June 2010), LR 43:298 (February 2017), LR 51:

Family Impact Statement

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

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

Furthermore, the proposed Rule should have minimal, if any, foreseeable impact on family earnings and family budget due to the standardization and consolidation of campsite, cabin, and lodge rates, as well as the proposed rate changes listed below:

- The addition of a group camp attendee fee and an increase in group camp overnight rates
- Restructure of state historic site admission fees
- Increase in annual day-use permit rates

Poverty Impact Statement

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

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

Furthermore, the proposed Rule should have minimal, if any, foreseeable impact on household income, assets, and financial security due to the standardization and consolidation of campsite, cabin, and lodge rates, as well as the proposed rate changes listed below:

- The addition of a group camp attendee fee and an increase in group camp overnight rates
- Restructure of state historic site admission fees
- Increase in annual day-use permit rates

Small Business Analysis

The proposed Rule should have no adverse impact on small business as defined in the Regulatory Flexibility Act. Therefore, a Small Business Economic Impact Statement has not been prepared.

Provider Impact Statement

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

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

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

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

Public Comments

Interested persons may submit written comments on the proposed Rule until 5 p.m., November 18, 2024, to Mr. Brett Sandifer, Attorney for the Office of State Parks, P.O. Box 44426, Baton Rouge, LA 70804 or via email to bsandifer@crt.la.gov. He is responsible for responding to inquiries regarding the proposed Rule.

Public Hearing

No public hearing on this proposed Rule has been scheduled. If a public hearing is needed, all interested parties will be afforded an opportunity to submit data, views, or arguments either orally or in writing. Interested parties may submit a written request to conduct a public hearing to Mr. Brett Sandifer, Attorney for the Office of State Parks, P.O. Box 44426, Baton Rouge, LA 70804 or via email to bsandifer@crt.la.gov; however such request must be received no later than 5 p.m. on November 18, 2024.

H. Brandon Burris
Assistant Secretary

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES RULE TITLE: Cultural Resources

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

The proposed rule change is not anticipated to increase costs for the Louisiana Department of Culture, Recreation and Tourism (CRT), Office of State Parks (OSP). Implementation will be absorbed within existing resources and staff. There is no anticipated impact on local governmental unit costs.

The proposed rule change updates and clarifies existing rules by amending language to provide for several technical changes. Substantive revisions are as follows:

(1) Revises the cost of an annual day-use permit from \$80 to \$100 per year

(2) Adds language instructing the annual day-use permit holder on what actions to take if their permit needs to be replaced and that a \$10 fee will be charged for a replacement permit

(3) Revises the maximum campsite fee not to exceed \$75 per night and the group camp rental fee not to exceed \$2,500 per night; increases the new overnight rate from \$225 to \$250, and removes summer weekday, winter weekend, and winter weekday campsite rental rates and revises the summer weekend campsite rental rate to the standard "Overnight Rate" for all visitors

(4) Removes the standard weekday cabin rental rate and revises the standard weekend cabin rental rate to the "Overnight Rate" for all visitors

(5) Removes the provision that the "rental fee for all cabins at Hodges Gardens S.P. and modular cabins at Sam Houston Jones S.P. will be the standard weekday rate year-round."

(6) Removes the standard weekday lodge rental rate, the standard lodge classification rental rates, revises the standard weekend lodge rental rate to the "Overnight Rate" for all visitors, and revises the new Overnight Rate from \$225 to \$250

(7) Removes the Class I, II, and III classification, maximum capacity, and overnight rate schedule for group

camp and replaces it with a new site-specific group camp overnight rate schedule with site-specific group camp sleeping capacity limitations

(8) Adds language requiring that group camp reservation guests be charged a one-time fee of \$5 in addition to paying the new site-specific group camp overnight rates

(9) Adds language authorizing the assistant secretary to set overnight rates for all campsites, camping areas, cabins, lodges, group camps, and dormitory facilities at his/her discretion and lists factors to be considered in pricing the overnight rates

(10) Adds language implementing a one-night charge at the reserved facility's rate if a guest is a no-show for a reservation, but allows the assistant secretary or their designee to grant an exception to that charge in writing.

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

The proposed rule change anticipates an overall increase in revenue collections for CRT, estimated to total \$1.7 M in FY 26 and \$2.1 M in FY 27, due to the standardization and consolidation of campsite, cabin, and lodge rates, as well as the following proposed rate changes: the addition of a group camp attendee fee and an increase in group camp overnight rates; a restructuring of state historic site admission fees; and an increase in annual day-use permit. The new fee structure is anticipated to take effect July 1, 2025, at the outset of FY 26.

There is no anticipated impact on local governmental unit revenues.

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

The proposed rule change will have minimal, if any, direct effects upon persons, small businesses, or non-governmental groups. Patrons of the state parks and historic sites could experience an increase in costs from the increase in certain rates and fees compared to the amounts paid currently.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rule change is not anticipated to influence competition or employment.

H. Brandon Burris
Assistant Secretary
2411#024

Patrice Thomas
Deputy Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

Board of Elementary and Secondary Education

Bulletin 104—Louisiana Computer Science Content Standards—Computer Science Content Standards (LAC 28:LXXV.Chapter 1 and LAC 28:CIV.101, 103, 301, 303, 501, 503, Chapter 7, Chapter 9, and Chapter 11)

In accordance with the provisions of R.S. 17:6(A)(10) and the Administrative Procedure Act (APA), R.S. 49:953(B)(1) et seq., the Board of Elementary and Secondary Education (BESE) proposes to adopt LAC 28:CIV in *Bulletin 104—Louisiana Computer Science Content Standards*. Over the past year, the Computer Science Content Standards Writing Steering Committee and Grade Band Work Groups worked to write the Louisiana Computer Science Content Standards. The aforementioned content standards replace LAC 28:LXXV in *Bulletin 104—Louisiana K-12 Educational Technology Standards*.

Title 28
EDUCATION

**Part LXXV. Bulletin 104—Louisiana K-12 Educational
Technology Standards**

Chapter 1. Purpose

Subchapter A. Educational Technology

§101. Mission Statement

Repealed.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2012 (October 2003), amended LR 35:891 (May 2009), repealed LR 51:

§103. Philosophy

Repealed.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2012 (October 2003), amended LR 35:892 (May 2009), repealed LR 51:

§105. Definition

Repealed.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2012 (October 2003), amended LR 35:892 (May 2009), repealed LR 51:

Subchapter B. Standards

§107. Creativity and Innovation (1)

Repealed.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2012 (October 2003), amended LR 35:892 (May 2009), repealed LR 51:

§109. Communication and Collaboration (2)

Repealed.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2012 (October 2003), amended LR 35:892 (May 2009), repealed LR 51:

§111. Research and Information Fluency (3)

Repealed.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2012 (October 2003), amended LR 35:892 (May 2009), LR 51:

**§113. Critical Thinking, Problem Solving, and
Decision Making (4)**

Repealed.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2012 (October 2003), amended LR 35:892 (May 2009), repealed LR 51:

§115. Digital Citizenship (5)

Repealed.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2013 (October 2003), amended LR 35:892 (May 2009), repealed LR 51:

§117. Technology Operations and Concepts (6)

Repealed.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2013 (October 2003), amended LR 35:892 (May 2009), repealed LR 51:

Subchapter C. Performance Indicators

§119. Grades PreK-2

Repealed.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2013 (October 2003), amended LR 35:892 (May 2009), repealed LR 51:

§121. Grades 3-5

Repealed.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2013 (October 2003), amended LR 35:892 (May 2009), repealed LR 51:

§123. Grades 6-8

Repealed.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2014 (October 2003), amended LR 35:893 (May 2009), repealed LR 51:

§125. Grades 9-12

Repealed.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2014 (October 2003), amended LR 35:893 (May 2009), repealed LR 51:

Title 28
EDUCATION

**Part CIV. Bulletin 104—Louisiana Computer Science
Content Standards**

Chapter 1. General Provisions

§101. Introduction

A. The computer science content standards are organized into five core concepts based on the Louisiana Computer Science Framework (LSCF). Each concept is further subdivided into relevant subconcepts which serve as a way to organize essential knowledge or computing skills.

B. The complexity of the standards progresses from kindergarten through twelfth grade. Within each concept, the content standards define the content and skills that students should master by the end of the elementary, middle, and high school grade bands. A standard represents a goal or outcome of an educational program and is not meant to serve as an instructional curriculum or assessment ask.

§103. Definitions

Abstraction—the process of reducing complexity by focusing on the most relevant details.

Algorithm—a step-by-step process to complete a task.

Code—any set of instructions expressed in a programming language.

Computational Artifact—anything created by a human using a computational thinking process and a computing device. A computational artifact can be, but is not limited to, a program, image, audio, video, presentation, or web page file.

Computational Thinking—a problem-solving process that can be applied to multiple disciplines and includes decomposition, abstraction, pattern recognition, and their impact on society.

Computer Science—the study of computers and algorithmic processes, including principles, hardware and software designs, implementation, and their impact on society.

Computing System—the collection of one or more computers or computing devices, including both hardware and software, integrated to accomplish shared tasks. A computing system may be used to refer to one device, but is more commonly used to refer to a collection of multiple connected devices, hardware, and computers.

Cyber Citizenship—the responsible use of technology which may include, but is not limited to, accessing and following acceptable, responsible behaviors to access technology within an acceptable use policy (AUP); social media use and limitations by age; data sharing and privacy; responsible personal cybersecurity practices; fact-checking and verifying information from social media outlets; understanding your personal digital footprint; obeying state and federal computing laws; and avoidance of cyber bullying and/or harassment.

Data Transformation—the process of converting, cleaning, and structuring data into a usable format for computers to process. The usable data can be analyzed to support data-driven decision making.

Digital Literacy—the ability to find, evaluate, utilize, share, and create digital content.

Emerging technologies—innovations, unexpected new technologies, new advances in computing, and future innovations that are happening in both the present and potential near future.

Model—a representation of some part of a problem or a system, and can act as a bridge between algorithms and actual implementation software.

Operation—the action that a computer carries out to complete a task. Not to be confused with mathematical operations of addition, subtraction, multiplication, and division. There are five basic types of computer operations: inputting, processing, outputting, storing, and controlling.

Procedure—an independent code module that fulfills some concrete tasks and is referenced within a larger body of program code. The fundamental purpose of a procedure is to offer a single point of reference for some small group or task that the developer or programmer may trigger by invoking the procedure itself.

Program—a set of instructions the computer executes to achieve an objective. When used as a verb, the term means to create a program by programming.

Programming Language—sets of computer instructions that can be utilized by a programmer to tell a computer what to do.

Reliability—an attribute of any system that consistently produces the same results to meet or exceed its requirements.

Remix—creating new program versions by recombining or modifying parts of the existing program's code to develop new solutions or compensate for problems.

Scalability—the capability of a network to handle a growing amount of work or the network's potential to be enlarged to accommodate future growth.

Simulation—a program that imitates the operation of a real-world process or system.

Software Development Life Cycle (SDLC)—a process for planning, creating, testing, and deploying an information system. The stages in the SDLC are planning, requirements analysis, design, coding, testing, deployment, and maintenance.

Test Case—a set of variables under which a user will determine whether the system satisfies requirements or works correctly.

Usability—the degree to which software can be used by specified consumers to achieve a quantified objective with effectiveness, efficiency, and satisfaction in a quantified context of use.

Variable—a symbolic name used to keep track of a value that may change as a program runs.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 51:

Chapter 3. Computing Systems

§301. Hardware and Software

A. Grade Band: K-5. By the end of fifth grade, students will:

1. Identify and select the appropriate hardware to complete computing tasks.
2. Identify and select the appropriate software to complete computing tasks.
3. Evaluate hardware and software types to meet users' needs in completing various computing tasks.

B. Grade Band: 6-8. By the end of eighth grade, students will:

1. Analyze the functions and interactions of core components within a computer system.
2. Explain how hardware and software components work together to perform specific tasks.

C. Grade Band: 9-12. By the end of twelfth grade, students will:

1. Explain how abstractions hide the underlying implementation details of computing systems embedded in everyday things.
2. Analyze the levels of interactions between application software and system software as well as the hardware layers.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 51:

§303. Troubleshooting

A. Grade Band: K-5. By the end of fifth grade, students will:

1. Propose potential ways to address computing problems using appropriate hardware and software.

B. Grade Band: 6-8. By the end of eighth grade, students will:

1. Evaluate possible solutions to a hardware or software problem.

C. Grade Band: 9-12. By the end of twelfth grade, students will:

1. Generate guidelines that convey systematic troubleshooting strategies that other users can utilize to identify and fix errors.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 51:

Chapter 5. Networks and the Internet

§501. Hardware and Network Communication

A. Grade Band: K-5. By the end of fifth grade, students will:

1. Explain how networks connect computers to other computing systems and the Internet.

B. Grade Band: 6-8. By the end of eighth grade, students will:

1. Analyze the various structures and functions of a network.

2. Identify and differentiate the protocols utilized in data sharing across networks.

C. Grade Band: 9-12. By the end of twelfth grade, students will:

1. Evaluate a network's scalability, reliability, and appropriateness by describing the relationship between routers, switches, devices, topology, and addressing (MAC, IP, Subnet, and Gateway).

2. Illustrate how to trace data through a network model, explaining the interactions that occur throughout the process.

3. Describe and evaluate the Internet as a digital public infrastructure (DPI) from the highest level to the private service provider level.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 51:

§503. Cybersecurity

A. Grade Band: K-5. By the end of fifth grade, students will:

1. Describe personally identifiable information (PII) and identify practices for when and where sharing PII is appropriate.

2. Identify ways to maintain data security when using networks.

B. Grade Band: 6-8. By the end of eighth grade, students will:

1. Explain how physical and digital security practices and measures proactively address threats to users, data, and devices within and across networks.

2. Analyze threats and vulnerabilities to information security for individuals and organizations.

C. Grade Band: 9-12. By the end of twelfth grade, students will:

1. Interpret and analyze mechanisms through which malware and other types of cyber attacks can impact hardware, software, and sensitive data.

2. Recommend security measures to address factors that create trade-offs between the usability and security of a computing system.

3. Compare and contrast how software developers protect computing systems and information from unauthorized used access.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 51:

Chapter 7. Data and Analysis

§701. Data Representation

A. Grade Band: K-5. By the end of fifth grade, students will:

1. Classify types of data and describe the attributes used to sort data.

2. Organize and present data visually to highlight relationships and support claims.

B. Grade Band: 6-8. By the end of eighth grade, students will:

1. Evaluate the most efficient and effective ways to arrange, collect, and visually represent data to inform others.

2. Analyze and explain the connection between data sets and graphical representations.

C. Grade Band: 9-12. By the end of twelfth grade, students will:

1. Evaluate data representations, propose strategies to reconstruct the data, and visualize data in a variety of ways.

2. Define and describe database structures to optimize the search and retrieval of data.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 51:

§703. Data Collection

A. Grade Band: K-5. By the end of fifth grade, students will:

1. Select the appropriate data collection tool and technique to gather data to support a claim or communicate information.

2. Describe and collect data utilizing the appropriate units of measure and discuss how data format impacts a computing system.

B. Grade Band: 6-8. By the end of eighth grade, students will:

1. Compare and contrast how data is collected using computational and non-computational tools and processes.

2. Analyze scenarios and computing systems to determine the appropriate data entry format for specific tools.

C. Grade Band: 9-12. By the end of twelfth grade, students will:

1. Explain and describe the impacts of uncertainty and the limitation of data collection technology and tools.

2. Describe the personal and legal impacts of accumulated data, both collected and derived, for given scenarios. Propose tools and techniques to manage the accumulated data appropriately.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 51:

§705. Data Storage

A. Grade Band: K-5. By the end of fifth grade, students will:

1. Compare and contrast ways to store data using technology.

2. Explain how to save and name data, search for data, retrieve data, modify data, and delete data using a computing device.

B. Grade Band: 6-8. By the end of eighth grade, students will:

1. Describe how different representations of real-world phenomena such as letters, numbers, and images are encoded as data.

2. Propose methods to back up data safely and the appropriate practices for data risk management.

C. Grade Band: 9-12. By the end of twelfth grade, students will:

1. Explain and utilize the appropriate data structural organization system to collaborate and communicate data within a team or user group in given scenarios.

2. Justify choices on how data elements are organized and where data is stored considering cost, speed, reliability, accessibility, privacy, and integrity.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 51:

§707. Visualizations and Transformations

A. Grade Band: K-5. By the end of fifth grade, students will:

1. Organize and present data visually in at least three ways to highlight relationships and evaluate a claim.

2. Evaluate data quality and clean data when indicated using the criteria of validity, accuracy, completeness, consistency, and uniformity.

B. Grade Band: 6-8. By the end of eighth grade, students will:

1. Utilize tools and techniques to locate, collect, and create visualizations of large-scale data sets.

2. Collect and transform data using computational tools to make functional and reliable data for use in hypothesis testing.

C. Grade Band: 9-12. By the end of twelfth grade, students will:

1. Create interactive data visualizations using software tools that explain complex data to others.

2. Utilize data analysis tools to ingest (extract, transform, and load) and process data into relevant information.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 51:

§709. Inference and Models

A. Grade Band: K-5. By the end of fifth grade, students will:

1. Analyze data for patterns and relationships.

2. Utilize data to create models, answer investigative questions, and make predictions.

B. Grade Band: 6-8. By the end of eighth grade, students will:

1. Describe and evaluate the accuracy of a modeled system by comparing the generated results with observed data from the system the data represents.

2. Refine computational models based on data generated by the models.

C. Grade Band: 9-12. By the end of twelfth grade, students will:

1. Apply and evaluate data analysis techniques to identify patterns represented in complex systems.

2. Analyze patterns in data visualizations, then select a collection tool to test a hypothesis and communicate the relevant information to others.

3. Create a model utilizing data with the appropriate simulated variable to develop predictions for real-world phenomena.

4. Evaluate the impact of the variable and the model on the performance of a simulation to refine a hypothesis.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 51:

Chapter 9. Algorithms and Programming

§901. Variables and Algorithms

A. Grade Band: K-5. By the end of fifth grade, students will:

1. Create clearly named variable representing different data types and perform operations on the variables' values.

2. Create, use, and apply an algorithm to complete a task. Compare the results of algorithm usage trials and refine the algorithm.

B. Grade Band: 6-8. By the end of eighth grade, students will:

1. Evaluate and use naming conventions for variable to accurately communicate the variables' meaning to other users and programmers.

2. Compare and contrast data constants and variables.

3. Evaluate algorithms in terms of efficiency, correctness, and clarity.

C. Grade Band: 9-12. By the end of twelfth grade, students will:

1. Explain what computer memory is and how variable are stored and retrieved.

2. Assess variables, then classify the scope and type of variable.

3. Design algorithms that can be adapted to express an idea or solve a problem.

4. Use and adapt classical algorithms to solve computational problems.

5. Identify and explain how a derived data type can be utilized in a real-world scenario.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 51:

§903. Control Structures

A. Grade Band: K-5. By the end of fifth grade, students will:

1. Define what a control structure is and create programs that include sequences, conditional, events, and loops.

B. Grade Band: 6-8. By the end of eighth grade, students will:

1. Explain the functions of various control structures. Compare and contrast examples of control structure types.

2. Design and iteratively develop programs that combine control structures into advanced control structures.

C. Grade Band: 9-12. By the end of twelfth grade, students will:

1. Justify the selection of control structures to balance implementation complexity, maintainability, and program performance.

2. Design and iteratively develop computational artifacts using events to initiate instructions.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 51:

§905. Modularity

A. Grade Band: K-5. By the end of fifth grade, students will:

1. Define and apply decomposition to a complex problem in order to create smaller subproblems that can be solved through step-by-step instructions.

2. Modify, remix, or incorporate parts of an existing problem's solution to develop something new or add more advanced features to a program.

B. Grade Band: 6-8. By the end of eighth grade, students will:

1. Decompose problems to facilitate program design, implementation, and review.

2. Create procedures with parameters to organize code and promote reusability.

C. Grade Band: 9-12. By the end of twelfth grade, students will:

1. Decompose problems into smaller components using constructs such as procedures, modules, and/or objects.

2. Create computational artifacts using procedures within a program, combinations of data and procedures, or independent but interrelated programs.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 51:

§907. Program Development

A. Grade Band: K-5. By the end of fifth grade, students will:

1. Create a simple program to achieve a goal with expected outcomes.

2. Test and debug a program or algorithm to ensure the program produces the intended outcomes.

3. Collaborate with a team of peers to design, implement, test, and review the stages of program development.

4. Describe and justify the steps taken and choices made during a program's development.

5. Using an iterative process, test a program step-by-step and document areas of refinement.

6. Identify intellectual property rights and apply the appropriate attribution when creating or remixing programs.

B. Grade Band: 6-8. By the end of eighth grade, students will:

1. Seek and incorporate feedback from peers to employ user-centered design solutions.

2. Incorporate existing resources into original programs and give the proper attributions.

3. Systematically test, document outcomes, and refine programs using a range of test cases.

4. Develop computational artifacts by working as a team, distributing tasks, and maintaining an iterative project timeline.

5. Use applicable industry practices to test, debug, document, and peer review code.

C. Grade Band: 9-12. By the end of twelfth grade, students will:

1. Design and develop programs by working in team roles using version control systems, integrated development environments (IDEs), and collaborative tools and practices.

2. Use a standard library and/or application programming interface (API) to create reusable code components to design simple programs and enhance existing programs.

3. Utilize the Software Development Life Cycle (SDLC) to create software that is a minimum viable product.

4. Iteratively evaluate and modify an existing program to add functionality and discuss intended and unintended implications.

5. Develop and utilize test cases to verify that a program performs according to the program's design specifications.

6. Apply the appropriate documentation techniques to make programs more accessible to debug and to be maintained by others.

7. Evaluate licenses that limit or restrict the use of computational artifacts when utilizing resources such as libraries.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 51:

Chapter 11. Impacts of Computing

§1101. Intellectual Achievements

A. Grade Band: K-5. By the end of fifth grade, students will:

1. Describe how computing has changed the ways people live and work.

B. Grade Band: 6-8. By the end of eighth grade, students will:

1. Identify foundational computational advancements through the use of technology innovation cycle.

2. Plan and devise new ideas and solutions for problems with inspiration from previous discoveries in computational knowledge.

C. Grade Band: 9-12. By the end of twelfth grade, students will:

1. Analyze the key milestones of computer science, historical events influenced by computer science, and the people connected to these achievements.

2. Explain how innovations in computer science and technology enable advancements in other fields of study.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 51:

§1103. Social Interaction

A. Grade Band: K-5. By the end of fifth grade, students will:

1. Identify examples of cyberbullying with age-appropriate responses.

2. Identify and describe examples of appropriate versus inappropriate computer communications.

B. Grade Band: 6-8. By the end of eighth grade, students will:

1. Analyze communication technologies and then describe how the technology's use influences individuals and society.

2. Generate designs that increase the accessibility and usability of technology for various groups of users.

3. Develop and propose norms for informal versus formal online communications.

C. Grade Band: 9-12. By the end of twelfth grade, students will:

1. Describe how cyberspace is becoming a universal medium for connecting humans, the economy, business, and computing.

2. Evaluate the adoption and adaptation of social norms from the physical world to the cyber world.

3. Describe and critique how algorithmic feedback loops can shape perceptions, reinforce a limited data set, and limit the sources of information that may inform the individual user.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 51:

§1105. Laws, Safety, and Industry Practices

A. Grade Band: K-5. By the end of fifth grade, students will:

1. Describe the safe versus unsafe uses of computing systems at age-appropriate levels.

2. Explain how the school and school system's computing rules and policies keep students safe.

3. Explain how online actions have real-world consequences and that laws and rules may also apply online.

B. Grade Band: 6-8. By the end of eighth grade, students will:

1. Recommend and propose computing-use guidelines to maintain a user's personal safety, privacy, and well-being.

2. Identify applicable laws that impact personal, industry, or business computing practices.

3. Describe and categorize factors that affect user's access to computing resources locally, nationally, and globally.

C. Grade Band: 9-12. By the end of twelfth grade, students will:

1. Describe and analyze the motive of online threat actors to a user's personal safety, privacy, and well-being.

2. Explain how the interconnectedness of cyberspace can lead to physical and digital vulnerabilities.

3. Compare and contrast the varied approaches used to govern data an intellectual property, control information access, and provide guidance to users.

4. Debate laws and industry regulations that impact the development and use of computational artifacts.

5. Debate the ethical consideration of creating and publishing computational artifacts.

6. Analyze the data provenance of computational artifacts.

7. Explain how individuals and organizations can exert influence on personal and societal perceptions and practices through computing technologies.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 51:

Family Impact Statement

In accordance with section 953 and 974 of title 49 of the Louisiana Revised Statutes, there is hereby submitted a Family Impact Statement on rules proposed for adoption, repeal, or amendment. All Family Impact Statements will be kept on file in the state board office which has adopted, amended, or repealed rules in accordance with the applicable provisions of the law relating to public records.

1. Will the proposed Rule affect the stability of the family? No.

2. Will the proposed Rule affect the authority and rights of parents regarding the education and supervision of their children? No.

3. Will the proposed Rule affect the functioning of the family? No.

4. Will the proposed Rule affect family earnings and family budget? No.

5. Will the proposed Rule affect the behavior and personal responsibility of children? No.

6. Is the family or a local government able to perform the function as contained in the proposed Rule? Yes.

Poverty Impact Statement

In accordance with section 973 of title 49 of the Louisiana Revised Statutes, there is hereby submitted a Poverty Impact Statement on rules proposed for adoption, amendment, or repeal. All Poverty Impact Statements will be in writing and kept on file in the state agency which has adopted, amended, or repealed rules in accordance with the applicable provisions of the law relating to public records. For the purposes of this section, the word "poverty" means living at or below 100 percent of the federal poverty line.

1. Will the proposed Rule affect the household income, assets, and financial authority? No.

2. Will the proposed Rule affect early childhood development and preschool through postsecondary education development? No.

3. Will the proposed Rule affect employment and workforce development? No.

4. Will the proposed Rule affect taxes and tax credits? No.

5. Will the proposed Rule affect child and dependent care, housing, health care, nutrition, transportation, and utilities assistance? No.

Small Business Analysis

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

Provider Impact Statement

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

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

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

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

Public Comments

Interested persons may submit written comments via the U.S. Mail until noon, December 10, 2024, to Tavares A. Walker, Executive Director, Board of Elementary and Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA 70804-9064. Written comments may also be hand delivered to Tavares A. Walker, Executive Director, Board of Elementary and Secondary Education, Suite 5-190, 1201 North Third Street, Baton Rouge, LA 70802 and must be date stamped by the BESE office on the date received. Public comments must be dated and include the original signature of the person submitting the comments.

Tavares A. Walker
Executive Director

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: **Bulletin 104—Louisiana Computer Science Content Standards—Computer Science Content Standards**

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

The proposed rule change may result in an increase in local fund expenditures to the extent courses currently taught under the existing computer science content standards require changes to meet the new requirements, though any such costs are indeterminable and will vary by local education agency (LEA). The Board of Elementary and Secondary Education (BESE) included \$1 M in its Louisiana Education Quality Trust Fund (8(g)) budget for technical assistance grants of up to \$40,000 per school system. These funds could support efforts related to implementation of the standards. Over the past year, the Computer Science Content Standards Writing Steering Committee and Grade Band Work Groups worked to develop the Louisiana Computer Science Content Standards. The content standards replace LAC 28:LXXV in Bulletin 104—*Louisiana K-12 Educational Technology Standards*. The Louisiana Department of Education (LDOE) will work to both identify and create resources, open-source when available, to support the development of courses in alignment with the standards. A total of \$250,000 was appropriated in the FY 25 budget for Teacher Leader Advisors (TLA). Eight (8) TLAs, at a cost of \$41,500 SGF will be utilized to develop resources specifically related to computer science content standards. Funding for such work in future years will be requested through the LDOE budget.

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

There is no anticipated effect on the revenue collections of state or local governmental units as a result of the proposed rule change.

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

There are no anticipated costs or benefits to directly affected persons, small businesses, or nongovernmental groups as a result of the proposed rule change.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no anticipated effect on competition and employment as a result of the proposed rule change.

Beth Scioneaux
Deputy Superintendent
2411#045

Patrice Thomas
Deputy Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

Board of Elementary and Secondary Education

Bulletin 118—Statewide Assessment Standards and Practices—Field Testing (LAC 28:XI.7501)

In accordance with the provisions of R.S. 17:6(A)(10) and the Administrative Procedure Act (APA), R.S. 49:953(B)(1) et seq., the Board of Elementary and Secondary Education (BESE) proposes to amend LAC 28:XI in *Bulletin 118—Statewide Assessment Standards and Practices*. These revisions would remove the wording specifying LEAP, which now refers to a specific assessment program. When initially adopted, the wording was meant to cover all testing. LEAP later became a word used to describe a particular set of tests rather than all state assessments. The purpose of field testing is to obtain data on test items that have been developed for a particular assessment. 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.

Title 28

EDUCATION

Part XI. Bulletin 118—Statewide Assessment Standards and Practices

Subpart 3. Accountability/Testing

Chapter 75. Field Testing

§7501. General Provisions

[Formerly LAC 28:CXL2501]

A. The purpose of field testing is to obtain data on test items that have been developed for a particular assessment.

1. - 3. Repealed.

B. Field tests are conducted annually in designated content areas.

C. - C.2.f.iii. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:24 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1557 (July 2005), amended LR 32:239 (February 2006), LR 34:1353 (July 2008), LR 40:2515 (December 2014), LR 44:476 (March 2018), LR 47:568 (May 2021), LR 51:

Family Impact Statement

In accordance with section 953 and 974 of title 49 of the Louisiana Revised Statutes, there is hereby submitted a Family Impact Statement on rules proposed for adoption, repeal, or amendment. All Family Impact Statements will be kept on file in the state board office which has adopted, amended, or repealed rules in accordance with the applicable provisions of the law relating to public records.

1. Will the proposed Rule affect the stability of the family? No.

2. Will the proposed Rule affect the authority and rights of parents regarding the education and supervision of their children? No.

3. Will the proposed Rule affect the functioning of the family? No.
4. Will the proposed Rule affect family earnings and family budget? No.
5. Will the proposed Rule affect the behavior and personal responsibility of children? No.
6. Is the family or a local government able to perform the function as contained in the proposed Rule? Yes.

Poverty Impact Statement

In accordance with section 973 of title 49 of the Louisiana Revised Statutes, there is hereby submitted a Poverty Impact Statement on rules proposed for adoption, amendment, or repeal. All Poverty Impact Statements will be in writing and kept on file in the state agency which has adopted, amended, or repealed rules in accordance with the applicable provisions of the law relating to public records. For the purposes of this section, the word “poverty” means living at or below 100 percent of the federal poverty line.

1. Will the proposed Rule affect the household income, assets, and financial authority? No.
2. Will the proposed Rule affect early childhood development and preschool through postsecondary education development? No.
3. Will the proposed Rule affect employment and workforce development? No.
4. Will the proposed Rule affect taxes and tax credits? No.
5. Will the proposed Rule affect child and dependent care, housing, health care, nutrition, transportation, and utilities assistance? No.

Small Business Analysis

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

Provider Impact Statement

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

1. the effect on the staffing level requirements or qualifications required to provide the same level of service;
2. the total direct and indirect effect on the cost to the providers to provide the same level of service; or
3. the overall effect on the ability of the provider to provide the same level of service.

Public Comments

Interested persons may submit written comments via the U.S. Mail until noon, December 10, 2024, to Tavares A. Walker, Executive Director, Board of Elementary and Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA 70804-9064. Written comments may also be hand delivered to Tavares A. Walker, Executive Director, Board of Elementary and Secondary Education, Suite 5-190, 1201 North Third Street, Baton Rouge, LA 70802 and must

be date stamped by the BESE office on the date received. Public comments must be dated and include the original signature of the person submitting the comments.

Tavares A. Walker
Executive Director

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES
RULE TITLE: Bulletin 118—Statewide Assessment
Standards and Practices—Field Testing**

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

There are no anticipated implementation costs or savings to state or local governmental units due to the proposed rule change. The proposed rule change updates Bulletin 118—*Statewide Assessment Standards and Practices*, removing references to “LEAP”, which refers to a specific assessment program, to more closely align with the intent of the policy. The purpose of field testing is to obtain data on test items that have been developed for a particular assessment. 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.

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

There is no anticipated effect on the revenue collections of state or local governmental units as a result of the proposed rule change. The cost of field testing is already covered within current state testing budgets.

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

There are no anticipated costs or benefits to directly affected persons, small businesses, or nongovernmental groups as a result of the proposed rule change.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no anticipated effect on competition and employment as a result of the proposed rule change.

Beth Scioneaux
Deputy Superintendent
2411#046

Patrice Thomas
Deputy Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

Board of Elementary and Secondary Education

Bulletin 126—Charter Schools
Student Enrollment
(LAC 28:CXXXIX.2713)

In accordance with the provisions of R.S. 17:6(A)(10) and the Administrative Procedure Act (APA), R.S. 49:953(B)(1) et seq., the Board of Elementary and Secondary Education (BESE) proposes to amend LAC 28:CXXXIX in *Bulletin 126—Charter Schools*. Act 659 of the 2024 Regular Legislative Session revised requirements that charter schools meet a certain threshold with respect to the number of students with exceptionalities and economically disadvantaged students compared with total student enrollment. At the August 2024 Board of Elementary and Secondary Education (BESE) meeting, the board approved

revisions to policy contained in Bulletin 126—*Charter Schools*, in response to Act 659. These revisions further clarify that policy.

**Title 28
EDUCATION**

**Part CXXXIX. Bulletin 126—Charter Schools
Chapter 27. Charter School Recruitment and
Enrollment**

§2713. Required Student Enrollment Percentages

A. - E.2. ...

F. The department shall perform all calculations necessary to implement this Section and shall develop procedures for annually determining whether each charter school has complied with the application and enrollment transparency requirements of this Section.

G. - I. ...

J. Each charter school authorizer shall maintain procedures for investigating alleged noncompliance with Subsection 2107(I) of this Part by any charter school operating under its authority. The requirements of this Subsection may be satisfied through existing procedures, such as those required under state or federal anti-discrimination provisions. Each charter school authorizer shall submit copies of the procedures required by this Subsection to the LDOE no later than May 31 of each year.

1. The LDOE shall develop guidance for charter authorizers regarding the implementation of the procedures and steps authorizers shall take in response to a charter school's failure to meet the requirements of this Section.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10) R.S. 17:3973, R.S. 17:3981, and R.S. 17:3991.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education in LR 34:1375 (July 2008), amended LR 37:875 (March 2011), LR 40:1325 (July 2014), LR 42:550 (April 2016), LR 43:310 (February 2017), LR 43:2478 (December 2017), LR 51: (January 2025), LR 51:

Family Impact Statement

In accordance with section 953 and 974 of title 49 of the Louisiana Revised Statutes, there is hereby submitted a Family Impact Statement on rules proposed for adoption, repeal, or amendment. All Family Impact Statements will be kept on file in the state board office which has adopted, amended, or repealed rules in accordance with the applicable provisions of the law relating to public records.

1. Will the proposed Rule affect the stability of the family? No.

2. Will the proposed Rule affect the authority and rights of parents regarding the education and supervision of their children? No.

3. Will the proposed Rule affect the functioning of the family? No.

4. Will the proposed Rule affect family earnings and family budget? No.

5. Will the proposed Rule affect the behavior and personal responsibility of children? No.

6. Is the family or a local government able to perform the function as contained in the proposed Rule? Yes.

Poverty Impact Statement

In accordance with section 973 of title 49 of the Louisiana Revised Statutes, there is hereby submitted a Poverty Impact Statement on rules proposed for adoption, amendment, or repeal. All Poverty Impact Statements will be in writing and kept on file in the state agency which has adopted, amended,

or repealed rules in accordance with the applicable provisions of the law relating to public records. For the purposes of this section, the word "poverty" means living at or below 100 percent of the federal poverty line.

1. Will the proposed Rule affect the household income, assets, and financial authority? No.

2. Will the proposed Rule affect early childhood development and preschool through postsecondary education development? No.

3. Will the proposed Rule affect employment and workforce development? No.

4. Will the proposed Rule affect taxes and tax credits? No.

5. Will the proposed Rule affect child and dependent care, housing, health care, nutrition, transportation, and utilities assistance? No.

Small Business Analysis

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

Provider Impact Statement

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

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

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

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

Public Comments

Interested persons may submit written comments via the U.S. Mail until noon, December 10, 2024, to Tavares A. Walker, Executive Director, Board of Elementary and Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA 70804-9064. Written comments may also be hand delivered to Tavares A. Walker, Executive Director, Board of Elementary and Secondary Education, Suite 5-190, 1201 North Third Street, Baton Rouge, LA 70802 and must be date stamped by the BESE office on the date received. Public comments must be dated and include the original signature of the person submitting the comments.

Tavares A. Walker
Executive Director

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES**

**RULE TITLE: Bulletin 126—Charter Schools
Student Enrollment**

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

There are no anticipated implementation costs or savings to state or local governmental units due to the proposed rule

change. The proposed rule change updates Bulletin 126—*Charter Schools* to align rules with Act 659 of the 2024 RS, which revised enrollment requirements that charter schools meet with respect to the number of students with exceptionalities and economically disadvantaged students relative to total student enrollment. The Louisiana Department of Education (LDOE) will produce additional guidance for local authorizers in addressing concerns regarding charter schools not meeting required enrollment percentages. This will be accomplished with existing staff.

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

There is no anticipated effect on the revenue collections of state or local governmental units as a result of the proposed rule change.

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

There are no anticipated costs or benefits to directly affected persons, small businesses, or nongovernmental groups as a result of the proposed rule change.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no anticipated effect on competition and employment as a result of the proposed rule change.

Beth Scioneaux
Deputy Superintendent
2411#047

Patrice Thomas
Deputy Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

Board of Elementary and Secondary Education

Bulletin 132—Louisiana Course Choice Program
Course Choice Program
(LAC 28:CLI.Chapter 1, 303, Chapter 5, 701, 703,
901, 1101, and 1301)

In accordance with the provisions of R.S. 17:6(A)(10) and the Administrative Procedure Act (APA), R.S. 49:953(B)(1) et seq., the Board of Elementary and Secondary Education (BESE) proposes to amend LAC 28:CLI in *Bulletin 132—Louisiana Course Choice Program*. The proposed revisions are in response to Act 91 of the 2024 Regular Legislative Session. Revisions provide that each local education agency (LEA) shall make available to all students and parents during the annual course enrollment process for the school system the course catalog as provided by the LDOE and derived from a list of course providers approved by BESE. Further, if the allocated funds are insufficient to fund all students who seek to enroll in a course under this program, students shall be prioritized as outlined. Additionally, a student shall not be permitted to enroll in a course where a determination was made by the school counselor of the school that the course is not academically appropriate considering the student's chosen graduation pathway or conflicts with the LDOE published planning resources.

**Title 28
EDUCATION**

Part CLI. Bulletin 132—Louisiana Course Choice Program

Chapter 1. General Provisions
§101. Purpose, Scope, and Effect
Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.7 and R.S. 17.4002.2.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 38:3124 (December 2012), repealed LR 51:

§103. Definitions

Academically Appropriate—coursework that aligns with the educational goals and interests as established during the student's Individual Graduation Planning.

Eligible Funded Student—any student who resides in Louisiana and is attending a Louisiana public elementary or secondary school.

1. - 2. Repealed.

Eligible Participating Student—any student who resides in Louisiana and meets one of the following criteria:

1. - 3. ...

Supplemental Course Allocation—shall provide for the cost of secondary course choices specifically approved by BESE.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.7 and R.S. 17.4002.2.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 38:3124 (December 2012), amended LR 40:2518 (December 2014), LR 51:

§105. Purpose of Course Choice Program

A. The Course Choice Program was enacted by the Louisiana Legislature so that all Louisiana school children have access to the type and format of education that best meets the needs of the individual student and to include parental choice in the best interest of their child. Each student has different needs that merit a variety of course choices on the individual student level, and that the state has the right, responsibility, duty and obligation to accomplish the objective of a quality, individualized education for all Louisiana children.

B. Course providers can offer a quality, individualized education to students, and it is in the public interest to offer students the means of accessing the educational opportunities offered by course providers by providing students instruction that is funded through public funds allocated to school systems from local and state sources to enroll in such courses.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.7 and R.S. 17.4002.2-4002.3.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 38:3124 (December 2012), amended LR 51:

Chapter 3. Course Choice Authorizers

§303. BESE Duties Relating to Course Choice Program

A. - A.3. ...

4. alignment of the courses offered by the course provider with any type of approved Louisiana diploma;

a. - a.i. ...

ii. career and technical education (CTE) course offerings, including internships and Registered Apprenticeships, that tie directly to current and future workforce needs of Louisiana as defined by the Louisiana Workforce Commission in its most recent jobs forecast and lead to industry-based certifications; and

iii. early access to college credit course offerings;

A.5. - C.1. ...

D. BESE shall provide a reciprocal instructor certification process for instructors who reside in other states but who are employed by authorized course providers and teach virtual education courses to satisfy the state certification requirements pursuant to R.S. 17:7.1.

E. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.7 and R.S. 4002.4.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 38:3125 (December 2012), amended LR 40:2518 (December 2014), LR 51:

Chapter 5. Course Providers

§501. General Provisions

A. - D. ...

E. All Course Choice Program providers will adhere to the uniform grading policy established in LAC 28:CXV.2302 (*Bulletin 741*). Business and industry providers will provide credits for students seeking to obtain the career diploma.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.7, R.S. 17:184, and R.S. 4002.2-4002.6.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 38:3125 (December 2012), amended LR 40:2518 (December 2014), LR 51:

§503. Course Provider Curriculum

A. ...

1. support the state content standards and CTE course guidelines as applicable;

2. - 4. ...

5. ensure that all courses offered for dual enrollment postsecondary credit meet the standards and grade-level expectations of the high school course for which the student is receiving credit and meet the standards for college credit as established by the Louisiana Board of Regents.

B. For all providers that offer courses which require a review in accordance with LAC 28:CXV.1703 (*Bulletin 741*), the provider shall complete the LDOE process completely before the submission of a course to the Course Choice catalog for student enrollment.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.7, R.S. 17:24.4, and R.S. 17: 4002.2-4002.6.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 38:3126 (December 2012), amended LR 40:2519 (December 2014), LR 51:

§505. Course Provider Instructional Staff

A. - A.3. ...

4. Repealed.

B. No person who has been convicted of or has pled nolo contendere to a crime listed in R.S. 15:587.1(C) shall be allowed to instruct/interact with students as a teacher, substitute teacher, bus driver, substitute bus driver, janitor, or as a temporary, part-time, or permanent employee of any kind, including any person employed to provide cafeteria, transportation, or janitorial or maintenance services by any person or entity that contracts with a school or school system to provide such services.

1. - 2. Repealed.

C. ...

D. Failure to meet all requirements can result in probation or termination of the course provider for participation in the Course Choice Program.

AUTHORITY NOTE: Promulgated in accordance with R.S. 15:587.1, R.S. 17:15, R.S. 17.7, R.S. 17.1, and R.S. 17:4002.4.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 38:3126 (December 2012), amended LR 40:2519 (December 2014), LR 51:

§507. Online Course Providers

A. The LDOE shall determine the appropriate standards for online education, and the online provider shall comply with the standards.

B. The course provider will ensure that all instructors are evaluated.

C. Repealed.

D. The course provider must have an acceptable use policy for technology in accordance with R.S. 17:100.7.

E. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.7 and R.S. 17:4002.2-4002.6.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 38:3126 (December 2012), amended LR 40:2519 (December 2014), LR 51:

Chapter 7. Local Educational Authority Duties

§701. Local Educational Authority (LEA) Duties

A. Each LEA shall establish policies and procedures whereby each eligible funded student enrolls in a course in this program, and which shall also provide for the following:

1. Consultation with a designated school system staff member and obtaining written permission from a parent or guardian. A student shall not be permitted to enroll in a course where a determination was made by the school counselor of the school that the course is not academically appropriate considering the student's chosen graduation pathway or conflicts with the LDOE published planning resources.

2. Credits earned through the course provider shall appear on each such student's official transcript and count fully towards the requirements of any approved Louisiana diploma.

3. ...

4. All services to which each student would be entitled if attending the school in which he is enrolled full time for all courses, including but not limited to special education services pursuant to the student's individual education plan, shall be provided.

5. Each LEA that provides transportation for students within their jurisdiction shall also provide students participating in course choice transportation services within the same jurisdiction during normal school business hours.

6. Advise the student and his parent or legal guardian as part of the development and annual review of the student's IGP prior to academic scheduling for the upcoming school year.

B. Each LEA shall make available to all students during the annual course enrollment process for the school system the course catalog as provided by the LDOE and derived from a list of course providers approved by BESE. If the allocated funds are insufficient to fund all students who seek to enroll in a course under this program, students shall be prioritized in the following order:

1. seniors who require a course in order to graduate or student access to TOPS aligned courses not available through the school or school system;

2. students enrolling in courses required to complete an associate degree in a Fast Forward pathway or a certificate of technical studies aligned to high wage, high demand jobs or work-based learning;

3. students seeking access to TOPS aligned college credit;
4. students enrolled in a Comprehensive Intervention Required (CIR) or Urgent Intervention Required for Academics (UIR-A) schools;
5. access to high quality academic content aligned to graduation requirements or access to high quality career and technical content aligned to the Louisiana IBC state focus list which can be offered as recovery credit;
6. students seeking coursework to increase a student score on a nationally recognized assessment as defined in LAC 28:XI. 1711 (*Bulletin III*);
7. other priorities defined by the school system, approved by LDOE, and included in the LEAs pupil progression plan prior to the student enrollment process.

C. - F. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.7, R.S. 17:24.4, and R.S. 17: 4002.2-4002.6.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 38:3126 (December 2012), amended LR 40:2519 (December 2014), LR 51:

§703. Local Education Authority Procedures for Student Enrollment

A. Each public school governing authority shall establish policies and procedures which shall require that prior to an eligible funded student enrolling in a course, the student and the parent or legal guardian shall be advised, as part of the development and annual review of the student’s IGP, of whether a requested course is academically appropriate for the student.

B. - B.5. ...

C. Each local public school system shall make available to all students and parents during the annual course enrollment process for the school system the course catalog as provided by LDOE and derived from a list of course providers approved by BESE.

D. All schools must exercise flexibility in scheduling to accommodate course choice options.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.7 and R.S.17: 4002.5.

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, LR 38:3127 (December 2012), amended LR 51:

Chapter 9. Parental/Guardian Duties
§901. Parental/Guardian Duties

A. - B. ...

C. If a student is taking an online course through the Course Choice Program and elects to take the course off campus, the parent/guardian must:

1. - 5. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.7 and R.S. 17: 4002.2-4002.6.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 38:3127 (December 2012), amended LR 51:

Chapter 11. Course Choice Program Funding
§1101. Program Funding

A. - C. ...

1. For private providers, fifty percent of the course amount or tuition to be paid to the course provider shall be paid upon student enrollment in a course and fifty percent shall be paid upon course completion according to the published course length.

2. - 2.a. ...

b. LEA allocated funds that are not committed for use by the school system or other public school shall be subject to reallocation to another public school system or other public school for the purposes of this program.

3. For public higher education providers, the course amount or tuition to be paid to the course provider shall be paid upon student enrollment in a course.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.7 and R.S. 17:4002.6.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 38:3127 (December 2012), amended LR 40:2520 (December 2014), LR 51:

Chapter 13. Provider Evaluation
§1301. Provider Evaluation

A. - A.3. ...

a. academic achievement—course providers demonstrate and sustain a proven track record of student success on exams, including, but not limited to, LEAP and early college credit;

b. - c. ...

4. Providers must show positive student academic and/or technical gain with proven assessment methods for each type of course offering.

a. Core Academic—standard Louisiana approved end-of-course exams (EOC), or, if available, other EOC exams tied to applicable Louisiana-approved course guidelines.

b. Career and Technical Courses—IBCs recognized by the Louisiana Workforce Commission.

c. College Credit—dual enrollment credit of C or better, score of 3 or higher on AP exam, score of 4 or higher on IB exam, or minimum score recognized by the Louisiana Board of Regents flagship on the CLEP exam.

d. Test Prep Courses—used to help increase scores in ACT, SAT, WorkKeys, ASVAB, or CLT exams.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.7 and R.S. 17:4002.6.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 38:3128 (December 2012), amended LR 40:2520 (December 2014), LR 51:

Family Impact Statement

In accordance with section 953 and 974 of title 49 of the Louisiana Revised Statutes, there is hereby submitted a Family Impact Statement on rules proposed for adoption, repeal, or amendment. All Family Impact Statements will be kept on file in the state board office which has adopted, amended, or repealed rules in accordance with the applicable provisions of the law relating to public records.

1. Will the proposed Rule affect the stability of the family? No.
2. Will the proposed Rule affect the authority and rights of parents regarding the education and supervision of their children? No.
3. Will the proposed Rule affect the functioning of the family? No.
4. Will the proposed Rule affect family earnings and family budget? No.
5. Will the proposed Rule affect the behavior and personal responsibility of children? No.
6. Is the family or a local government able to perform the function as contained in the proposed Rule? Yes.

Poverty Impact Statement

In accordance with section 973 of title 49 of the Louisiana Revised Statutes, there is hereby submitted a Poverty Impact Statement on rules proposed for adoption, amendment, or repeal. All Poverty Impact Statements will be in writing and kept on file in the state agency which has adopted, amended, or repealed rules in accordance with the applicable provisions of the law relating to public records. For the purposes of this section, the word “poverty” means living at or below 100 percent of the federal poverty line.

1. Will the proposed Rule affect the household income, assets, and financial authority? No.

2. Will the proposed Rule affect early childhood development and preschool through postsecondary education development? No.

3. Will the proposed Rule affect employment and workforce development? No.

4. Will the proposed Rule affect taxes and tax credits? No.

5. Will the proposed Rule affect child and dependent care, housing, health care, nutrition, transportation, and utilities assistance? No.

Small Business Analysis

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

Provider Impact Statement

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

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

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

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

Public Comments

Interested persons may submit written comments via the U.S. Mail until noon, December 10, 2024, to Tavares A. Walker, Executive Director, Board of Elementary and Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA 70804-9064. Written comments may also be hand delivered to Tavares A. Walker, Executive Director, Board of Elementary and Secondary Education, Suite 5-190, 1201 North Third Street, Baton Rouge, LA 70802 and must be date stamped by the BESE office on the date received. Public comments must be dated and include the original signature of the person submitting the comments.

Tavares A. Walker
Executive Director

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES RULE TITLE: **Bulletin 132—Louisiana Course Choice Program—Course Choice Program**

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

There are no anticipated implementation costs or savings to state or local governmental units due to the proposed rule change. The proposed rule change updates Bulletin 132—*Louisiana Course Choice Program* as a result of passage of Act 91 of the 2024 RS, which provides that each local education agency (LEA) shall make available to all students and parents during the annual course enrollment process for the school system the course catalog as provided by the Louisiana Department of Education (LDOE) and derived from a list of course providers approved by the Board of Elementary and Secondary Education (BESE). Further, if the allocated funds are insufficient to fund all students who seek to enroll in a course under this program, students shall be prioritized as provided in the proposed rule. Additionally, a student shall not be permitted to enroll in a course where a determination was made by the school counselor of the school that the course is not academically appropriate considering the student's chosen graduation pathway or conflicts with the LDOE published planning resources.

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

There is no anticipated effect on the revenue collections of state or local governmental units as a result of the proposed rule change. The rule change does not impact the amount of the annual Supplemental Course Allocation; rather, it clarifies how the program will be administered.

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

There are no anticipated costs or benefits to directly affected persons, small businesses, or nongovernmental groups as a result of the proposed rule change.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no anticipated effect on competition and employment as a result of the proposed rule change.

Beth Scioneaux
Deputy Superintendent
2411#048

Patrice Thomas
Deputy Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

Board of Elementary and Secondary Education

Bulletin 133—Scholarship Programs
LA GATOR Scholarship Program Phases
(LAC 28:CLIII.1506)

In accordance with the provisions of R.S. 17:6(A)(10) and the Administrative Procedure Act (APA), R.S. 49:953(B)(1) et seq., the Board of Elementary and Secondary Education

(BESE) proposes to amend LAC 28:CLIII in Bulletin 133—*Scholarship Programs*. Act 1 of the 2024 Regular Legislative Session created the Louisiana Giving All True Opportunity to Rise (LA GATOR) Scholarship Program to provide educational saving accounts for parental choice in K-12 education. At the August 2024 Board of Elementary and Secondary Education (BESE) meeting, the board approved, as a Notice of Intent, policy revisions to establish the LA GATOR Program. The updates to *Bulletin 133—Scholarship Programs* further expand the program to include regulations specific to phase 2 and phase 3 implementation.

Title 28
EDUCATION

Part CLIII. Bulletin 133—Scholarship Programs
Chapter 15. Louisiana Giving All True Opportunity to Rise (LA GATOR) Scholarship Program
§1506. Phase 2 and Phase 3 Implementation

A. In the initial phase of program implementation, student eligibility shall be determined in accordance with §1505 of this Chapter. Upon legislative appropriation of funds sufficient to provide for program participation of all students eligible according to phase 1 criteria, additional applications shall be accepted from students meeting phase 2 eligibility criteria according to this Section. Should sufficient funds exist after all students eligible according to phase 2 criteria have been granted participation, additional applications shall be accepted from students meeting phase 3 eligibility criteria according to this Section.

B. In Phase 2, for a student to be eligible for an ESA, the student must be a resident of Louisiana and meet at least one of the following:

- a. The student is entering kindergarten.
- b. The student was enrolled in a public school for the previous school year.
- c. The student is from a family with a total income at or below four hundred percent of the federal poverty guidelines.

C. In Phase 3, for a student to be eligible for an ESA, the student must be a resident of Louisiana.

D. To be considered for participation, an applicant must submit an application according to a process and timeline outlined by the LDOE and provide information as required by the LDOE.

E. An applicant must attest to and agree with, at a minimum, the following:

1. The applicant has full authority to make this application for the prospective participating student and to attest to and take all of the actions herein listed;

2. The applicant will provide for the education of the participating student in at least the subjects of English language arts (ELA), mathematics, social studies, and science;

3. The applicant will use account funds only for qualified education expenses of the participating student;

4. The applicant will ensure the provision of an education for the participating student that satisfies the compulsory school attendance requirement. Each participating student who fails to comply with the attendance requirements shall be reported to the state director of child welfare and attendance by the participating nonpublic school

or service provider and shall be subject to the provisions of R.S. 17:233 which may include referral to juvenile or family court;

5. The applicant agrees that the student will participate in student assessments as required by BESE policy including arranging transportation to and from the testing location;

6. The applicant agrees to comply with the acceptable uses of ESA funds and all responsibilities as the account holder;

7. The applicant agrees to comply with all statutory and regulatory program requirements;

8. The applicant agrees to immediately disenroll from the LA GATOR program upon enrollment in a public school, home study program, Course Choice Program, or School Choice Program for Certain Students with Exceptionalities;

9. The applicant agrees that the student shall not participate concurrently with a home study program approved by BESE or a home study program registered with LDOE as a nonpublic school not seeking state approval, the Course Choice Program, or the School Choice Program for Certain Students with Exceptionalities;

10. The applicant agrees to share the participating student's personally identifiable, assessment, performance, and attendance information with the LDOE to be used to monitor program effectiveness and for other purposes consistent with state law and policy.

F. In Phase 2 implementation, if allocated funds are insufficient to fund all students eligible for LA GATOR Program participation, an award process shall be established by the LDOE as follows:

1. Students shall be prioritized for participation in the following order:

a. students currently participating in the Louisiana Scholarship Program or the LA GATOR Program;

b. students entering kindergarten;

c. students enrolled in a public school for the previous school year;

d. students from a family with a total income at or below two hundred fifty percent of the federal poverty guidelines and students identified as having a disability under the Individuals with Disabilities Education Act (IDEA), 20 U.S.C. §1401;

e. students from a family with a total income at or below four hundred percent of the federal poverty guidelines;

f. siblings of students currently participating in the LA GATOR Program;

g. other eligible students.

2. Eligible students for whom funding is not available will be placed on a waiting list according to the prioritization criteria in this Subsection.

3. Students placed on a waiting list will be notified of their status and initial position on the waiting list.

G. In Phase 3 implementation, if allocated funds are insufficient to fund all students eligible for LA GATOR Program participation, an award process shall be established by the LDOE as follows:

1. Students shall be prioritized for participation in the following order:

a. students currently participating in the Louisiana Scholarship Program or the LA GATOR Program;

b. students from a family with a total income at or below two hundred fifty percent of the federal poverty guidelines and students identified as having a disability under the Individuals with Disabilities Education Act (IDEA), 20 U.S.C. §1401;

c. students from a family with a total income at or below four hundred percent of the federal poverty guidelines;

d. siblings of students currently participating in the LA GATOR Program;

e. other eligible students.

2. Eligible students for whom funding is not available will be placed on a waiting list according to the prioritization criteria in this Subsection.

3. Students placed on a waiting list will be notified of their status and initial position on the waiting list.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6; R.S. 17:4037.2; R.S. 17:4037.5; and R.S. 17:4037.7.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 51:

Family Impact Statement

In accordance with section 953 and 974 of title 49 of the Louisiana Revised Statutes, there is hereby submitted a Family Impact Statement on rules proposed for adoption, repeal, or amendment. All Family Impact Statements will be kept on file in the state board office which has adopted, amended, or repealed rules in accordance with the applicable provisions of the law relating to public records.

1. Will the proposed Rule affect the stability of the family? No.

2. Will the proposed Rule affect the authority and rights of parents regarding the education and supervision of their children? No.

3. Will the proposed Rule affect the functioning of the family? No.

4. Will the proposed Rule affect family earnings and family budget? Yes.

5. Will the proposed Rule affect the behavior and personal responsibility of children? No.

6. Is the family or a local government able to perform the function as contained in the proposed Rule? Yes.

Poverty Impact Statement

In accordance with section 973 of title 49 of the Louisiana Revised Statutes, there is hereby submitted a Poverty Impact Statement on rules proposed for adoption, amendment, or repeal. All Poverty Impact Statements will be in writing and kept on file in the state agency which has adopted, amended, or repealed rules in accordance with the applicable provisions of the law relating to public records. For the purposes of this section, the word "poverty" means living at or below 100 percent of the federal poverty line.

1. Will the proposed Rule affect the household income, assets, and financial authority? No.

2. Will the proposed Rule affect early childhood development and preschool through postsecondary education development? No.

3. Will the proposed Rule affect employment and workforce development? No.

4. Will the proposed Rule affect taxes and tax credits? No.

5. Will the proposed Rule affect child and dependent care, housing, health care, nutrition, transportation, and utilities assistance? No.

Small Business Analysis

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

Provider Impact Statement

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

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

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

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

Public Comments

Interested persons may submit written comments via the U.S. Mail until noon, December 10, 2024, to Tavares A. Walker, Executive Director, Board of Elementary and Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA 70804-9064. Written comments may also be hand delivered to Tavares A. Walker, Executive Director, Board of Elementary and Secondary Education, Suite 5-190, 1201 North Third Street, Baton Rouge, LA 70802 and must be date stamped by the BESE office on the date received. Public comments must be dated and include the original signature of the person submitting the comments.

Tavares A. Walker
Executive Director

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Bulletin 133—Scholarship Programs LA GATOR Scholarship Program Phases

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

The proposed rule change will not result in increased implementation costs to state or local governmental units. The proposed rule change clarifies rules adopted by the Board of Elementary and Secondary Education (BESE) at its August meeting regarding the Louisiana Giving All True Opportunity to Rise (LA GATOR) scholarship program. The rule change provides regulations applicable to Phase 2 and Phase 3 implementation should the Legislature choose to appropriate funding sufficient to provide accounts for all students eligible in Phase 1.

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

The fiscal impact on revenue collected by local education agencies (LEAs) will vary based on the extent to which students currently funded through the Minimum Foundation Program (MFP) participate in the LA GATOR program and on the extent to which local systems enroll as service providers to provide additional courses or services through the program. While students who leave the public school system will result

in a decrease in revenues for LEAs, students who participate in LA GATOR and use account funds to enroll in services provided by participating LEAs will increase anticipated revenue collections.

SGF revenues may shift depending on how education scholarship accounts impact the annual amount of tax credits claimed for nonpublic school tuition expenses. This tax credit permits parents to annually claim up to \$6,000 of nonpublic school tuition costs.

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

Families of current Student Scholarships for Educational Excellence Program (SSEEP) students should experience little impact, as those students will continue to be funded at the same rate until they graduate or exit the terminal grade of the school in which they are currently enrolled. Families of entering kindergarteners or current public school students who would have chosen to enroll their children in nonpublic school the following year but who choose to participate in the LA GATOR program will benefit from program funding. Families of current nonpublic school students who fall below 400% of the federal poverty guidelines and who participate in the program will benefit by having to fund less of their children's tuition and fees through their personal finances.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

Additional competition for student enrollment may result from the program. This will primarily be due to whether or not public schools opt to allow for part-time enrollment for students seeking to participate in specific programs, courses or activities. It is expected these spots, like those in programs targeted towards students with disabilities, will be limited. There is a potential the implementation of LA GATOR will lead to the opening of additional nonpublic education institutions in order to provide services for an increased student population. If this were to occur, increased competition between institutions may result.

Beth Scioneaux
Deputy Superintendent
2411#049

Patrice Thomas
Deputy Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

Board of Elementary and Secondary Education

Bulletin 1903—Louisiana Handbook for Students with Dyslexia—Dyslexia Screening and Assessment (LAC 28:XXXV.110)

In accordance with the provisions of R.S. 17:6(A)(10) and the Administrative Procedure Act (APA), R.S. 49:953(B)(1) et seq., the Board of Elementary and Secondary Education (BESE) proposes to amend LAC 28:XXXV in *Bulletin 1903—Louisiana Handbook for Students with Dyslexia*. Act 517 of the 2024 Regular Legislative Session requires the promulgation of rules regarding kindergarten dyslexia screening and core assessment, parent notification, and reimbursement criteria.

Title 28 EDUCATION

Part XXXV. Bulletin 1903—Louisiana Handbook for Students with Dyslexia

Chapter 1. General Provisions

§110. Core Assessment Requirements

A. If the results of dyslexia screening pursuant to §109 of this Chapter indicate that a student is at risk for dyslexia, the parent or legal guardian shall be notified within thirty days of the results of the screening, and, if requested by the parent or legal guardian and subject to funding, a core assessment for the diagnosis of dyslexia shall be administered.

1. A parent or legal guardian may only make one request per academic year.

2. If the parent or legal guardian requests the LEA to conduct the core assessment, the LEA must complete the core assessment within 30 business days.

B. The parent may select either the LEA or a vendor or professional approved by the LDOE to administer the core assessment. The administrator of the core assessment, in order to determine whether the student has dyslexia, shall determine through history, observation, and psychometric assessment if there are unexpected difficulties in reading and associated linguistic problems at the level of phonological processing that are unrelated to the student's intelligence, age, and grade level. The core assessment shall not be based on a single test score or specific number of characteristics and shall include all of the following:

1. tests of language, particularly phonemic assessment, real words, and pseudo words, oral reading fluency, and intellectual ability;

2. an academic performance review; and

3. an interview with the student's parent or legal guardian.

C. Vendors and professionals who administer and interpret the core assessments must meet qualifications set forth by the assessment publisher and be trained in administering the assessment, and may include a licensed psychologist, certified school psychologist, licensed certified speech-language pathologist, certified educational diagnostician, clinical psychologists, neuropsychologists, and/or certified academic language therapist. Core assessment publishers determine professionals trained to interpret the assessments.

D. The LDOE shall provide reimbursement for the cost of the assessment, subject to the availability of funding designated for this purpose and in alignment with applicable Louisiana statute and BESE policy.

1. Entities seeking reimbursement for the cost of core assessment must submit a request for reimbursement to the LDOE according to the procedures established for this purpose.

2. The amount of reimbursement provided shall not exceed \$500 per eligible student request, per academic year.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:7(11), R.S. 17:24.9, R.S. 17:392.1, 17:392.3, and 17:392.11.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 51:

Family Impact Statement

In accordance with section 953 and 974 of title 49 of the Louisiana Revised Statutes, there is hereby submitted a Family Impact Statement on rules proposed for adoption, repeal, or amendment. All Family Impact Statements will be kept on file in the state board office which has adopted, amended, or repealed rules in accordance with the applicable provisions of the law relating to public records.

1. Will the proposed Rule affect the stability of the family? No.
2. Will the proposed Rule affect the authority and rights of parents regarding the education and supervision of their children? No.
3. Will the proposed Rule affect the functioning of the family? No.
4. Will the proposed Rule affect family earnings and family budget? No.
5. Will the proposed Rule affect the behavior and personal responsibility of children? No.
6. Is the family or a local government able to perform the function as contained in the proposed Rule? Yes.

Poverty Impact Statement

In accordance with section 973 of title 49 of the Louisiana Revised Statutes, there is hereby submitted a Poverty Impact Statement on rules proposed for adoption, amendment, or repeal. All Poverty Impact Statements will be in writing and kept on file in the state agency which has adopted, amended, or repealed rules in accordance with the applicable provisions of the law relating to public records. For the purposes of this section, the word "poverty" means living at or below 100 percent of the federal poverty line.

1. Will the proposed Rule affect the household income, assets, and financial authority? No.
2. Will the proposed Rule affect early childhood development and preschool through postsecondary education development? No.
3. Will the proposed Rule affect employment and workforce development? No.
4. Will the proposed Rule affect taxes and tax credits? No.
5. Will the proposed Rule affect child and dependent care, housing, health care, nutrition, transportation, and utilities assistance? No.

Small Business Analysis

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

Provider Impact Statement

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

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

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

Public Comments

Interested persons may submit written comments via the U.S. Mail until noon, December 10, 2024, to Tavares A. Walker, Executive Director, Board of Elementary and Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA 70804-9064. Written comments may also be hand delivered to Tavares A. Walker, Executive Director, Board of Elementary and Secondary Education, Suite 5-190, 1201 North Third Street, Baton Rouge, LA 70802 and must be date stamped by the BESE office on the date received. Public comments must be dated and include the original signature of the person submitting the comments.

Tavares A. Walker
Executive Director

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES RULE TITLE: **Bulletin 1903—Louisiana Handbook for Students with Dyslexia Dyslexia Screening and Assessment**

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

There are no new anticipated implementation costs or savings to state or local governmental units due to the proposed rule change. The proposed rule change updates Bulletin 1903—*Louisiana Handbook for Students with Dyslexia*. Act 517 of the 2024 RS requires the promulgation of rules regarding kindergarten dyslexia screening and core assessment, parent notification, and reimbursement criteria. Schools currently engage in a process involving interventions and data collection through the school building level committee to determine whether additional testing is required. The proposed rule change allows parents to respond to an at-risk determination on a dyslexia screener by requesting dyslexia testing. While funding is available as appropriated by the legislature, reimbursement for the testing will be available according to the vendors approved by the Louisiana Department of Education (LDOE) and the rate established in policy. Reimbursement of up to \$500 for dyslexia testing will be allowable during each school year for each student. The Legislature transferred \$1 M SGF into the Dyslexia Fund in Act 723 of the 2024 RS for reimbursement of dyslexia testing, however no appropriations from the fund have been made. Any unspent money will remain in the fund, and the availability of additional funding will be subject to future appropriation by the legislature. The extent to which reimbursement for dyslexia testing will be requested is indeterminable.

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

There is no anticipated effect on the revenue collections of state or local governmental units as a result of the proposed rule change. Reimbursement for testing will be available, subject to funding appropriated by the legislature.

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

Providers approved for reimbursement using state funds could realize increased revenue by providing testing services for students. Parents of students being tested for dyslexia could

save money on the cost of testing if they choose to use a private testing provider.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

Individuals qualified to administer dyslexia testing could experience an increased demand for services as funding is available for reimbursement.

Beth Scioneaux
Deputy Superintendent
2411#052

Patrice Thomas
Deputy Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

Board of Elementary and Secondary Education

Communication Pathways
(LAC 28: CXV.303 and LAC 28: CXXXIX.2103)

In accordance with the provisions of R.S. 17:6(A)(10) and the Administrative Procedure Act (APA), R.S. 49:953(B)(1) et seq., the Board of Elementary and Secondary Education (BESE) proposes to amend LAC 28: CXV in Bulletin 741—*Louisiana Handbook for School Administrators* and LAC 28: CXXXIX in Bulletin 126—*Charter Schools*. The aforementioned changes establish a communication pathway for electronic delivery of information regarding key priorities and initiatives directly to each member of a local school board and to each local education agency (LEA).

Title 28 EDUCATION

Part CXV. Bulletin 741—Louisiana Handbook for School Administrators

Chapter 3. Operation and Administration

§303. General Powers of Local Educational Governing Authorities

A. - M. ...

N. In a timely manner following each meeting of BESE, LDOE staff shall electronically disseminate any presentations regarding key priorities and initiatives of the LDOE directly to each member of a local school board and to each LEA. The LDOE may include additional relevant information as determined necessary. Each board member shall ensure that an accurate email address is on file with the LDOE for this purpose.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:53, R.S. 17:54, R.S. 17:81, 17:81.2, and 17:81.4-8, R.S. 17:100.2, and R.S. 17:151.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1257 (June 2005), amended LR 35:1474 (August 2009), LR 35:1876 (September 2009), LR 37:1136 (April 2011), LR 39:2195 (August 2013), LR 51:

Title 28 EDUCATION

Part CXXXIX. Bulletin 126—Charter Schools

Chapter 21. Charter School Governance

§2103. Board Member Responsibilities

A. - I. ...

J. In a timely manner following each meeting of BESE, LDOE staff shall electronically disseminate any presentations regarding key priorities and initiatives of the LDOE directly to each member of a charter board. The LDOE may include additional relevant information as

determined necessary. Each board member shall ensure that an accurate email address is on file with the LDOE for this purpose.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10) and R.S. 17:3981.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education in LR 34:1370 (July 2008), amended LR 37:874 (March 2011), amended LR 50:657 (May 2024), LR 51:

Family Impact Statement

In accordance with section 953 and 974 of title 49 of the Louisiana Revised Statutes, there is hereby submitted a Family Impact Statement on rules proposed for adoption, repeal, or amendment. All Family Impact Statements will be kept on file in the state board office which has adopted, amended, or repealed rules in accordance with the applicable provisions of the law relating to public records.

1. Will the proposed Rule affect the stability of the family? No.

2. Will the proposed Rule affect the authority and rights of parents regarding the education and supervision of their children? No.

3. Will the proposed Rule affect the functioning of the family? No.

4. Will the proposed Rule affect family earnings and family budget? No.

5. Will the proposed Rule affect the behavior and personal responsibility of children? No.

6. Is the family or a local government able to perform the function as contained in the proposed Rule? Yes.

Poverty Impact Statement

In accordance with section 973 of title 49 of the Louisiana Revised Statutes, there is hereby submitted a Poverty Impact Statement on rules proposed for adoption, amendment, or repeal. All Poverty Impact Statements will be in writing and kept on file in the state agency which has adopted, amended, or repealed rules in accordance with the applicable provisions of the law relating to public records. For the purposes of this section, the word “poverty” means living at or below 100 percent of the federal poverty line.

1. Will the proposed Rule affect the household income, assets, and financial authority? No.

2. Will the proposed Rule affect early childhood development and preschool through postsecondary education development? No.

3. Will the proposed Rule affect employment and workforce development? No.

4. Will the proposed Rule affect taxes and tax credits? No.

5. Will the proposed Rule affect child and dependent care, housing, health care, nutrition, transportation, and utilities assistance? No.

Small Business Analysis

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

Provider Impact Statement

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

1. the effect on the staffing level requirements or qualifications required to provide the same level of service;
2. the total direct and indirect effect on the cost to the providers to provide the same level of service; or
3. the overall effect on the ability of the provider to provide the same level of service.

Public Comments

Interested persons may submit written comments via the U.S. Mail until noon, December 10, 2024, to Tavares A. Walker, Executive Director, Board of Elementary and Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA 70804-9064. Written comments may also be hand delivered to Tavares A. Walker, Executive Director, Board of Elementary and Secondary Education, Suite 5-190, 1201 North Third Street, Baton Rouge, LA 70802 and must be date stamped by the BESE office on the date received. Public comments must be dated and include the original signature of the person submitting the comments.

Tavares A. Walker
Executive Director

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: **Communication Pathways**

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

There are no anticipated implementation costs or savings to state or local governmental units due to the proposed rule change. The proposed rule change updates Bulletin 741—*Louisiana Handbook for School Administrators* and Bulletin 126—*Charter Schools*, establishing a communication pathway for electronic delivery of information regarding key priorities and initiatives directly to each member of a local school board and to each local education agency (LEA).

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

There is no anticipated effect on the revenue collections of state or local governmental units as a result of the proposed rule change.

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

There are no anticipated costs or benefits to directly affected persons, small businesses, or nongovernmental groups as a result of the proposed rule change.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no anticipated effect on competition and employment as a result of the proposed rule change.

Beth Scioneaux
Deputy Superintendent
2411#050

Patrice Thomas
Deputy Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

Board of Elementary and Secondary Education

Educator Credentials

(LAC 28:XLV.103, 105, 303, Chapter 7, and 1301, LAC 28:CXXXI.101, Chapter 3, Chapter 5, Chapter 13, and Chapter 15, LAC 28:CXXXVII.101, Chapter 3, and 501, and LAC 28:CXLVI. 101, Chapter 3, and Chapter 5)

In accordance with the provisions of R.S. 17:6(A)(10) and the Administrative Procedure Act (APA), R.S. 49:953(B)(1) et seq., the Board of Elementary and Secondary Education (BESE) proposes to amend LAC 28:XLV. *Bulletin 996—Standards for Approval of Teacher and/or Educational Leader Preparation Programs*, LAC 28:CXXXI. *Bulletin 746—Louisiana Standards for State Certification of School Personnel*, LAC 28:CXXXVII. *Bulletin 125—Standards for Educational Leaders in Louisiana*, and LAC 28:CXLVI. *Bulletin 146—Louisiana Competencies and Standards for Teachers and Educational Leaders*. The proposed revisions repeal outdated standards, adopt a new title to combine all competencies into one bulletin and update educational leader competencies to align with the new leader evaluation rubric. Further revisions repeal teacher competencies, adopt a computer science certification pathway, align other certification pathways, and make technical edits. Further revisions include reorganization, technical edits, and policy alignment.

Title 28

EDUCATION

Part XLV. Bulletin 996—Standards for Approval of Teacher and/or Educational Leader Preparation Programs

Chapter 1. Introduction

§103. Definitions

Accredited (formerly *regionally accredited*)—a term used to denote the status of public recognition that a nationally recognized accrediting agency grants to an educational institution or program that meets the agency standards and requirements in accordance with 34 CFR 602. When used in this Part, regionally accredited shall be replaced with accredited in accordance with 34 CFR 602.

Alternative Teacher Preparation Program—a pathway for candidates with a minimum of a baccalaureate degree earned at an institution accredited in accordance with 34 CFR 602 which combines professional knowledge with field experiences, including a one-year supervised internship in a school setting. For admission to an alternative program, applicants must demonstrate content mastery.

Ancillary Certificate—a type of Louisiana certificate that allows a qualified person who is not a certified teacher to provide services in a school setting.

Associate Resident—a teacher of record who holds an associate degree, is enrolled in an undergraduate teacher preparation program, and who is in their residency year of the program.

Baccalaureate—a term used to denote an undergraduate degree or program such as bachelor of arts or bachelor of science.

CAEP Completer—a completer is referenced as a candidate who successfully satisfied all program requirements of a preparation program at least six months previously and who is employed in a position for which they were prepared for state licensure.

Certification—a licensing process whereby qualified professionals become legally authorized to teach or to perform designated duties in the schools under the jurisdiction of BESE.

Cohort—a group of teacher candidates or program completers that entered or graduated from a teacher preparation program at the same time or shared common program experiences.

Completer—per LDOE and Title II standards, a completer is referenced as a teacher candidate who has successfully completed a traditional or alternative certification teacher preparation program.

Competencies—a set of learning outcomes teacher candidates must demonstrate to show mastery in general and content specific content areas.

Endorsement—a permanent certification, license, or credential added to an existing teaching certificate.

Equivalent Contact Hours—time spent with the instructor, time spent practicing or engaging in instruction, or a combination of both. One credit hour is equivalent to 15 contact hours.

Graduate—a term used to denote a degree, coursework, or program beyond the baccalaureate degree level such as masters of education or masters of arts in teaching.

Louisiana Employing Authority or Local Education Agency (LEA)—a BESE-approved school or other BESE-approved entity employing a Louisiana educator for the purposes of providing educational services to Louisiana students. The BESE-approved school or entity is responsible for the evaluation of educators and submission of certification requests in accordance with Louisiana law and BESE policy. These include Louisiana approved public, charter, and non-public schools, BESE-approved third party entities contracted to school systems, and BESE-approved early learning centers.

Mentor Teacher—a teacher who supports aspiring teachers participating in undergraduate and post-baccalaureate programs. Mentor teachers use a cycle of coaching focused on instructional decisions to meet the needs of all students. Mentors may co-teach with year-long residents or may support teachers without co-teaching. Mentors may also support new teachers or developing teachers in need of coaching, including teachers with an intensive assistance plan, in accordance with LAC 28:CXLVII (*Bulletin 130*).

Mentor Teacher Ancillary Certificate—a type of certificate that authorizes an individual to serve as a mentor for undergraduate or post-baccalaureate teacher residents.

Non-Education Baccalaureate Degree—a baccalaureate degree earned through an institution of higher education accredited in accordance with 34 CFR 602 that does not result in eligibility for teacher certification in the state in which the program is approved to operate.

Post-Baccalaureate Alternative Certification Program—a program offered prior to July 1, 2002, that provided opportunities for individuals with a minimum of a baccalaureate degree to become certified public school teachers. Applicants seeking certification under this program submitted an official transcript for evaluation to a Louisiana college or university with an approved teacher education program.

Practitioner—a candidate who serves as the teacher of record and is currently enrolled in an alternative certification program.

Resident—an aspiring teacher in a traditional preparation program or alternative certification program who is not serving as the teacher of record and who is in their residency year of the program.

Resident activities—any activity needed to meet or exceed policy requirements accomplished during the year-long residency period (i.e., lesson planning, developing IEP/IAP plans, analyzing student assessment results, etc.).

Residency coursework—course or module requiring residency placement and activities; coincides with residency year/experience.

Residency experience—encompasses all activities or expectations that occur during the year-long residency period (i.e., placement, meetings, school events, etc.).

Traditional Teacher Preparation Program—a bachelor of arts or bachelor of science degree program that includes general education courses, certification focus area(s), professional education courses, field experiences, and student teaching/residency in a school setting.

Undergraduate—a term used to denote a degree, coursework, or program at the baccalaureate degree level such as a bachelor of art or bachelor of science.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, 17:7(6), R.S. 17:3902, and R.S. 17:407.81, and R.S. 17:8.1-8.5.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 51:

§105. Acronyms

A. Listed below are the full identifications of acronyms used in this publication.

BESE—Board of Elementary and Secondary Education.

BOR—Board of Regents.

CAEP—Council for Accreditation of Educator Preparation.

CCSS—Common Core State Standards.

CDA—Child Development Associates credential.

CHEA—Council for Higher Education.

ECAC—Early Childhood Ancillary Certificate.

IEP—individualized education plan.

K-12—kindergarten through twelfth grade.

LDOE—Louisiana Department of Education.

LEAP 21—Louisiana Educational Assessment Program for the 21st century.

LSDAS—Louisiana School and District Accountability System.

NCATE—National Council for the Accreditation of Teacher Education.

PK-3—pre-kindergarten through third grade.

PK-12—pre-kindergarten through twelfth grade.

TEAC—Teacher Education Accreditation Council.

USDOE—U.S. Department of Education.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, 17:7(6), R.S. 17:3902, and R.S. 17:407.81, and R.S. 17:8.1-8.5.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 51:

Chapter 3. Initial State Approval for Teacher or Educational Leader Preparation Programs

§303. Initial Approval [Formerly §203]

A. - C.2. ...

a. develop and assess candidate mastery of applicable literacy competencies, which are found in LAC 28:CXLVI (*Bulletin 146*);

C.2.b. - O. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(10), 17:7(6), and 17:7.2.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 30:2453 (November 2004), amended LR 35:2327 (November 2009), LR 37:561 (February 2011), LR 43:2486 (December 2017), LR 45:228 (February 2019), LR 45:902 (July 2019), repromulgated LR 46:892 (July 2020), amended LR 48:1757 (July 2022), LR 50:675 (May 2024), LR 51:

Chapter 7. Louisiana State Standards for Educator Preparation Programs

Subchapter A. Teacher Preparation Programs

§741. Introduction

A. ...

B. Current approved preparation providers must demonstrate alignment of approved traditional and alternative programs to the program requirements described in this subchapter and be approved by BESE before July 1, 2018. Providers shall seek approval by submitting assurances or, if seeking to offer an innovative model as described in §743 of this bulletin, by submitting an innovative design application. The LDOE shall publish the assurances and the innovative design application on the LDOE website.

C. After July 1, 2018, teacher candidates shall be admitted only to traditional and alternative teacher preparation programs that meet the requirements described in this Subchapter.

D. The following are deadline dates for program completion for approved teacher preparation programs approved prior to October 1, 2016:

1. August 31, 2021 is the last date for candidates enrolled in approved alternative teacher preparation programs that were approved prior to October 1, 2016 to complete programs.

2. August 31, 2022 is the last date for candidates enrolled in traditional teacher preparation programs approved prior to October 1, 2016 to complete those programs.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 43:1330 (July 2017), amended LR 43:2492 (December 2017), LR 51:

§743. Minimum Requirements for Traditional Teacher Preparation Programs

A. - A.1.a. ...

i. develop and assess candidate mastery of applicable literacy competencies, which are found in LAC 28:CXLVI (*Bulletin 146*);

A.1.ii. - 6. ...

7. Beginning with the 2026-2027 school year, for all certification areas, the program shall include instruction on teaching students computer science, which may be incorporated into an existing course of study.

B. The program shall sequentially develop and assess teacher candidates' mastery of applicable Louisiana teacher preparation competencies codified in LAC 28:CXLVI (*Bulletin 146*) through a combination of general education, content area, and teaching coursework, assessments, and related practice experiences.

1. - 2. ...

C. Programs shall include the following practice experiences, which directly align with and sequentially develop the competencies identified in LAC 28:CXLVI (*Bulletin 146*):

C.1. - E. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), and (15), 17:7(6), 17:10, 17:22(6), 17:391.1-391.10, and 17:411, and 17:7.2.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 43:1330 (July 2017), amended LR 43:2492 (December 2017), LR 45:229 (February 2019), LR 48:1274 (May 2022), LR 48:1758 (July 2022), LR 49:41 (January 2023), LR 49:246 (February 2023), repromulgated LR 49:851 (May 2023), LR 50:20 (January 2024), amended LR 50:678 (May 2024), LR 51:

§745. Minimum Requirements for Alternative Teacher Preparation Programs

A. An alternate teacher preparation program is a program that includes a minimum number of credit or contact hours of coursework or training and required practice experiences. There are three types of alternative teacher preparation programs.

A.1. - B.1.a. ...

i. develop and assess candidate mastery of applicable literacy competencies, which are found in LAC 28:CXLVI (*Bulletin 146*); and

B.1.a.ii. - 6. ...

7. Beginning with the 2026-2027 school year, for all certification areas, the program shall include instruction on teaching students computer science, which may be incorporated into an existing course of study.

C. The program shall sequentially develop and assess teacher candidates' mastery of applicable Louisiana teacher preparation competencies codified in LAC 28:CXLVI (*Bulletin 146*) through a combination of coursework, assessments, and related practice experiences.

D. Programs must include the following practice experiences, which directly align with and sequentially develop the competencies identified in LAC 28:CXLVI (*Bulletin 146*).

D.1. - E.3. ...

F. To be admitted into an alternative teacher preparation program, candidates must meet the following requirements:

1. possess a non-education baccalaureate degree from an institution accredited in accordance with 34 CFR 602;

2. - 4.b....

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), and (15), 17:7(6), 17:10, 17:22(6), 17:391.1-391.10, and 17:411; and 17:7.2.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 43:1331 (July 2017), amended LR 43:2492 (December 2017), LR 45:1751 (December 2019), LR 46:324 (March 2020), LR: 48:1274 (May 2022), LR 48:1759 (July 2022), LR 49:41 (January 2023), LR 49:246 (February 2023), LR 49:256 (February 2023), repromulgated LR 49:852 (May 2023), LR 50:20 (January 2024), amended LR 50:678 (May 2024), LR 51:

Subchapter B. Alternate Educational Leader Preparation Programs

§747. Educational Leader Practitioner (Residency) Program

A. State-approved non-university providers and Louisiana colleges or universities may choose to offer an educational leader practitioner (residency) program for certifying successful candidates for educational leader, level 1 certification. Two additional alternative paths are available to individuals seeking an educational leader certificate level 1; see LAC 28:CXXXI.Chapter 15 (*Bulletin 746*), for paths 1 and 2. Educational leader practitioner program providers must submit a program proposal to the Louisiana Department of Education. Programs will be reviewed for adherence to program requirements, and may be recommended to BESE for approval status.

1. ...

a. possess a baccalaureate degree from an institution accredited in accordance with 34 CFR 602;

A.1.b. - 10. ...

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 43:1333 (July 2017), amended LR 45:229 (February 2019), amended LR 50:679 (May 2024), LR 51:

§749. Minimum Requirements for Early Childhood Ancillary Certificate Programs

A. - B. ...

C. The program must sequentially develop and assess teacher candidates' mastery of applicable Louisiana teacher preparation competencies in accordance with LAC 28:CXLVI (*Bulletin 146*), through a combination of coursework, assessments, and related practice experiences.

D. Programs must include the following practice experiences, which directly align with and sequentially develop the competencies identified in LAC 28:CXLVI (*Bulletin 146*):

D.1. - E. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(10), 17:7(6), and 17:7.2.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 45:903 (July 2019), amended LR 48:1092 (April 2022), LR 51:

Chapter 13. Identifications of Acronyms

§1301. Acronyms

[Formerly §601]

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(10), R.S. 17:7(6), and R.S. 17:7.2.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 28:1736 (August 2002), amended LR 30:2459 (November 2004), LR 35:2331 (November 2009), LR 36:754 (April 2010), LR 37:566 (February 2011), LR 40:1002 (May 2014), LR 48:1092 (April 2022), repealed LR 51:

Title 28

EDUCATION

Part CXXXI. Bulletin 746—Louisiana Standards for State Certification of School Personnel

Chapter 1. Introduction

§101. Purpose

A. Certification is a licensing process whereby qualified professionals become legally authorized to teach or to perform designated duties in K-12 schools and early learning centers under the jurisdiction of the Board of Elementary and Secondary Education (BESE).

B. Repealed.

C. Revisions to certification policy adopted by BESE will include specified implementation dates. Revisions to Praxis exams will allow for a 12-month transition period from the date of adoption by BESE. Additionally:

C.1. - D.

E. Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, 17:7(6), R.S. 17:8.1-8.9 and R.S. 17:3902.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1782 (October 2006), amended LR 43:1290 (July 2017), LR 46:17 (January 2020), LR 48:414 (March 2022), repromulgated LR 48:1014 (April 2022), amended LR 51:

Chapter 3. Initial Teacher Certification

Subchapter A. Teacher Certification Areas and Required Competencies

§301. Overview

A. ...

B. Repealed.

C. - C.1. ...

D. - I.5.b. Repealed

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, 17:7(6), R.S. 17:3902 and R.S. 17:8.1-8.5.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1797 (October 2006), LR 48:415 (March 2022), repromulgated LR 48:1017 (April 2022), repromulgated LR 49:2094 (December 2023), amended LR 51:

Subchapter B. Testing Required for Certification

§303. Certification Exams and Scores

A. - C.2. ...

3. Teaching of Reading: Elementary or Elementary Teaching Reading Language Arts Subtest in accordance with Subsection O of this Section.

D. - D.1.c.iv. ...

2. Effective 1/1/24, Teaching of Reading: Elementary or Elementary Teaching Reading Language Arts Subtest in accordance with Subsection O of this Section.

D.3. - E.1.c.iv. ...

2. Teaching of Reading: Elementary or Elementary Teaching Reading Language Arts Subtest in accordance with Subsection O of this Section.

E.3. - G.1.d. ...

i. English Language, Literature, and Composition: Content Knowledge (0041 or 5041), effective 9/1/99 to 7/20/13, score 160; and English Language,

Literature, and Composition: Pedagogy (0043), effective 9/1/99 to 7/20/13, score 130;

ii. ...

iii. English Language Arts: Content and Analysis (5039), effective 1/1/14, score 168.

G.1.e. -I.2. ...

J. Content Add-on Certification Areas

1. - 1.b....

c. K-5 Computer Science and STEM. STEM for Elementary Grades (5036), effective 1/1/25, score 154.

K. - M.1.c....

d. Teaching of Reading: Elementary or Elementary Teaching Reading Language Arts Subtest is accordance with Subsection O of this Section.

2. - 2.a....

b. Deaf and Hard of Hearing Pedagogy exam in accordance with §303.B.3 of this Section;

c. Teaching of Reading: Elementary or Elementary Teaching Reading Language Arts Subtest in accordance with Subsection O of this Section.

3. - 3.b....

c. Integrated to Merged program completers: Principles of Learning and Teaching appropriate to grade level K-6, 5-9, or 7-12;

d. Teaching of Reading: Elementary or Elementary Teaching Reading Language Arts Subtest is accordance with Subsection O of this Section.

4. - 4.a....

b. Significant Disabilities Pedagogy exam in accordance with §303.B.5;

c. Teaching of Reading: Elementary or Elementary Teaching Reading Language Arts Subtest is accordance with Subsection O of this Section.

5. - 5.a....

b. Visual Impairments/Blind Pedagogy exams in accordance with §303.B.6;

c. Teaching of Reading: Elementary or Elementary Teaching Reading Language Arts Subtest in accordance with Subsection O of this Section.

N. - P.2.b. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, R.S. 17:7(6), R.S. 17:3902, and R.S. 17:8.1-8.5.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1797 (October 2006), amended LR 37:558 (February 2011), LR 38:1951 (August 2012), LR 46:01375 (October 2020), amended LR 48:416 (March 2022), repromulgated LR 48:1018 (April 2022), LR 48:2099 (August 2022), LR 48:2554 (October 2022), LR 48:2730 (November 2022), LR 49:36 (January 2023), repromulgated LR 49:2096 (December 2023), amended LR 50:21 (January 2024), repromulgated LR 50:173 (February 2024), amended LR 51:

§305. Minimum Requirements for Approved Regular Education Programs for Birth to Kindergarten

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, 17:7(6), R.S. 17:3902, and R.S. 17:407.81, and R.S. 17:8.1-8.5.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1797 (October 2006), amended LR 33:433 (March 2007), LR 34:233 (February 2008), LR 34:1611 (August 2008), LR 35:222 (February 2009), LR 37:558 (February 2011), LR 38:1951 (August 2012), LR 40:279 (February 2014), LR 41:2128 (October 2015), LR 43:1304 (July 2017), LR 44:745 (April 2018), LR 45:525 (April 2019), LR

45:1458 (October 2019), LR 45:1748 (December 2019), LR 46:326 (March 2020), LR 46:1375 (October 2020), amended LR 48:421 (March 2022), repromulgated LR 48:1022 (April 2022), repromulgated LR 49:2099 (December 2023), repealed LR 51:

Subchapter C. General Teacher Competencies

§307. Introduction

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, 17:7(6), R.S. 17:3902, and R.S. 17:8.1-8.3.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1798 (October 2006), amended LR 37:559 (February 2011), LR 38:3136 (December 2012), LR 43:1306 (July 2017), LR 45:1459 (October 2019), LR 46:1376 (October 2020), amended LR 48:421 (March 2022), repromulgated LR 48:1023 (April 2022), repealed LR 51:

§309. General Competencies

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, 17:7(6), R.S. 17:3902, R.S. 17:24.9, and R.S. 17:8.1-8.3.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1799 (October 2006), amended LR 33:433 (March 2007), LR 34:1611 (August 2008), LR 35:222 (February 2009), LR 35:894 (May 2009), LR 37:559 (February 2011), LR 37:882 (March 2011), LR 40:280 (February 2014), LR 43:1306 (July 2017), LR 45:1459 (October 2019), LR 46:1376 (October 2020), LR 48:421 (March 2022), repromulgated LR 48:1023 (April 2022), LR: 48:1755 (July 2022), repealed LR 51:

Subchapter D. Special Education Teacher Competencies

§311. Introduction

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, R.S. 17:7(6), R.S. 17:8.1-8.3, and R.S. 17:3902.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1800 (October 2006), amended LR 33:1618 (August 2007), LR 34:233 (February 2008), LR 35:642 (April 2009), LR 36:486 (March 2010), LR 38:1952 (August 2012), LR 40:280 (February 2014), LR 43:1307 (July 2017), LR 44:745 (April 2018), LR 44:2133 (December 2018), LR 45:1459 (October 2019), amended LR 48:422 (March 2022), repromulgated LR 48:1023 (April 2022), repealed LR 51:

§313. Learning Environments

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, R.S. 17:7(6), R.S. 17:8.1-8.3, and R.S. 17:3902.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1800 (October 2006), amended LR 35:221 (February 2009), LR 38:1952 (August 2012), LR 40:280 (February 2014), LR 43:1307 (July 2017), LR 45:1748 (December 2019), LR 46:326 (March 2020), LR 46:1376 (October 2020), amended LR 48:422 (March 2022), repromulgated LR 48:1023 (April 2022), repealed LR 51:

§315. Curriculum

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, R.S. 17:7(6), R.S. 17:8.1-8.3, and R.S. 17:3902.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1801 (October 2006), amended LR 36:752 (April 2010), LR 37:559 (February 2011), LR 38:1952 (August 2012), LR 43:1309 (July 2017), LR 46:1377 (October 2020), amended LR 48:422 (March 2022), repromulgated LR 48:1024 (April 2022), repealed LR 51:

§317. Assessment

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, R.S. 17:7(6), R.S. 17:8.1-8.3, and R.S. 17:3902.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:2129 (October 2015), amended LR 48:423 (March 2022), repromulgated LR 48:1024 (April 2022), repealed LR 51:

§319. Instructional Planning

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, R.S. 17:7(6), R.S. 17:8.1-8.3, and R.S. 17:3902.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 48:423 (March 2022), repromulgated LR 48:1025 (April 2022), repealed LR 51:

Subchapter E. English Language Arts and Literacy Teacher Competencies

§321. Introduction

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, R.S. 17:7(6), R.S. 17:8.1-8.3, and R.S. 17:3902.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1803 (October 2006), LR 43:1311 (July 2017), amended LR 48:423 (March 2022), repromulgated LR 48:1025 (April 2022), repealed LR 51:

§323. Content Knowledge Competencies

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, R.S. 17:7(6), R.S. 17:8.1-8.3, and R.S. 17:3902.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1803 (October 2006), amended LR 36:2547 (November 2010), LR 40:280 (February 2014), LR 44:2000 (November 2018), LR 45:1750 (December 2019), amended LR 48:423 (March 2022), repromulgated LR 48:1025 (April 2022), LR 48:1755 (July 2022), repealed LR 51:

§325. English Language Arts Content Pedagogy Competencies

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, R.S. 17:7(6), R.S. 17:8.1-8.3, and R.S. 17:3902.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1804 (October 2006), amended LR 33:2355 (November 2007), LR 35:1487 (August 2009), LR 43:1311 (July 2017), LR 46:1377 (October 2020), amended LR 48:424 (March 2022), repromulgated LR 48:1026 (April 2022), LR: 48:1756 (July 2022), repealed LR 51:

§327. Disciplinary Literacy Competencies

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, R.S. 17:7(6), R.S. 17:8.1-8.3, and R.S. 17:3902.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1805 (October 2006), amended LR 48:426 (March 2022), repromulgated LR 48:1028 (April 2022), repealed LR 51:

Subchapter F. Mathematics Teacher Competencies

§329. Introduction

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, R.S. 17:7(6), R.S. 17:8.1-8.3, and R.S. 17:3902.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 48:426 (March 2022), repromulgated LR 48:1028 (April 2022), repealed LR 51:

§331. Content Knowledge Competencies

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, R.S. 17:7(6), R.S. 17:8.1-8.3, and R.S. 17:3902.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 48:426 (March 2022), repromulgated LR 48:1028 (April 2022), LR 50:487 (April 2024), repealed LR 51:

§333. Content Pedagogy Competencies

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, R.S. 17:7(6), R.S. 17:8.1-8.3, and R.S. 17:3902.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 48:427 (March 2022), repromulgated LR 48:1029 (April 2022), LR 50:488 (April 2024), repealed LR 51:

Subchapter G. Early Childhood Teacher Competencies

§335. Introduction

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, R.S. 17:7(6), R.S. 17:8.1-8.3, and R.S. 17:3902.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 48:428 (March 2022), repromulgated LR 48:1029 (April 2022), repealed LR 51:

§337. Early Childhood Pedagogy Competencies

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, R.S. 17:7(6), R.S. 17:8.1-8.3, and R.S. 17:3902.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 48:428 (March 2022), repromulgated 1030 (April 2022), repromulgated LR 48:1030 (April 2022), repealed LR 51:

Subchapter H. Other Certification Area Competencies

§339. Introduction

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, R.S. 17:7(6), R.S. 17:8.1-8.3, and R.S. 17:3902.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 48:428 (March 2022), repealed LR 50:

§341. Other Special Education Areas

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, R.S. 17:7(6), R.S. 17:8.1-8.3, and R.S. 17:3902.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1805 (October 2006), amended LR 41:917 (May 2015), LR 45:230 (February 2019), LR 46:1378 (October 2020), amended LR 48:428 (March 2022), repromulgated LR 48:1030 (April 2022), repealed LR 51:

§343. Middle Grades 4-8 Education

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, R.S. 17:7(6), R.S. 17:8.1-8.3, and R.S. 17:3902.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1805 (October 2006), amended LR 38:762 (March 2012), LR 38:3136 (December 2012), LR 45:1459 (October 2019), amended LR 48:429 (March 2022), repromulgated LR 48:1030 (April 2022), repealed LR 51:

§345. Secondary Grades 6-12 Education

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, R.S. 17:7(6), R.S. 17:8.1-8.3, and R.S. 17:3902.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1805 (October 2006), amended LR 38:3136 (December 2012), LR 45:1459 (October 2019), LR 46:1378 (October 2020), amended LR 48:429 (March 2022), repromulgated LR 48:1031 (April 2022), repealed LR 51:

§347. All Levels K-12 Education

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, R.S. 17:7(6), R.S. 17:8.1-8.3, and R.S. 17:3902.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 34:432 (March 2008),

amended LR 34:1610 (August 2008), LR 38:3137 (December 2012), amended LR 48:429 (March 2022), repromulgated LR 48:1031 (April 2022), repealed LR 51:

Chapter 5. Teaching Credentials, Licenses and Certifications

Subchapter A. Standard Teaching Certificates

§507. Professional Level Certificates

A. - B. ...

1. Alternate preparation completers completing a one-year in-state residency as teacher of record must hold a practitioner's license (PL) in the certification area in which the teacher preparation program was completed and receive mentoring, as outlined in LAC 28:XLV.996, during the first year on a PL by a school-system based mentor teacher in accordance with §553 of this Chapter.

B.2. - G.3. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, R.S. 17:7(6), R.S. 17:8.1-8.3, and R.S. 17:3902.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1813 (October 2006), amended LR 35:2752 (December 2009), LR 36:2843 (December 2010), LR 38:2366 (September 2012), LR 40:1331 (July 2014), LR 46:1381 (October 2020), amended, LR 48:430 (March 2022), LR 48:1273 (May 2022), LR 48:2554 (October 2022), LR 49:37 (January 2023), LR 50:24 (January 2024), LR 50:488 (April 2024), amended LR 50:660 (May 2024), LR 51:

Subchapter B. Nonstandard Teaching Credentials

§531. Temporary Employment Permit (TEP)

A. - F.1. ...

2. Standards of effectiveness are successfully met in accordance with LAC 28:CXLVII (*Bulletin 130*) during each year on the TEP.

3. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, R.S. 17:7(6), R.S. 17:8.1-8.3, and R.S. 17:3902.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 48:438 (March 2022), repromulgated LR 48:1041 (April 2022), amended LR 49:40 (January 2023), LR 50:27 (January 2024), LR 51:

Subchapter C. Ancillary Teaching Certificates

§537. Introduction

A. - A.2.b. ...

c. Montessori teacher;

A.2.d. - D. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, R.S. 17:7(6), R.S. 17:8.1-8.3, and R.S. 17:3902.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 48:439 (March 2022), repromulgated LR 48:1042 (April 2022), amended LR 50:662 (May 2024), LR 51:

§543. Montessori Teacher Certificate

A. - B. ...

1. For a Class C Montessori Certificate—the teacher must have completed training from an approved provider listed in §1363 of this Part.

2. For a Class B Montessori certificate:

a. - b. ...

3. For Class A Montessori certificates:

a. - c. ...

C. Beginning January 1, 2025, applicants must earn the required number of semester hours or contact hour equivalent in the teaching of reading and literacy in alignment with the science of reading competencies for certification.

1. Birth-K, PK-3, or Grades 1-5: 9 semester hours.
2. Middle Grades: 6 semester hours.
3. Secondary 6-12 content areas or all-level K-12 areas: 3 semester hours.

D. An applicant for certification to teach kindergarten through third grade shall also pass the BESE-approved Teaching of Reading: Elementary or Teaching of Reading: Elementary Subtest exam in accordance with §303.O of this Part.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, R.S. 17:7(6), R.S. 17:8.1-8.3, and R.S. 17:3902.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 48:441 (March 2022), repromulgated LR 48:1044 (April 2022), amended LR 50:663 (May 2024), LR 51:

Chapter 13. Endorsements to Existing Certificates

Subchapter A. Regular Education Level and Area Endorsements

§1315. Requirements to Add a Secondary (Grades 6-12) Specialty Content Area (Agriculture, Business, Computer Science, Family and Consumer Sciences, Journalism, Marketing, Speech, Technology Education)

A. - A.1. ...

a. For Computer Science Grades 6-12 only, candidates also have the option of successful completion of a BESE-approved micro-credential Computer Science Grades 6-12 training program.

A.2. - B.1. ...

2. earn 21 credit hours in the specialty content area; or

3. For Computer Science Grades 6-12 only, candidates also have the option of successful completion of a BESE-approved micro-credential Computer Science Grades 6-12 training program; and

4. complete three semester hours in the teaching of reading and literacy, or other literacy options in accordance with §1301 of this Part.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, R.S. 17:7(6), R.S. 17:8.1-8.3, and R.S. 17:3902.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 48:456 (March 2022), repromulgated LR 48:1065 (April 2022), amended LR 50:668 (May 2024), LR 51:

Subchapter C. All Other Teaching Endorsement Areas

§1363. Montessori Teacher Certification

A. A credential to teach Montessori at the levels prescribed by the training institution may be added to a standard teaching certificate for teachers who have completed training from one of the following entities:

1. - 3. ...

4. The Montessori World Educational Institute;

5. Repealed.

6. Southwestern Montessori Training Center;

7. International Montessori Council;

8. ...

9. any program accredited by the Montessori Accreditation Council for Teacher Education.

B. Eligibility Requirements.

1. Class C Montessori endorsement: successfully complete training from an approved provider listed in this Section.

2. Class B Montessori endorsement: requirements of Class C and have at least one year of effective teaching

experience in a Montessori school, verified in accordance with §103 of this Part.

3. Class A Montessori endorsement: requirements of Class B and a bachelor's degree from a college or university accredited in accordance with 34 CFR 602.

C. Beginning January 1, 2025, applicants must earn the required number of semester hours or contact hour equivalent in the teaching of reading and literacy in alignment with the science of reading competencies for certification as follows:

1. Birth-K, PK-3, or grades 1-5: 9 semester hours.
2. Middle grades: 6 semester hours.
3. Secondary 6-12 content area or all-level K-12 areas: 3 semester hours.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, R.S. 17:7(6), R.S. 17:8.1-8.3, and R.S. 17:3902.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 48:465 (March 2022), repromulgated LR 48:1073 (April 2022), amended LR 51:

§1373. Computer Science and STEM Grades K-5 Specialty Content Area

A. Eligibility Requirements. A candidate must:

1. hold a valid OS, Level 1, or higher teaching certificate;
2. earn a passing score for Praxis—Principles of Learning and Teaching K-6 exam;
3. complete nine semester hours in the teaching of reading and literacy, or other literacy options as outlined in §1301 of this Chapter in alignment with the literacy foundations competencies, and
4. one of the following:
 - a. pass the STEM for the Elementary Grades Praxis exam;
 - b. earn 21 credit hours in computer science and STEM content with a minimum of 3 semester hours in computer science or educational technology; or
 - c. successfully complete a BESE-approved micro-credential Computer Science and STEM Grades K-5 training program.

B. An applicant applying for certification to teach kindergarten through third grade shall pass the BESE-approved Teaching of Reading: Elementary or Teaching of Reading: Elementary Subtest exam in accordance with §303 of this Part.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, R.S. 17:7(6), R.S. 17:8.1-8.3, and R.S. 17:3902.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR51:

§1375. Certification Designations

A. Designations may be added to a teaching certificate to recognize additional work completed, such as additional coursework, fellowships, department initiatives, or other professional learning approved by LDOE.

B. For a Master's Degree Plus 30 Graduate Hours designation, thirty semester hours in excess of the coursework necessary to award the first Master's degree are required. All coursework must be completed at the graduate level from a college or university accredited in accordance with 34 CFR 602 with a letter grade of "C" or better and be verified on official transcripts. Undergraduate-level coursework will not be accepted.

C. Eligibility Requirements.

1. hold a valid certificate appropriate to the credential; and
2. submit documentation of additional coursework, participation in professional development, fellowship, or other initiatives approved by LDOE.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, R.S. 17:7(6), R.S. 17:8.1-8.3, and R.S. 17:3902.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 51:

Chapter 15. Administrative and Supervisory Credentials

Subchapter A. The Educational Leadership Certificate §1505. Educational Leader Certificate Level 1 (EDL 1)

A. - A.3.b. ...

c. provide documented evidence of leadership experiences of 240 clock hours or more aligned with performance expectations as listed in LAC 28:CXLVI (*Bulletin 146*) at the school and/or district level; and

A.3.d. - 4.d. ...

5. - 5.a.Repealed.

6. Alternate Pathway 4—School Level Leader. The alternate pathway 4 is for individuals who hold an advanced degree or certain military experience and seek issuance of an EDL 1. The candidate must:

a. ...

b. hold a graduate degree in public administration, business administration, or a juris doctorate degree, or have been a commissioned officer of the United States military who has been honorably discharged with a pay grade O-3 or higher.

c. - d. ...

e. For Alternate Pathway 4 only, the certificate is a five-year, non-renewable certificate. If a candidate is not otherwise eligible for advancement to the EDL 2 in accordance with §1507 of this Chapter, the certificate may be advanced to the EDL 2 upon the educational leader successfully meeting the standards of effectiveness for five years as a school leader, in accordance with §103 of this Part.

B. EDL 1 Extensions.

1. An EDL 1 is valid for three years initially and may be extended thereafter for a period of one year at the request of an LEA. EDL 1 certificates are limited to two such extensions.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 48:466 (March 2022), repromulgated LR 48:1075 (April 2022), LR 48:2102 (August 2022), amended LR 50:672 (May 2024), LR 50:974 (July 2024), LR 51:

Subchapter B. Out-of-State Administrative Certification Structure

§1519. Out-of-State Principal Level 1 (OSP1)

A. This is a five year, non-renewable Louisiana certificate issued to an individual who holds comparable out-of-state certification as a principal or educational leader, authorizes the individual to serve as a principal or assistant principal in a Louisiana school system, and is issued upon employment as a principal or assistant principal in a Louisiana school system.

1. Eligibility requirements:
 - a. a valid out-of-state certificate as a principal or comparable educational leader certificate;
 - b. applicants holding an out-of-state certificate that is not valid must have served successfully as an assistant principal or principal for at least one year within the five year period immediately preceding first employment in Louisiana, as verified by the out-of-state employing authority or SEA. An applicant who has not served successfully as an assistant principal or principal for at least one year within the five year period immediately preceding first employment in Louisiana may be issued a one-year non-renewable OSP certificate.

- c. Applicants issued the one year OSP certificate must meet the standards of effectiveness in accordance with §103 of this Part for issuance of a five-year non-renewable OSP 1 certificate.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, R.S. 17:7(6), 17:8.1-8.4, and R.S. 17:3902.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 48:469 (March 2022), repromulgated LR 48:1077 (April 2022), amended LR 51:

§1521. Out-of-State Principal Level 2 (OSP2)

A. - A.1.a. ...

- b. completion of Louisiana PRAXIS requirements for school leaders or qualify for exam exclusion in accordance with R.S. 17:8.4(A)(3) by fulfilling a minimum of four years of successful experience as a principal in another state, as verified by the out-of-state employing authority or SEA; and

- c. a minimum of three years of successful experience as a principal or assistant principal verified in accordance with §103 of this Part.

B. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, R.S. 17:7(6), 17:8.1-8.4, and R.S. 17:3902.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 48:469 (March 2022), repromulgated LR 48:1078 (April 2022), amended LR 50:673 (May 2024), LR 51:

§1523. Out-of-State Superintendent (OSS)

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

- d. five years of successful administrative or management experience in education at the level of assistant principal or above with assistant principal experience limited to a maximum of two years of experience in that position;

- e. three years of successful teaching experience with all out-of-state experience verified as successful by the out-of-state employing authority or SEA; and

- f. earn a passing score on the Louisiana Praxis exam for school superintendents.

2. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, R.S. 17:7(6), 17:8.1-8.4, and R.S. 17:3902.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 48:470 (March 2022), repromulgated LR 48:1078 (April 2022), amended LR 50:673 (May 2024), LR 51:

Title 28

EDUCATION

Part CXXXVII. Bulletin 125—Standards for Educational Leaders in Louisiana

Chapter 1. Purpose

§101. Introduction

Repealed.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 33:1335 (July 2007), amended LR 36:2244 (October 2010), repromulgated LR 37:861 (March 2011), repealed LR 51:

Chapter 3. Professional Standards

§301. Professional Standards for Educational Leaders

Repealed.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 33:1335 (July 2007), repromulgated LR 37:861 (March 2011), amended LR 45:233 (February 2019), repealed LR 51:

§303. Performance Expectation 1

Repealed.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 33:1335 (July 2007), repromulgated LR 37:862 (March 2011), repealed LR 51:

§305. Performance Expectation 2

Repealed.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 33:1336 (July 2007), repromulgated LR 37:863 (March 2011), repealed LR 51:

§307. Performance Expectation 3

Repealed.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 33:1336 (July 2007), repromulgated LR 37:864 (March 2011), repealed LR 51:

§309. Performance Expectation 4

Repealed.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 33:1337 (July 2007), repromulgated LR 37:864 (March 2011), repealed LR 51:

§311. Performance Expectation 5

Repealed.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 33:1337 (July 2007), repromulgated LR 37:865 (March 2011), repealed LR 51:

§313. Performance Expectation 6: The Education System

Repealed.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 33:1338 (July 2007), repromulgated LR 37:866 (March 2011), repealed LR 51:

Chapter 5. Glossary

§501. Definitions

Repealed.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 33:1338 (July 2007), repealed LR 51:

Title 28 EDUCATION

Part CXLVI. Bulletin 146—Louisiana Competencies and Standards for Teachers and Educational Leaders

Chapter 1. Purpose

§101. Introduction

A. Competencies establish clear and comprehensive standards for teachers and educational leaders in the state of Louisiana and outline expectations required for effective teaching and leadership in K-12 education. The framework for teacher preparation programs, certification processes, and ongoing professional learning aligns with Louisiana's commitment to continuous improvement and excellence in education.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, 17:7(6), R.S. 17:3902 and R.S. 17:8.1-8.5.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 51:

Chapter 3. Teacher Competencies

Subchapter A. General Teacher Certification Areas and Required Competencies

§301. Overview

A. The Louisiana competencies for initial teacher certification define what a teacher candidate must know and be able to do in order to be eligible for certification upon completion of a BESE-approved teacher preparation program. The competencies represent the knowledge and skills needed for teacher candidates to successfully transition to teaching, as determined by content experts, elementary and secondary educators, and postsecondary education leaders. The competencies establish what teacher candidates should be taught. Preparation providers and school system partners determine how the competencies are developed through quality practice experiences that include, at a minimum, a year-long residency as defined in LAC 28:XLV (*Bulletin 996*).

B. When a candidate has successfully completed a state-approved program that develops and assesses mastery of the competencies and has met state testing and grade point average certification requirements, the program provider recommends the candidate for certification.

1. The LDOE will accept no final grade below a "C" in coursework within the approved undergraduate program, with the exception of the general education requirements. All coursework used for certification purposes must be for regular credit and not of a remedial or developmental nature.

C. The following teacher preparation competencies apply to all areas and grade levels for which a teacher candidate may be certified to teach. The competencies identify essential knowledge and skills that align with expectations for practicing teachers, including but not

limited to what a teacher candidate must know and be able to do in order to:

1. communicate and collaborate with students, colleagues, families, and community members to support student learning and development; and

2. design and deliver effective instruction to all students, including students with exceptionalities and students in need of academic and non-academic intervention in a regular education setting.

D. Teacher preparation programs are authorized by certification areas, which are organized by subject area and grade band. Competencies outlined in this Part are required for each certification area.

E. Early Childhood Certification Areas and Required Competencies.

1. Birth to Kindergarten:

- a. Subchapter A, General
- b. Subchapter C, English Language Arts
- c. Subchapter D, Mathematics
- d. Subchapter E, Early Childhood

2. Early Childhood PK-3:

- a. Subchapter A, General
- b. Subchapter C, English Language Arts
- c. Subchapter D, Mathematics
- d. Subchapter E, Early Childhood

F. Elementary Grades 1-5.

1. Subchapter A, General
2. Subchapter C, English Language Arts
3. Subchapter D, Mathematics

G. Middle Grades 4-8.

1. English/Language Arts:
 - a. Subchapter A, General
 - b. Subchapter C, English Language Arts
2. Mathematics:
 - a. Subchapter A, General
 - b. Subchapter C, Disciplinary Literacy
 - c. Subchapter D, Mathematics
3. Science:
 - a. Subchapter A, General
 - b. Subchapter C, Disciplinary Literacy
 - c. Subchapter F, Science
4. Social Studies:
 - a. Subchapter A, General
 - b. Subchapter C, Disciplinary Literacy
 - c. Subchapter F, Social Studies

H. Upper Grades 6-12.

1. Agriculture:
 - a. Subchapter A, General
 - b. Subchapter C, Disciplinary Literacy
 - c. Subchapter F, Agriculture
2. Biology:
 - a. Subchapter A, General
 - b. Subchapter C, Disciplinary Literacy
 - c. Subchapter F, Science
3. Business:
 - a. Subchapter A, General
 - b. Subchapter C, Disciplinary Literacy
 - c. Subchapter F, Business
4. Chemistry:
 - a. Subchapter A, General
 - b. Subchapter C, Disciplinary Literacy
 - c. Subchapter F, Science

5. Computer Science:
 - a. Subchapter A, General
 - b. Subchapter C, Disciplinary Literacy
 - c. Subchapter F, Computer Science
6. Earth Science:
 - a. Subchapter A, General
 - b. Subchapter C, Disciplinary Literacy
 - c. Subchapter F, Science
7. Environmental Science:
 - a. Subchapter A, General
 - b. Subchapter C, Disciplinary Literacy
 - c. Subchapter F, Science
8. English/Language Arts:
 - a. Subchapter A, General
 - b. Subchapter C, English Language Arts
9. Family and Consumer Sciences:
 - a. Subchapter A, General
 - b. Subchapter C, Disciplinary Literacy
 - c. Subchapter F, Family and Consumer Sciences
10. Foreign Languages:
 - a. Subchapter A, General
 - b. Subchapter C, Disciplinary Literacy
 - c. Subchapter F, Foreign Languages
11. General Science:
 - a. Subchapter A, General
 - b. Subchapter C, Disciplinary Literacy
 - c. Subchapter F, Science
12. Journalism:
 - a. Subchapter A, General
 - b. Subchapter C, Disciplinary Literacy
 - c. Subchapter F, Journalism
13. Marketing:
 - a. Subchapter A, General
 - b. Subchapter C, Disciplinary Literacy
 - c. Subchapter F, Business and Marketing
14. Mathematics:
 - a. Subchapter A, General
 - b. Subchapter C, Disciplinary Literacy
 - c. Subchapter F, Mathematics
15. Physics:
 - a. Subchapter A, General
 - b. Subchapter C, Disciplinary Literacy
 - c. Subchapter F, Science
16. Social Studies:
 - a. Subchapter A, General
 - b. Subchapter C, Disciplinary Literacy
 - c. Subchapter F, Social Studies
17. Speech:
 - a. Subchapter A, General
 - b. Subchapter C, Disciplinary Literacy
18. Technology Education:
 - a. Subchapter A, General
 - b. Subchapter C, Disciplinary Literacy
 - c. Subchapter F, Technology
- I. Grades K-12.
 1. Art:
 - a. Subchapter A, General
 - b. Subchapter C, Disciplinary Literacy
 - c. Subchapter F, Art
 2. Dance:
 - a. Subchapter A, General
 - b. Subchapter C, Disciplinary Literacy
 3. Foreign Languages:
 - a. Subchapter A, General
 - b. Subchapter C, Disciplinary Literacy
 - c. Subchapter F, Foreign Languages
 4. Music:
 - a. Subchapter A, General
 - b. Subchapter C, Disciplinary Literacy
 - c. Subchapter F, Music
 5. Health and Physical Education:
 - a. Subchapter A, General
 - b. Subchapter C, Disciplinary Literacy
 - c. Subchapter F, Health and Physical Education
 - J. Special Education Certification Areas.
 1. Early Interventionist Birth to Five Years:
 - a. Subchapter F, Early Interventionist Birth-Five Years
 2. Deaf or Hard of Hearing K-12:
 - a. Subchapter B, Special Education
 - b. Subchapter F, Deaf or Hard of Hearing
 3. Mild to Moderate Disabilities 1-5, 4-8, 6-12:
 - a. Subchapter B, Special Education
 4. Significant Disabilities 1-12:
 - a. Subchapter B, Special Education
 - b. Subchapter F, Significant Disabilities
 5. Visual Impairments/Blind K-12:
 - a. Subchapter B, Special Education
 - b. Subchapter F, Visual Impairments/Blind K-12

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, 17:7(6), R.S. 17:3902 and R.S. 17:8.1-8.5.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 51:

§303. General Competencies

A. The teacher candidate demonstrates, at an effective level, the Louisiana components of effective teaching as defined in LAC 28:CXLVII (*Bulletin 130*) and the Louisiana educator rubric or local personnel evaluation, as applicable.

B. The teacher candidate demonstrates mastery of the content knowledge and skills and content pedagogy needed to teach the current academic standards as defined in BESE policy.

C. The teacher candidate uses evidence to continually evaluate practice, particularly the effects of choices and actions on students and adapts practice to meet the needs of each student.

1. The teacher candidate observes and reflects on student responses to instruction to identify areas of need and make adjustments to practice.

2. The teacher candidate gathers, synthesizes, and analyzes a variety of data from a variety of sources to adapt instructional practices and other professional behaviors to better meet student needs.

3. The teacher candidate uses structured input and feedback from a variety of sources such as colleagues, mentor teachers, school leaders, and preparation faculty to adjust instructional practice and professional behaviors to better meet student needs.

D. The teacher candidate elicits and uses information about students and experiences from families and communities to support student development and learning and adjust instruction and the learning environment.

E. The teacher candidate applies knowledge of state and federal laws and BESE policy related to student rights and teacher responsibilities for appropriate education for students with and without exceptionalities, parents, teachers, and other professionals in making instructional decisions and communicating with colleagues and families including laws and policies governing student privacy, special education, and limited English proficient education.

F. The teacher candidate differentiates instruction, behavior management techniques, and the learning environment in response to individual student differences in cognitive, well-being, language, and physical development, incorporating trauma-informed principles.

G. The teacher candidate develops and applies instructional supports and plans for an individualized education plan (IEP) or individualized accommodation plan (IAP) to allow a student with exceptionalities developmentally appropriate access to age- or grade-level instruction, individually and in collaboration with colleagues.

H. The teacher candidate applies knowledge of various types of assessments and the purposes, strengths, and limitations to select, adapt, and modify assessments to accommodate the abilities and needs of students with exceptionalities.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, 17:7(6), R.S. 17:3902, R.S. 17:24.9, and R.S. 17:8.1-8.3.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 51:

Subchapter B. Special Education Teacher Competencies

§305. Introduction

A. The competencies identify the fundamental knowledge and skills developed and assessed in teacher candidates who are pursuing certification that includes eligibility to teach special education in Louisiana.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, R.S. 17:7(6), R.S. 17:8.1-8.3, and R.S. 17:3902.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 51:

§307. Learning Environments

A. The teacher candidate uses positive motivational and instructional interventions to teach students with exceptionalities how to adapt to different environments.

B. The teacher candidate sets expectations for personal and social behavior of students with exceptionalities in various settings such as the classroom, library, cafeteria, gymnasium, and/or job site and incorporates the expectations into effective instructional routines, lesson plans, IEP goals, and objectives.

1. The teacher candidate provides positive visual, physical, and/or motivational support to individual students for integration into various settings.

C. The teacher candidate designs and adapts learning environments for diverse student populations that facilitate active participation in individual and group activities.

D. The teacher candidate modifies the learning environment, including the physical arrangement, student grouping, instructional intensity, pacing, and embedded assistive technology supports, to proactively manage student behaviors and unique learning needs.

1. The teacher candidate uses a variety of non-aversive techniques to control targeted behavior and maintain attention of students with exceptionalities.

2. The teacher candidate uses assessment data to select appropriate environmental accommodations and modifications to address deficits in student behaviors and learning needs.

E. The teacher candidate intervenes safely and appropriately when students with exceptionalities are in crisis.

F. The teacher candidate designs and implements positive interventions to develop and strengthen on task/desirable behaviors.

G. The teacher candidate plans and implements individualized reinforcement systems and environmental modifications at levels equal to the intensity of student behavior and function.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, R.S. 17:7(6), R.S. 17:8.1-8.3, and R.S. 17:3902.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 51:

§309. Curriculum

A. The teacher candidate makes the general curricula accessible to students with exceptionalities by implementing instruction that is inclusive of appropriate accommodations and modifications to the general curricula as outlined in an IEP.

B. The teacher candidate develops and implements comprehensive, longitudinal individualized programs, and IEPs in collaboration with team members, the individual, and family.

1. The teacher candidate addresses the needs of students with exceptionalities that extend beyond the general education curriculum within IEPs and through instruction across various educational settings and contexts.

C. The teacher candidate uses augmentative and alternative communication systems and a variety of assistive technologies to support instructional assessment, planning, and delivery for students with exceptionalities.

1. The teacher candidate selects, designs, and uses high- and low-technology materials and resources required to educate individuals whose exceptionalities interfere with communication.

D. The teacher candidate integrates affective, social, and life skills with academic curricula, creating the opportunity for students to practice the skills in the context of authentic daily routines.

1. The teacher candidate designs, implements, and evaluates instructional programs that enhance social participation across environments.

E. The teacher candidate applies knowledge of career, vocational, and transition programs for students with exceptionalities to design and implement instructional programs that address independent living and career education for individuals.

1. The teacher candidate uses a variety of community- and school-based resources and strategies to successfully transition students with exceptionalities into and out of school and post-school environments.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, R.S. 17:7(6), R.S. 17:8.1-8.3, and R.S. 17:3902.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 51:

§311. Assessment

A. The teacher candidate monitors progress of students with exceptionalities towards attainment of IEP goals and objectives.

1. The teacher candidate uses knowledge of measurement principles and practices to interpret assessment results and guide educational decisions for students with exceptionalities.

2. The teacher candidate uses multiple types of assessment information in making instructional, eligibility, program, and placement decisions for students with exceptionalities, including students from culturally and linguistically diverse backgrounds.

3. The teacher candidate uses appropriate technology to conduct assessments in keeping with assessment protocols and in alignment with student needs.

B. The teacher candidate identifies and uses assessment data to identify the need for interventions and services for individuals who are in need of additional academic and/or non-academic support, including early identification of young individuals who may be at risk for exceptionalities.

1. The teacher candidate uses data derived from functional assessments to develop intervention plans aligned to the specific needs of individual students.

C. The teacher candidate selects, adapts, and modifies assessments or assessment strategies to accommodate abilities and needs of students with exceptionalities.

1. The teacher candidate implements procedures for assessing and reporting both appropriate and problematic social behaviors of students with exceptionalities.

2. The teacher candidate identifies reliable methods of response from students who lack typical communication and performance abilities, using supports as needed to accommodate individual student needs.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, R.S. 17:7(6), R.S. 17:8.1-8.3, and R.S. 17:3902.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 51:

§313. Instructional Planning

A. The teacher candidate plans and implements age- and ability-appropriate instruction for students with exceptionalities that supports progress in the general curricula.

1. The teacher candidate incorporates goals and strategies from multiple IEPs in lesson plans.

2. The teacher candidate uses and adapts instructional strategies according to characteristics and needs of students with exceptionalities.

3. The teacher candidate selects and adapts instructional materials according to characteristics and needs of students with exceptionalities.

B. The teacher candidate selects and uses a variety of assistive technologies within instructional routines to promote access to the general curriculum for students with exceptionalities.

C. The teacher candidate modifies the pace of instruction and provides organizational cues to meet the instructional needs of students with exceptionalities.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, R.S. 17:7(6), R.S. 17:8.1-8.3, and R.S. 17:3902.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 51:

Subchapter C. English Language Arts (ELA) and Literacy Teacher Competencies

§315. Introduction

A. The English language arts and literacy teacher preparation competencies identify essential knowledge and skills for teacher candidates seeking certification in birth to kindergarten, pre-kindergarten-third grade, elementary grades 1-5, elementary grades 1-5 integrated to merged, English language arts grades 4-8, English language arts grades 4-8 integrated to merged, English language arts 6-12, and English language arts grades 6-12 integrated to merged.

B. Content knowledge competencies identify foundational knowledge of the English language and language development, reading, composition, and oral language skills.

C. Content pedagogy competencies identify teaching knowledge and skills that are specific to English Language arts instruction that develop the student ability to:

1. understand and use vocabulary and language, including early literacy, such as print awareness, phonological skill, word recognition, and incidental reading foundational skills to facilitate understanding and comprehension of the written word;

2. understand topics, themes, and ideas to determine text meaning;

3. build understanding about texts using evidence through discussion; and

4. demonstrate understanding of the language, craft, topics, themes, and ideas of complex grade-level texts through writing, using evidence and appropriate grade-level conventions, spelling, and structure.

D. Disciplinary literacy competencies identify what a teacher candidate must know and be able to do to teach reading and literacy effectively in the context of certification areas other than English language arts in areas such as the middle grades and secondary science or social studies.

1. The ELA and literacy competencies are applicable to teacher candidates who are pursuing certification for grades 4-8 or 6-12 in any content area other than English language arts.

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HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 51:

§317. ELA Content Knowledge Competencies

A. The teacher candidate is able to read and understand the language, craft, topics, themes, and ideas of complex texts and explain how one is able to read and understand the texts.

1. The teacher candidate reads a wide variety of complex texts appropriate for instruction of age or grade-level reading, writing, speaking and listening, and language standards. The variety of texts includes print and non-print or digital texts; media texts, including but not limited to, songs, videos, podcasts, film, and classic texts and contemporary texts. The texts include children's literature that represent a range of world literatures, historical traditions, genres, forms, and the experiences of different genders, ethnicities, and social classes.

2. The teacher candidate determines the meaning, purpose, and main ideas of complex texts and explains the development orally and in writing based on the interaction of

an author's craft by using word choice, syntax, use of details and illustrations, figurative language, elements and structure such as setting, characterization, development and organization, plot, pacing, and evidence, literary effects of symbolism and irony, and rhetorical devices.

3. The teacher candidate explains how vocabulary, diction, syntax, and sentence patterns contribute to the meaning, complexity, clarity, coherency, fluency, and quality of a text.

4. The teacher candidate selects words in complex texts which most contribute to the meaning, are common among complex texts, are part of word families, or have multiple meanings.

5. The teacher candidate makes connections among texts, including determining and explaining how each text challenges, validates, or refines the language, topics, themes, and/or ideas of other texts and how modern texts or texts in different mediums adapt, enhance, or misrepresent a source text.

6. The teacher candidate assesses the credibility and usability of texts by analyzing texts with differing viewpoints to determine areas of conflict or possible bias, evaluating whether the reasoning is sound and the evidence is relevant and sufficient, and determining the advantages and disadvantages of different texts and mediums for presenting a particular topic or idea.

7. The teacher candidate recognizes the influence of English language and literary history on ELA content.

B. The teacher candidate demonstrates proficiency with written and spoken language when writing about the topics, themes, and/or ideas of complex texts.

1. The teacher candidate creates a range of formal and informal, process and on-demand oral, written, and visual compositions to include analytic, argumentative, explanatory, and narrative text about the language, craft, topics, themes, and/or ideas of complex texts, taking into consideration the interrelationships among form, audience, context, and purpose.

2. The teacher candidate uses complex texts to locate models of writing such as word choice, syntax, sentence variety and fluency, text structure, and style and uses the models to imitate the language, structure, and style into personal writing.

3. The teacher candidate knows and appropriately uses the conventions of English language grammar, usage, and mechanics in relation to various rhetorical situations and to various style guides for composition.

4. The teacher candidate recognizes and explains the historical context of modern English language, including recognizing root words, determining word etymologies, and analyzing changes in syntax.

5. The teacher candidate explains the concept of dialect, recognizes the effect and impact on the meaning and development of written and spoken language, and knows how to apply the concept in context when appropriate.

6. The teacher candidate explains the importance of language structure, syntactic awareness, and discourse awareness in developing reading and writing fluency.

C. The teacher candidate demonstrates understanding of the stages of language, reading, and writing development.

1. The teacher candidate explains the progression, connection, and reciprocal relationships among the major

components of early literacy development, including the typical and atypical development of skills in the areas of language, phonological processing, vocabulary, morphology, orthography, semantics, syntax, and discourse; reading, print awareness, decoding, fluency, and comprehension; and spelling and writing development including pre-literate, early emergent, emergent, transitional, and conventional.

2. The teacher candidate defines, explains, produces, and classifies the basic phonetic structure and orthographic rules and patterns of the English language, including but not limited to phonemes, graphemes, digraphs, blends, r-controlled vowels, hard and soft consonants, and explains the relation to the progression of reading and writing development.

3. The teacher candidate identifies, explains, and categorizes the six basic syllable types in English spelling and explains principles of teaching word identification and spelling, giving examples illustrating each principle.

4. The teacher candidate explains the role of fluency in typical reading development including word recognition, oral reading, silent reading, and comprehension, and as a characteristic of certain reading disorders.

5. The teacher candidate identifies, defines, and explains the relationship between environmental, cultural, and social factors that contribute to literacy development and the difference between delays and characteristics of some reading disorders, as determined by academic standards.

6. The teacher candidate explains and demonstrates through oral reading the print concepts young students must develop regarding text orientation, directionality, connection of print to meaning, return sweep, page sequencing, and punctuation.

7. The teacher candidate explains the stages of the development of phonological awareness skills and gives examples illustrating each stage of rhyme, syllable, onset-rime, phoneme segmentation, blending, and substitution.

8. The teacher candidate demonstrates appropriate enunciation in oral demonstrations, especially speech sounds when conducting phonemic awareness lessons.

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HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 51:

§319. ELA Content Pedagogy Competencies

A. The teacher candidate applies knowledge of the relationships among speaking and listening, language, reading, and writing to use writing and speaking and listening experiences in conjunction with language and reading instruction to enhance student reading and writing development.

1. The teacher candidate for Birth-Kindergarten, PK-3, and 1-5 uses knowledge of the progression of phonological awareness skills to select or design and implement sequenced lessons and units that scaffold student development of phonological awareness and enhance reading and writing development through the use of a variety of intentional, explicit, and systematic instructional practices embedded in a range of continuous texts.

2. The teacher candidate for grades 1-5, 4-8, and 6-12 uses knowledge of the progression of language, reading, and writing skills to select or design and implement lesson sequences that scaffold and enhance early adolescent and

adolescent student reading and writing development through the use of a variety of intentional, explicit, and systematic instructional practices embedded in a range of continuous texts for small-group instruction or intervention in addition to whole-class instruction with grade-level standards.

3. The teacher candidate uses knowledge of the relationship between phonemes and graphemes to plan writing experiences in conjunction with phonological instruction to enhance student reading and writing development.

4. The teacher candidate selects and uses various strategies to develop student reading fluency, including guiding student awareness of syntax and discourse.

5. The teacher candidate selects or designs and implements lessons and unit sequences which provide opportunities for all students to read a wide range and volume of texts for various purposes of understanding, pleasure, and research, and make connections among texts based on the language, craft, topics, themes, and/or ideas.

6. When appropriate and based on age- or grade-level standards, the teacher candidate supports student selection of texts and assessment of the credibility and usability of texts for different purposes.

7. The teacher candidate schedules and coordinates instructional time to make content connections with science, social studies, and the arts to ensure students build a wide vocabulary and knowledge of the world.

B. The teacher candidate selects or designs and implements instruction that provides opportunities for students at various stages of language, reading, and writing development to accurately and fluently read, understand, and express understanding of a range of complex grade-level texts, as determined by age- or grade-level standards.

1. The teacher candidate selects a volume of appropriately complex texts about similar topics, themes, and/or ideas that present opportunities for instruction and assessment of age- or grade-level standards.

2. The teacher candidate selects and uses multiple academic standards for instruction with selected complex texts about similar topics, themes, or ideas to identify sections for rereading through interactive read aloud, read along, pair or group reading, and/or independent reading, and creates and sequences questions and tasks.

3. The teacher candidate anticipates student misconceptions or challenges and identifies a variety of grade-level appropriate instructional strategies to scaffold instruction and provide all students with opportunities to read, understand, and express understanding through conversations and writing using grade-level appropriate language, conventions, spelling, and structure.

4. The teacher candidate fluently applies principles of explicit and direct teaching: modeling, leading, giving, guided practice, and reviewing.

5. The teacher candidate implements multisensory and multimodal techniques to enhance instruction.

6. The teacher candidate designs and teaches routines to support a complete lesson format, from the introduction of a word recognition concept to fluent application in meaningful reading and writing.

C. The teacher candidate selects or designs and implements instructional materials that develop student ability to meet the age- or grade-level standards for reading,

writing, speaking and listening, and language by composing a range of oral, written, and visual texts using formal and informal, process and on-demand, and different genres for a variety of purposes and audiences.

1. The teacher candidate selects and uses multiple academic standards for instruction with selected complex texts about similar topics, themes, and ideas to select or design composition tasks that explain, analyze, challenge, or extend the language, craft, topics, themes, and ideas of the texts.

2. The teacher candidate locates models of writing in complex texts to illustrate word choice, syntax, sentence variety, fluency, text structure, and style and selects or designs and implements instruction that develops student ability to use the models to advance language, structure, and style in personal writing.

3. The teacher candidate facilitates classroom discussions based on the age- or grade-level standards for speaking and listening that allow students to refine thinking about the language, craft, topics, themes, and/or ideas in complex texts in preparation for writing, when appropriate, as indicated by academic standards.

4. The teacher candidate develops, based on academic standards, student ability to create an organizing idea or thesis statement, effectively organize and develop a written, oral, or visual response, and, when appropriate, develop a topic or support an opinion or claim about the language, craft, topics, themes, and/or ideas in complex texts using relevant evidence.

5. The teacher candidate provides opportunities incorporating technology for students to plan, draft, revise, edit, and publish written, oral, visual, and digital texts, individually and collaboratively through shared and small-group writing and peer editing to communicate knowledge, ideas, understandings, insights, and experiences.

6. The teacher candidate anticipates how students may use non-standard language orally and in writing and selects or designs and implements instruction based on age- or grade-level standards to develop student ability to use language conventions of grammar, usage, and mechanics accurately and strategically in writing for different audiences and purposes.

7. The teacher candidate selects or designs and implements tasks for all students, as indicated by academic standards for reading, writing, speaking and listening, and language that require research of a topic, theme, or idea presented in complex texts and communication of findings orally and in writing.

8. The teacher candidate designs and implements research-based adaptations of instruction for students with advanced literacy skills and for students with weaknesses in working memory, attention, executive function, or processing speed.

D. The teacher candidate applies knowledge of language, reading, and writing development to select or design and use a range of ongoing classroom assessments including diagnostic, formal and informal, formative and summative, oral, and written which measure students' ability to read, understand, and demonstrate understanding of a range of grade-level complex texts to inform and adjust planning and instruction.

1. The teacher candidate selects or designs a range of ongoing assessments including formal and informal, formative and summative, oral, and written to measure student ability to use knowledge of language, print concepts, phonological awareness, phonics, and word recognition to accurately and fluently read, understand, and express understanding of a range of continuous texts.

2. The teacher candidate applies knowledge of reading, writing, and language development to identify trends in student reading foundational skills, writing, and language development and identify students who are in need of additional support with decoding, fluency, vocabulary development, speaking and listening, writing, and grammar.

3. The teacher candidate assesses specific reading behaviors often associated with fluency problems such as lack of automaticity, substitution, omissions, repetitions, inappropriate reading rates, and inaccuracy and recognizes atypical developmental patterns, and collaborates with colleagues and specialists to plan and implement appropriate instructional support(s) that address individual needs without replacing regular classroom instruction.

4. The teacher candidate assesses student written expression skills of handwriting for elements of legibility, such as letter formation, size and proportion, and spacing, and keyboarding for proper technique and style, such as adequate rate and accuracy, appropriate spacing, and proficiency with word processing programs, identifies elements that need improvement, and designs instructional supports that support student mastery.

5. The teacher candidate uses assessment trends to make adjustments to instructional plans through re-teaching, targeted mini-lessons, individualized or small-group remediation, or extension and identifies differentiated instructional supports that provide all students with opportunities to read, understand, and express understanding of complex texts, as determined by age- or grade-level standards.

6. The teacher candidate uses assessment trends to form flexible groups of students and selects or designs and implements small-group instruction to improve student ability to read independently a range of continuous texts and write in response using age- or grade-level appropriate conventions, spelling, language, and structure.

7. The teacher candidate understands and explains types of assessments specific to early literacy skills, along with their purposes, strengths, and limitations, as well as national norms associated with literacy skills.

8. The teacher candidate administers and interprets both print and electronic early literacy assessment for purposes including but not limited to formative or summative assessment, diagnostic purposes, and progress monitoring.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, R.S. 17:7(6), R.S. 17:8.1-8.3, and R.S. 17:3902.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 51:

§321. Disciplinary Literacy Competencies

A. The teacher candidate applies knowledge of the theoretical and evidence-based foundations of reading and writing processes and specific disciplinary literacy expectations as described in academic standards to select or design and implement an integrated and comprehensive

curriculum that develops students' understanding of content.

1. The teacher candidate explains the research and theory of disciplinary literacy and demonstrates discipline-specific reading and writing skills.

2. The teacher candidate explains how disciplinary literacy skills are necessary for learning content and expressing understanding of content through writing and speaking based on the academic standards for certification content area.

3. The teacher candidate selects or designs and implements discipline-specific curriculum and instructional materials which incorporate technology to support instructional goals and objectives for the disciplinary literacy demands of the certification content area and differentiates the materials for the range of literacy needs of adolescent readers.

4. The teacher candidate selects, assesses the accuracy and credibility of, and uses a range and volume of print, digital, visual, and oral discipline-specific texts including primary and secondary sources in social studies or current research, informational journals, experimental data, and results in science as instructional tools.

B. The teacher candidate applies knowledge of disciplinary literacy to select and use appropriate and varied instructional approaches to build student ability to understand and express understanding of discipline specific content through reading, writing, speaking, and language.

1. The teacher candidate provides opportunities for students to learn and use vocabulary and language specific to the certification content area, practice discipline-specific reading and writing strategies, and gain and express understanding of content by exploring key questions through grade-level print, digital, visual, and oral discipline specific texts.

C. The teacher candidate applies knowledge of disciplinary literacy to select or design and use a range of ongoing classroom assessments for diagnostic, formal and informal, formative and summative, oral and written use which measure student mastery of grade-level standards in order to inform and adjust planning and instruction.

1. The teacher candidate assesses student ability to understand and use discipline-specific vocabulary and language, gain knowledge and understanding of content through grade-level, discipline-specific texts, and express knowledge and understanding through speaking and writing.

2. The teacher candidate uses trends in assessment results to plan lessons, make adjustments to instruction, and provide remediation and enrichment opportunities for students.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, R.S. 17:7(6), R.S. 17:8.1-8.3, and R.S. 17:3902.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 51:

Subchapter D. Mathematics Teacher Competencies

§323. Introduction

A. The mathematics teacher preparation competencies identify essential mathematical knowledge and skills for teacher candidates seeking certification in birth to kindergarten, pre-kindergarten-third grade, elementary grades 1-5, elementary grades 1-5 integrated to merged, mathematics grades 4-8, mathematics grades 4-8 integrated to merged, mathematics 6-12, and mathematics 6-12 integrated to merged.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, R.S. 17:7(6), R.S. 17:8.1-8.3, and R.S. 17:3902.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 51:

§325. Mathematics Content Knowledge Competencies

A. Utilizing the academic standards for mathematics for the certification grade band and adjacent grade bands, the teacher candidate, at minimum, demonstrates the following competencies to plan for instruction, teach, assess, and monitor student learning:

1. provides exact, explicit definitions of mathematical ideas and concepts using appropriate mathematical language;

2. builds foundational numeracy by providing precise, accurate, useful descriptions of algorithms and procedures, including descriptions of the accuracy of alternative procedures or algorithms while blending concepts, procedures, strategies, problem-solving skills, and dispositions;

3. exhibits an integrated, functional grasp of foundational numeracy, mathematical concepts, and procedures along the grade K-12 mathematical progressions so that all students are prepared for success in Algebra I and beyond;

4. explains concepts and executes procedures flexibly, accurately, efficiently, and appropriately;

5. models the mathematical dispositions and habits of mind described in the practice standards and integrated within high-quality instructional materials, including precision of language, logical thought, reflection, explanation, and justification;

6. recognizes vertical alignment in K-12 mathematical standards and uses the connections between the topics identified in the relevant standards and problems arising in real-world applications;

7. builds positive math dispositions while portraying mathematics as sensible, useful, and worthwhile; and

8. teaches foundational mathematics skills, explicitly and systematically applying strategies to assess instructional effectiveness.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, R.S. 17:7(6), R.S. 17:8.1-8.3, and R.S. 17:3902.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 51:

§327. Mathematics Content Pedagogy Competencies

A. The teacher candidate builds and applies knowledge within grade coherence and vertical alignment of mathematical topics and relationships within and across mathematical domains to identify key mathematical ideas and implement mathematically sound lesson sequences and units of study within high-quality materials that develop student foundational numeracy, conceptual understanding, procedural skill and fluency, and ability to solve real-world and mathematical problems to prepare students for success in Algebra I and beyond.

1. The teacher candidate appropriately implements effective mathematics instruction using high-quality instructional materials through planning appropriate scaffolding to provide opportunities for students to access and master grade-level standards.

2. The teacher candidate anticipates student misconceptions or math difficulty which may arise during a lesson or unit of study, identifies key points in the lesson or

unit to check for misconceptions, and identifies appropriate instructional strategies to respond to misconceptions, including but not limited to questioning, whole group discussion, problem sets, instructional tools, and representations that make the mathematics of the lesson explicit.

3. The teacher candidate identifies and implements standards-based tasks within high-quality instructional materials using varied strategies, including but not limited to real-life applications, manipulatives, models, and diagrams/pictures that present opportunities for instruction and assessment.

4. The teacher candidate customizes lessons and practice sets within high-quality instructional materials that include scaffolding and differentiation of mathematical content to provide opportunities for students to develop and demonstrate mastery.

5. The teacher candidate uses student data to identify appropriate student groupings, such as pairs or small groups, to develop student conceptual understanding, skill, and fluency with mathematical content as well as independent mathematical thinking.

6. The teacher candidate provides effective interventions for all students by using an accelerated learning approach, connecting unfinished learning to new learning within grade-level content, and utilizing high-quality materials to provide just-in-time support, especially for students with difficulty in mathematics.

B. The teacher candidate applies understanding of student mathematical language development to provide regular opportunities during instruction for students to explain understanding both in writing and orally through classroom conversations.

1. The teacher candidate explains the connection between informal language to precise mathematical language to develop student ability to use precise mathematical language in explanations and discussions.

C. The teacher candidate applies understanding of the intersection of mathematical content and mathematical practices to provide regular, repeated opportunities for students to exhibit the math practices while engaging with the mathematical content of the lesson, including but not limited to the following:

1. using appropriate prompting and questioning that allows students to refine mathematical thinking and build upon understanding of the mathematical content of the lesson;

2. posing challenging problems that offer opportunities for productive struggle and for encouraging reasoning, problem solving, and perseverance in solving problems through an initial difficulty;

3. facilitating student conversations in which students are encouraged to discuss each other's thinking in order to clarify or improve mathematical understanding;

4. providing opportunities for students to choose and use appropriate tools when solving a problem; and

5. prompting students to explain and justify work and providing feedback that guides students to produce revised explanations and justifications.

D. The teacher candidate applies knowledge of mathematical topics and relationships within and across mathematical domains to select or design and use a range of

ongoing classroom assessments, including but not limited to diagnostic, formal and informal, formative and summative, oral and written, which determine student mastery of grade-level standards in order to inform and adjust planning and instruction.

1. The teacher candidate identifies student difficulties, errors, unfinished learning, and inconsistencies in student knowledge, skills, and mathematical reasoning to accelerate or scaffold student learning during lesson implementation, using, but not limited to, the following strategies:

- a. oral and written explanations of the elements and structures of mathematics and the meaning of procedures, analogies, and real-life experiences;
- b. manipulatives, models, and pictures or diagrams; and
- c. problem sets.

2. The teacher candidate uses student data to address difficulty with mathematics and uses trends in assessment results to plan, instructional strategies, learning acceleration, and enrichment opportunities for students within adopted high-quality instructional units of study.

3. The teacher candidate effectively uses student data to make instructional decisions. Student data includes but is not limited to classroom observation of discussion, oral reasoning, work samples, formative assessment, and summative assessment.

4. The teacher candidate regularly monitors student performance and student understanding.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, R.S. 17:7(6), R.S. 17:8.1-8.3, and R.S. 17:3902.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 51:

Subchapter E. Early Childhood Teacher Competencies §329. Introduction

A. The early childhood teacher preparation competencies identify essential knowledge and skills for teacher candidates seeking early childhood ancillary certification and certification in birth to kindergarten.

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HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 51:

§331. Early Childhood Pedagogy Competencies

A. The teacher candidate designs instructional learning outcomes written in terms of what children will learn rather than do and includes indicators from applicable Louisiana birth to five early learning and development standards (ELDS) domains, and are appropriate for diverse learners such as special education and English learner students.

B. The teacher candidate provides emotional and behavioral support to children as indicated by the following:

1. creating a positive environment that supports emotional connections between children and adults and between children and peers;
2. exhibiting an awareness and sensitivity to the emotional and learning needs of children;
3. allowing opportunities for exploration while providing comfort, reassurance, and encouragement; and
4. placing emphasis on the perspectives, interests, motivations, and points of view of the children.

C. The teacher candidate manages classroom organization to support child development as indicated by the following:

1. setting clear, age-appropriate expectations for child behavior;

2. supporting positive behavior by using effective methods, including but not limited to highlighting positive behaviors and redirecting misbehaviors;

3. promoting the ability of children to self-regulate behavior, including but not limited to using a proactive approach and planning to minimize disruptions;

4. managing instructional and learning time and routines so children have maximum opportunities to be engaged in learning activities;

5. maximizing the interest and engagement by being actively involved in the learning process; and

6. using a variety of materials and modalities to gain the interest and participation in activities.

D. The teacher candidate provides engaged instructional support for learning as indicated by the following:

1. using interactions and discussions to promote higher-order thinking skills and cognition;

2. focusing on promoting understanding rather than on rote instruction or memorization;

3. providing feedback that expands learning and understanding;

4. scaffolding learning to provide supportive guidance so that children can achieve competencies and skills independently;

5. providing opportunities for conversations for the purpose of promoting opportunities for language use;

6. utilizing open-ended questioning techniques to allow children to put language together to communicate more ideas in increasingly complex ways;

7. modeling language use and forms through repeating and extending child responses and through self and parallel talk; and

8. using a variety of words and language forms that are new and unique to extend understanding of these parts of language.

E. The teacher candidate uses assessment to guide planning and understand levels of child growth and development as indicated by the following:

1. conducting observation-based assessments in a systematic, ongoing manner throughout daily routines and activities;

2. gathering and using assessment data for the purpose of planning instruction, activities, and experiences that further promote child development and learning;

3. reflecting on child assessment data and connections to teacher action to make changes to continuously improve practice; and

4. making decisions based on the progress of child development with reliability.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, R.S. 17:7(6), R.S. 17:8.1-8.3, and R.S. 17:3902.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 51:

Subchapter F. Other Certification Area Competencies §333. Other Education Areas

A. Early Interventionist Birth-Five Years: Council for Exceptional Children (CEC) Initial Special Education Early Childhood Specialty Set.

B. Deaf or Hard of Hearing K-12: CEC Initial Special Education Deaf and Hard of Hearing Specialty Set.

C. Visual Impairments/Blind K-12: CEC Initial Special Education Blind and Visually Impaired Specialty Set.

D. Academically Gifted: National Association for Gifted Children (NAGC) Teacher Preparation Standards for Gifted.

E. Significant Disabilities 1-12: CEC Initial Special Education Individualized Independence Curriculum Specialty Set.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, R.S. 17:7(6), R.S. 17:8.1-8.3, and R.S. 17:3902.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 51:

§335. Middle Grades 4-8 Education

A. Science Education: National Science Teachers Association (NSTA) Standards for Science Teacher Preparation.

B. Social Studies Education: National Council for the Social Studies (NCSS) Standards for the Initial Preparation of Social Studies Teachers.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, R.S. 17:7(6), R.S. 17:8.1-8.3, and R.S. 17:3902.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 51:

§337. Secondary Grades 6-12 Education

A. Agriculture Education: American Association for Agriculture (AAAE) National Standards for Teacher Education in Agriculture.

B. Business and Marketing Education: National Association for Business Teacher Education Association (NABTE) Business Teacher Education Standards.

C. Computer Science Education: International Society for Technology in Education (ISTE) Standards for Computer Science Educators.

D. Family and Consumer Sciences Education: American Association of Family and Consumer Sciences (AAFCS) Standards.

E. Foreign Languages Education: American Council on the Teaching of Foreign Languages (ACTFL) Program Standards for the Preparation of Foreign Language Teachers.

F. Journalism Education: Journalism Education Association (JEA) Standards for Journalism Educators.

G. Science Education: National Science Teachers Association (NSTA) Standards for Science Teacher Preparation.

H. Social Studies Education: National Council for the Social Studies (NCSS) Standards for the Initial Preparation of Social Studies Teachers.

I. Technology Education: International Society for Technology in Education (ISTE) Standards and International Technology and Engineering Educators Association (ITEEA) Standards.

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HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 51:

§339. All Levels K-12 Education

A. Art Education: National Association of Schools of Art and Design (NASAD) Standards for Art Teacher Preparation.

B. Dance Education: National Association of Schools of Dance (NASD) Standards for Dance Teacher Preparation.

C. English Learners Education: Teachers of English to Speakers of Other Languages (TESOL) Standards for Teacher Education Programs.

D. Foreign Languages Education: American Council on the Teaching of Foreign Languages (ACTFL) Program Standards for the Preparation of Foreign Language Teachers.

E. Health and Physical Education: Society of Health and Physical Educators (SHAPE) America, Initial Health Education Teacher Education Standards and Initial Physical Education Teacher Education Standards.

F. Music Education: National Association of Schools of Music (NASM) Standards for Music Teacher Preparation.

G. Theater Education: National Association of Schools of Theatre (NAST) Standards for Theater Teacher Preparation.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, R.S. 17:7(6), R.S. 17:8.1-8.3, and R.S. 17:3902.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 51:

Chapter 5. Educational Leader Professional Standards

§501. Introduction

A. LDOE has adopted the *Louisiana Leader Rubric* through a partnership with National Institute for Excellence in Teaching (NIET) to directly support improvements in school leadership as defined by performance expectations outlined in this Chapter. The rubric supports school leaders in building essential skills that elevate their practice, advance instruction, and improve outcomes for all students. Additionally, references to instructional practice and strategies embedded within the rubric are rooted in the use of high-quality instructional materials (HQIM), which are aligned to state standards and assessments.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, R.S. 17:7(6), R.S. 17:8.1-8.3, and R.S. 17:3902.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 51:

§503. Performance Expectation 1: School Mission, Vision, and Strategic Goal Setting

A. Education leaders ensure the achievement of all students by guiding the development and implementation of a shared vision of learning, strong organizational mission, and high expectations for every student. The indicators in expectation 1 are designed to describe the degree to which educational leaders believe in, value, and are committed to:

1. every student learning;
2. collaboration with all stakeholders;
3. high expectations for all;
4. examining assumptions and beliefs; and
5. continuous improvement using evidence.

B. Indicator A—Goal-Setting and Monitoring.

1. Establishes data-driven goals and an action plan for achievement.
2. Disaggregates current and relevant data in order to create and support school goals.
3. Uses current and relevant data to impact student achievement.
4. Plans, implements, and supports acceleration and interventions.
5. Effectively utilizes student data and student work to create and/or revise action plans a few times during the school year.

C. Indicator B—Communication of Mission, Vision, and Goals.

1. Establishes a school mission and vision that drives instruction and school activities.

2. Communicates the mission, vision, and goals of the school with staff members and students.

3. Invests teachers and students in contributing to the school vision in order to reach established goals.

D. Indicator C—Expectations.

1. Advocates for the best interests and needs of students to ensure student achievement.

2. Establishes high standards for students and teachers.

3. Creates opportunities for students and teachers to establish high and demanding expectations.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, R.S. 17:7(6), R.S. 17:8.1-8.3, and R.S. 17:3902.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 51:

§505. Performance Expectation 2: Instructional Leadership

A. Education Leaders ensure the achievement and success of all students by monitoring and continuously improving teaching and learning. The indicators in expectation 2 are designed to describe the degree to which educational leaders believe in, value, and are committed to:

1. learning as the fundamental purpose of school;
2. valuing all learners;
3. continuous professional growth and development;
4. lifelong learning;
5. collaboration with all stakeholders;
6. high expectations for all; and
7. student learning.

B. Indicator A—Curriculum and Assessment.

1. Establishes and monitors high-quality instructional materials which are consistent with school wide goals.

2. Ensures teachers set clear, measurable objectives and success criteria aligned to the depth and rigor of the state standards and the objectives of the high-quality instructional materials. National or local standards are to be used when state standards are not provided.

3. Implements systems that allow teachers to analyze formative and summative data to monitor student progress and adjust teaching and learning using an accelerated approach to support and monitor student progress;

4. Creates opportunities for teachers to participate in professional learning that is focused on curriculum, assessment, and instructional practices.

5. Engages in conversations about assessments and student progress with teachers.

C. Indicator B—Teacher Effectiveness.

1. Utilizes a school wide evaluation system and individualized coaching plans/professional growth plans (PGPs) to increase teacher effectiveness.

2. Evaluates classroom teaching and learning accurately and provides student work data to support the evaluation.

3. Provides specific evidence from the observed lesson that connects to an overall area of strength, an area of growth, and a specific recommendation for next steps.

4. Uses teacher and student work data gathered through observations to determine what development activities or instructional strategies will best meet the needs of each individual teacher to improve overall teacher effectiveness.

5. Ensures most teachers receive a differentiated targeted support plan based on classroom evaluations.

6. Includes opportunities for teachers to implement learning in different ways and ensures teacher ownership of new learning.

7. Creates structures where teachers can support one another so that they can build and sustain their own learning in order to impact student achievement.

D. Indicator C—Meeting Student Needs.

1. Engages all teachers in utilizing data to identify students in need of acceleration, intervention, extension, or other additional supports.

2. Monitors student progress plans to ensure the academic needs of all students are being met.

3. Supports teachers in utilizing instructional supports within high-quality instructional materials, when available, to ensure that students master the content.

4. Implements rigorous, on grade-level instruction.

E. Indicator D—Instructional Focus.

1. Implements a schoolwide schedule and routines that maximize instructional time.

2. Plans and prioritizes his/her own schedule in order to engage in instructional leadership activities focused on teaching and learning.

3. Ensures teachers have access to high-quality instructional materials to instruct all students.

4. Considers district and school goals when making decisions about instructional practices or priorities.

5. Utilizes other instructional leaders on campus to play a role in supporting and building teacher capacity in order to meet both teacher and student goals.

6. Leads instructional staff meetings and/or ongoing applied professional learning with adult learning principles.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, R.S. 17:7(6), R.S. 17:8.1-8.3, and R.S. 17:3902.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 51:

§507. Performance Expectation 3: Capacity Building

A. Education leaders consistently and effectively reflect on their leadership practice resulting in strategic action plans that lead to significant increase in student achievement and teacher proficiency. Leaders self-reflect to determine areas of growth and set rigorous goals routinely to strengthen their own leadership practice. Education leaders implement and adjust school wide action plans based on feedback and data collected in order to enhance student achievement and teacher effectiveness. Leaders collaborate with colleagues at the school and system levels to implement local and school wide initiatives that consistently result in gains in student achievement. The indicators in expectation 3 are designed to describe the degree to which educational leaders believe in, value, and are committed to:

1. guided collaboration for all stakeholders;

2. induction, support, and development of new staff;

3. providing continuous professional growth and developmental support opportunities for future and current teacher leaders;

4. demonstrating lifelong learning; and

5. leading and implementing professional learning aligned to multiple data sources and guided by adult learning principles.

B. Indicator A—Reflective Practice.

1. Reflects on their own leadership practice resulting in actions to increase student achievement and teacher proficiency.

2. Determines areas of growth and sets goals to strengthen his/her own leadership practice.

3. Implements school wide activities/action steps based on feedback and data.

4. Collaborates with colleagues at the school and system district levels to implement district local initiatives that result in gains in student achievement.

C. Indicator B—Leadership Development.

1. Utilizes teacher and student observational data with school leaders resulting in adjustments to the support that is provided for teachers and to ensure student growth.

2. Provides coaching support and collaborative opportunities for teacher leaders based on professional development, classroom support and observations, teacher evaluation data, and student achievement data.

3. Develops the leadership skills of others by establishing a career pipeline for mentor teachers, content leaders, and other instructional leaders to assume additional responsibilities.

4. Provides opportunities for teachers and staff members to gain new learning.

D. Indicator C—Collaborative Practices.

1. Provides ongoing collaborative opportunities structures for teachers to strengthen instructional practice by examining evidence of student learning and making instructional adjustments.

2. Provides for meaningful contribution from teachers that includes significant student or teacher data to inform decisions, build teacher capacity, and increase student achievement.

3. Monitors the quality of content within teacher collaboration so that it is a logical continuum that increases student learning.

E. Indicator D—Continuous Improvement.

1. Prepares and plans for new staff by providing induction and mentoring systems and support.

2. Systematically fosters and empowers the continuous learning and improvement of teachers and staff to the highest levels of practice through job-embedded professional learning opportunities.

3. Ensures individualized professional learning, aligned to the coaching plan/PGP, is provided to support teachers' and staff members' skills, is guided by understanding of adult learning principles, and is measured with student data.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, R.S. 17:7(6), R.S. 17:8.1-8.3, and R.S. 17:3902.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 51:

§509. Performance Expectation 4: School and Community Environment

A. Education leaders ensure the success of all students by collaborating with families and stakeholders who represent various community interests and needs and mobilizing community resources that improve teaching and learning. The indicators in expectation 4 are designed to describe the degree to which educational leaders believe in, value, and are committed to:

1. high standards for all;
2. including family and community as partners;
3. respect for all families; and
4. continuous learning and improvement for all.

B. Indicator A—School Atmosphere.

1. Establishes a safe and positive campus atmosphere for students, staff members, families, and community stakeholders;

2. Manages conflict among stakeholders effectively.

3. Regularly collaborates with a school leadership team.

C. Indicator B-Community Engagement.

1. Develops productive relationships with stakeholders.

2. Uses communication to enhance student learning and build support for goals.

3. Provides needed support services for students and their families during school hours.

4. Creates opportunities for stakeholder engagement to improve school climate for student learning.

D. Indicator C—Discipline.

1. Implements campus wide discipline system/plan to promote a positive learning environment for all students.

2. Addresses student misconduct in a positive, fair, and unbiased manner.

3. Incorporates problem-solving skills to manage student behavioral challenges.

4. Supports teachers in resolving discipline concerns.

E. Indicator D—Access to High-Quality Education.

1. Implements systems that enable all students to have access to effective teachers.

2. Develops initiatives to ensure all students are provided with learning opportunities and academic and social supports that lead to academic success.

3. Supports teachers with identifying and utilizing resources for providing all students with educational opportunities.

F. Indicator E—Responsiveness to Stakeholders.

1. Incorporates and articulates a commitment to all students in the school mission and vision.

2. Incorporates the background knowledge of students' communities in the school curriculum.

3. Creates organizational structures at the school that empower all students and parents across communities.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, R.S. 17:7(6), R.S. 17:8.1-8.3, and R.S. 17:3902.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 51:

§511. Performance Expectation 5: Professionalism and Integrity

A. Education leaders ensure the success of all students by being professional and acting with integrity. The indicators in expectation 5 are designed to describe the degree to which educational leaders believe in, value, and are committed to:

1. the common good over personal interests;
2. taking responsibility for actions;
3. professionalism and integrity in all relationships and decisions;
4. modeling high expectations; and
5. continuously improving knowledge and skills.

B. Indicator A—Professional Norms.

1. Establishes and supports an environment that is open, productive, caring, professional, and trusting for teachers and staff.

2. Promotes accountability among teachers and staff for each student’s success and the effectiveness of the school as a whole.

C. Indicator B—Professional Behavior.

1. Provides professional direction by acting respectfully and responsibly in personal conduct, in relationships with others, and expects staff and students to do the same.

2. Demonstrates the values of integrity, trust, collaboration, perseverance, and continuous improvement.

3. Makes most decisions based on what is best for children and holds oneself responsible for the academic achievement and well-being of all students.

D. Indicator C—Policy.

1. Understands, implements, and supports school personnel in following school and system expectations and policies to maintain consistency and impartiality.

2. Models and ensures that all stakeholders understand, comply, and adhere to federal, state, and local laws, rights, policies, and regulations.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, R.S. 17:7(6), R.S. 17:8.1-8.3, and R.S. 17:3902.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 51:

§513. Performance Expectation 6: School Operations/Management

A. Education leaders ensure the success of all students by managing organizational systems and resources for a safe, high-performing learning environment. The indicators in expectation 6 are designed to describe the degree to which educational leaders believe in, value, and are committed to:

1. a safe and supportive learning environment;
2. collaboration with all stakeholders;
3. responsible distribution of fiscal, physical, and human resources;
4. operating efficiently and effectively; and
5. management in service of staff and student learning.

B. Indicator A—Administrative Operations.

1. Manages the governance processes and internal and external politics toward achieving the school’s mission and vision.

2. Recruits, hires, and retains a diverse group of highly qualified professional staff.

3. Establishes and monitors a system that ensures all staff, including but not limited to clerical, cafeteria, custodial, and transportation, are productive and use their time effectively by focusing on student needs and student achievement.

C. Indicator B—Fiscal and Physical Management.

1. Acquires and manages fiscal, physical, and other resources to support student learning and community engagement.

2. Analyzes data sources and utilizes feedback to make decisions for allocating resources in order to meet the needs and goals of the school.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, R.S. 17:7(6), R.S. 17:8.1-8.3, and R.S. 17:3902.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 51:

Family Impact Statement

In accordance with section 953 and 974 of title 49 of the Louisiana Revised Statutes, there is hereby submitted a Family Impact Statement on rules proposed for adoption, repeal, or amendment. All Family Impact Statements will be kept on file in the state board office which has adopted, amended, or repealed rules in accordance with the applicable provisions of the law relating to public records.

1. Will the proposed Rule affect the stability of the family? No.

2. Will the proposed Rule affect the authority and rights of parents regarding the education and supervision of their children? No.

3. Will the proposed Rule affect the functioning of the family? No.

4. Will the proposed Rule affect family earnings and family budget? No.

5. Will the proposed Rule affect the behavior and personal responsibility of children? No.

6. Is the family or a local government able to perform the function as contained in the proposed Rule? Yes.

Poverty Impact Statement

In accordance with section 973 of title 49 of the Louisiana Revised Statutes, there is hereby submitted a Poverty Impact Statement on rules proposed for adoption, amendment, or repeal. All Poverty Impact Statements will be in writing and kept on file in the state agency which has adopted, amended, or repealed rules in accordance with the applicable provisions of the law relating to public records. For the purposes of this section, the word “poverty” means living at or below 100 percent of the federal poverty line.

1. Will the proposed Rule affect the household income, assets, and financial authority? No.

2. Will the proposed Rule affect early childhood development and preschool through postsecondary education development? No.

3. Will the proposed Rule affect employment and workforce development? Yes.

4. Will the proposed Rule affect taxes and tax credits? No.

5. Will the proposed Rule affect child and dependent care, housing, health care, nutrition, transportation, and utilities assistance? No.

Small Business Analysis

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

Provider Impact Statement

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

NOTICE OF INTENT

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Establish Committee
(LAC 28:I.501)

- 1. the effect on the staffing level requirements or qualifications required to provide the same level of service;
- 2. the total direct and indirect effect on the cost to the providers to provide the same level of service; or
- 3. the overall effect on the ability of the provider to provide the same level of service.

Public Comments

Interested persons may submit written comments via the U.S. Mail until noon, December 10, 2024, to Tavares A. Walker, Executive Director, Board of Elementary and Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA 70804-9064. Written comments may also be hand delivered to Tavares A. Walker, Executive Director, Board of Elementary and Secondary Education, Suite 5-190, 1201 North Third Street, Baton Rouge, LA 70802 and must be date stamped by the BESE office on the date received. Public comments must be dated and include the original signature of the person submitting the comments.

Tavares A. Walker
Executive Director

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES
RULE TITLE: Educator Credentials**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)
There are no anticipated implementation costs or savings to state or local governmental units due to the proposed rule change. The proposed rule change repeals outdated standards, adopts a new title to combine all competencies into one bulletin, and updates educational leader competencies to align with the new leader evaluation rubric. Further changes repeal teacher competencies, adopt a computer science certification pathway, align other certification pathways, and make technical edits. Further revisions include reorganization, technical edits, and policy alignment. The revisions also comply with Acts 186 and 211 of the 2024 RS by updating requirements for Montessori certification and by requiring that computer science instruction be incorporated into teacher preparation programs.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
There is no anticipated effect on the revenue collections of state or local governmental units as a result of the proposed rule change.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NONGOVERNMENTAL GROUPS (Summary)
There are no anticipated costs or benefits to directly affected persons, small business, or nongovernmental groups as a result of the proposed rule change. It is possible that educators may seek to add certification in computer science to an existing certificate; however, the number of educators who will choose to add this area is unknown at this time.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
It is possible that educators who add computer science certification to their certificates will have a competitive advantage in securing jobs teaching computer science.

Beth Scioneaux
Deputy Superintendent
2411#053

Patrice Thomas
Deputy Fiscal Officer
Legislative Fiscal Office

In accordance with the provisions of R.S. 17:6(A)(10) and the Administrative Procedure Act (APA), R.S. 49:953(B)(1) et seq., the Board of Elementary and Secondary Education (BESE) proposes to amend LAC 28:I in BESE/8(g) Operations. The proposed revisions to the BESE Code provide for the establishment of the BESE Legislative and Governmental Affairs Committee. The purpose of the committee will be to support activities related to advancing the legislative agenda of BESE. These activities include providing timely input on BESE's legislative agenda and priorities, budget and legislative proposals, and legislation on the federal and state level.

**Title 28
EDUCATION**

Part I. BESE/8(g) Operations

Subpart 1. Board of Elementary and Secondary Education

Chapter 5. Organization

§501. Committees

A. - B.3.b. ...

4. - 4.b.i. Repealed.

5. Legislative and Governmental Affairs Committee.

The following are examples of issues that will be considered by the Legislative and Governmental Affairs Committee:

a. Primary areas of responsibility (AORs):

i. prioritization of education policies;

ii. development of policy positions;

iii. relevant proposals, reports, and correspondences;

iv. governmental education policy resource;

v. advice and counsel to BESE; and

vi. legislative relations.

6. School Innovation and Turnaround Committee. The following are examples of issues that will be considered by the School Innovation and Turnaround Committee.

a. Primary areas of responsibility (AORs):

i. charter school performance, support, and oversight;

(a). charter amendment requests, approvals, extensions, and renewals, etc.;

ii. RSD performance management;

(a). school accountability—annual performance and exit eligibility; and

(b). school intervention decisions.

b. Issues included on “as-needed” basis in AORs:

i. enrollment policies.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 34:415 (March 2008), amended LR 35:223 (February 2009), LR 35:1874 (September 2009), LR 36:2851 (December 2010), LR 37:2139 (July 2011), LR 38:3152 (December 2012), repromulgated LR 39:308 (February 2013), amended LR 39:3263 (December 2013), LR 45:1443 (October 2019), LR 48:412 (March 2022), LR 48:2558 (October 2022), LR 51:

Family Impact Statement

In accordance with section 953 and 974 of title 49 of the Louisiana Revised Statutes, there is hereby submitted a Family Impact Statement on rules proposed for adoption, repeal, or amendment. All Family Impact Statements will be kept on file in the state board office which has adopted, amended, or repealed rules in accordance with the applicable provisions of the law relating to public records.

1. Will the proposed Rule affect the stability of the family? No.
2. Will the proposed Rule affect the authority and rights of parents regarding the education and supervision of their children? No.
3. Will the proposed Rule affect the functioning of the family? No.
4. Will the proposed Rule affect family earnings and family budget? No.
5. Will the proposed Rule affect the behavior and personal responsibility of children? No.
6. Is the family or a local government able to perform the function as contained in the proposed Rule? Yes.

Poverty Impact Statement

In accordance with section 973 of title 49 of the Louisiana Revised Statutes, there is hereby submitted a Poverty Impact Statement on rules proposed for adoption, amendment, or repeal. All Poverty Impact Statements will be in writing and kept on file in the state agency which has adopted, amended, or repealed rules in accordance with the applicable provisions of the law relating to public records. For the purposes of this section, the word "poverty" means living at or below 100 percent of the federal poverty line.

1. Will the proposed Rule affect the household income, assets, and financial authority? No.
2. Will the proposed Rule affect early childhood development and preschool through postsecondary education development? No.
3. Will the proposed Rule affect employment and workforce development? No.
4. Will the proposed Rule affect taxes and tax credits? No.
5. Will the proposed Rule affect child and dependent care, housing, health care, nutrition, transportation, and utilities assistance? No.

Small Business Analysis

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

Provider Impact Statement

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

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

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

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

Public Comments

Interested persons may submit written comments via the U.S. Mail until noon, December 10, 2024, to Tavares A. Walker, Executive Director, Board of Elementary and Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA 70804-9064. Written comments may also be hand delivered to Tavares A. Walker, Executive Director, Board of Elementary and Secondary Education, Suite 5-190, 1201 North Third Street, Baton Rouge, LA 70802 and must be date stamped by the BESE office on the date received. Public comments must be dated and include the original signature of the person submitting the comments.

Tavares A. Walker
Executive Director

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES RULE TITLE: Establish Committee

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

There are no anticipated implementation costs or savings to state or local governmental units due to the proposed rule change. The proposed rule change provides for the establishment of the Board of Elementary and Secondary Education (BESE) Legislative and Governmental Affairs Committee. The purpose of the committee is to support activities related to advancing the legislative agenda of BESE. These activities include providing timely input on BESE's legislative agenda and priorities, budget and legislative proposals, and legislation on the federal and state levels.

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

There is no anticipated effect on the revenue collections of state or local governmental units as a result of the proposed rule change.

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

There are no anticipated costs or benefits to directly affected persons, small businesses, or nongovernmental groups as a result of the proposed rule change.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no anticipated effect on competition and employment as a result of the proposed rule change.

Beth Scioneaux
Deputy Superintendent
2411#054

Patrice Thomas
Deputy Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

Board of Elementary and Secondary Education

Immunizations
(LAC 28:LXXIX.1101 and LAC 28:CLVII.303)

In accordance with the provisions of R.S. 17:6(A)(10) and the Administrative Procedure Act (APA), R.S. 49:953(B)(1) et seq., the Board of Elementary and Secondary Education

(BESE) proposes to amend LAC 28:LXXIX in *Bulletin 741 (Nonpublic)—Louisiana Handbook for Nonpublic School Administrators* and LAC 28:CLVII in *Bulletin 135—Health and Safety*. Acts 675 and 460 of the 2024 Regular Legislative Session provided for additional parental information regarding immunizations for students enrolling in or attending Louisiana schools. The proposed revisions further clarify these provisions.

**Title 28
EDUCATION**

Part LXXIX. Bulletin 741 (Nonpublic)—Louisiana Handbook for Nonpublic School Administrators

Chapter 11. Health

§1101. Immunization

A. - D.1. ...

E. No student attending or seeking to enter any school shall be required to comply with the provisions of this Section if the student or the student's parent or guardian submits either a written statement from a physician stating that the procedure is contraindicated for medical reasons, or a written dissent from the student or the student's parent or guardian is presented.

F. - J. ...

K. Prior to student participation in activities during which individuals not employed by the school share information regarding immunizations, notification and the opportunity to exempt students from participation in the activity shall be provided to parents or guardians.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 (A)(10), (11), and (15), 17:7(6), 17:10, 17:22(6), 17:391.1-391.10, 44:411, 17:170(D), and 17:170(A)(1).

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2348 (November 2003), amended LR 31:3078 (December 2005), LR 35:1232 (July 2009), LR 35:2348 (November 2009), LR 39:1443 (June 2013), repromulgated LR 46:1674 (December 2020), amended LR 51:

**Title 28
EDUCATION**

Part CLVII. Bulletin 135—Health and Safety

Chapter 3. Health

§303. Immunizations

A. - D. ...

E. No student attending or seeking to enter any school shall be required to comply with the provisions of this Section if the student or the student's parent or guardian submits either a written statement from a physician stating that the procedure is contraindicated for medical reasons, or a written dissent from the student or his parent or guardian is presented.

F. - J. ...

K. Prior to student participation in activities during which individuals not employed by the school share information regarding immunizations, notification and the opportunity to exempt students from participation in the activity shall be provided to parents or guardians.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, 17:170, 17:170.2, and 17:170.4.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 39:1029 (April 2013), amended LR 45:35 (January 2019), LR 48:2549 (October 2022), LR 51:

Family Impact Statement

In accordance with section 953 and 974 of title 49 of the Louisiana Revised Statutes, there is hereby submitted a Family Impact Statement on rules proposed for adoption, repeal, or amendment. All Family Impact Statements will be kept on file in the state board office which has adopted, amended, or repealed rules in accordance with the applicable provisions of the law relating to public records.

1. Will the proposed Rule affect the stability of the family? No.

2. Will the proposed Rule affect the authority and rights of parents regarding the education and supervision of their children? No.

3. Will the proposed Rule affect the functioning of the family? No.

4. Will the proposed Rule affect family earnings and family budget? No.

5. Will the proposed Rule affect the behavior and personal responsibility of children? No.

6. Is the family or a local government able to perform the function as contained in the proposed Rule? Yes.

Poverty Impact Statement

In accordance with section 973 of title 49 of the Louisiana Revised Statutes, there is hereby submitted a Poverty Impact Statement on rules proposed for adoption, amendment, or repeal. All Poverty Impact Statements will be in writing and kept on file in the state agency which has adopted, amended, or repealed rules in accordance with the applicable provisions of the law relating to public records. For the purposes of this section, the word "poverty" means living at or below 100 percent of the federal poverty line.

1. Will the proposed Rule affect the household income, assets, and financial authority? No.

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3. Will the proposed Rule affect employment and workforce development? No.

4. Will the proposed Rule affect taxes and tax credits? No.

5. Will the proposed Rule affect child and dependent care, housing, health care, nutrition, transportation, and utilities assistance? No.

Small Business Analysis

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

Provider Impact Statement

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

1. the effect on the staffing level requirements or qualifications required to provide the same level of service;
2. the total direct and indirect effect on the cost to the providers to provide the same level of service; or
3. the overall effect on the ability of the provider to provide the same level of service.

Public Comments

Interested persons may submit written comments via the U.S. Mail until noon, December 10, 2024, to Tavares A. Walker, Executive Director, Board of Elementary and Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA 70804-9064. Written comments may also be hand delivered to Tavares A. Walker, Executive Director, Board of Elementary and Secondary Education, Suite 5-190, 1201 North Third Street, Baton Rouge, LA 70802 and must be date stamped by the BESE office on the date received. Public comments must be dated and include the original signature of the person submitting the comments.

Tavares A. Walker
Executive Director

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES
RULE TITLE: Immunizations**

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

There are no anticipated implementation costs or savings to state or local governmental units due to the proposed rule change. The proposed rule change updates Bulletin 741 (Nonpublic)—*Louisiana Handbook for Nonpublic School Administrators* and Bulletin 135—*Health and Safety*. Acts 675 and 460 of the 2024 RS provided additional parental choice regarding vaccine requirements for students enrolling in or attending Louisiana schools. The proposed rule change further clarifies these provisions.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There is no anticipated effect on the revenue collections of state or local governmental units as a result of the proposed rule change.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NONGOVERNMENTAL GROUPS (Summary)

There are no anticipated costs or benefits to directly affected persons, small businesses, or nongovernmental groups as a result of the proposed rule change.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no anticipated effect on competition and employment as a result of the proposed rule change.

Beth Scioneaux
Deputy Superintendent
2411#051

Patrice Thomas
Deputy Fiscal Officer
Legislative Fiscal Office

**NOTICE OF INTENT
Board of Regents
Office of Student Financial Assistance**

Scholarship/Grant Programs
Exceptions
(LAC 28:IV.2103)

The Board of Regents announces its intention to amend its Scholarship/Grant rules (LSA-R.S. 17:3021-3025, LSA-R.S. 3041.10-3041.15, LSA-R.S. 17:3042.1, LSA-R.S. 17:3048.1, LSA-R.S. 17:3048.5 and LSA-R.S. 17:3048.6).

This rulemaking provides an exception to the provision that precludes the granting of an exception based on financial conditions in certain circumstances. (SG25219NI)

**Title 28
EDUCATION**

**Part IV. Student Financial Assistance—Higher
Education Scholarship and Grant Programs
Chapter 21. Miscellaneous Provisions and Exceptions
§2103. Circumstances Warranting Exception to the
Initial and Continuous Enrollment
Requirements**

- A. - D.3. ...
 - 4.a. - c.iii. Repealed.
- E. - E.4.b.iii. ...
 - c. Temporary Disability—Mental Health
 - i. Definition. The student/recipient is receiving mental health care services.
 - ii. Certification Requirements. The student/recipient must submit:
 - (a). a completed exception request form, the reason for the disability, the necessity of withdrawing, dropping hours, etc., the semester(s) involved, and any other information or documents that may be relevant to student's request; and
 - (b). a written statement from a qualified professional or from a clergyman certifying the existence of an issue which requires mental health care, the dates of treatment, an opinion as to the impact of the disability on the student's ability to attend school, and a statement of when the disability is/was affecting student's ability to attend school.
 - iii. Maximum length of exception—up to two full academic years.
- E.5. - E.13.a.i. ...
 - (a). financial conditions related to a student's ability to meet his or her educational expenses are not a justified reason for failure to meet the hours or continuous enrollment requirement, because TOPS is a merit, rather than need-based award, except that the student's or their family's financial condition may be considered, provided

that the student provides documentation that it was necessary that they obtain employment or increase their current work hours in order to supplement their income or their family's income and that the student provides a plan to prevent such circumstances from interfering with their ability to meet the hours or continuous enrollment requirements in the future;

E.13.a.i.(b). - I.6. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3021-3025, R.S. 17:5001 et seq., and R.S. 17:3050.1-3050.4.

HISTORICAL NOTE: Promulgated by the Student Financial Assistance Commission, Office of Student Financial Assistance, LR 22:338 (May 1996), amended LR 23:1648 (December 1997), repromulgated LR 24:647 (April 1998), amended LR 24:1916 (October 1998), LR 26:1015 (May 2000), LR 26:2002 (September 2000), LR 27:36 (January 2001), repromulgated LR 27:1866 (November 2001), amended LR 27:1875 (November 2001), LR 28:46 (January 2002), LR 28:449 (March 2002), LR 28:775 (April 2002), LR 28:2330 and 2333 (November 2002), LR 29:126 (February 2003), LR 29:2373 (November 2003), LR 29:2373 (November 2003), LR 30:785 (April 2004), LR 30:1167 (June 2004), LR 31:1060 (May 2005), LR 33:440 (March 2007), LR 35:1233 (July 2009), LR 38:3160 (December 2012), LR 41:657, 667 (April 2015), amended by the Board of Regents, Office of Student Financial Assistance, LR 44:562 (March 2018), LR 45:1173 (September 2019), amended LR 47:862 (July 2021), LR 47:867 (July 2021), amended LR 47:871 (July 2021), LR 48:2731 (November 2022), LR 49:54 (January 2023), LR 49:1211 (July 2023), LR 51:

Family Impact Statement

The proposed Rule has no known impact on family formation, stability, or autonomy, as described in LSA-R.S. 49:972.

Poverty Impact Statement

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

Small Business Analysis Statement

The proposed Rule will have no adverse impact on small businesses as described in LSA-R.S. 49:965.2 et seq.

Provider Impact Statement:

The proposed Rule will have no adverse impact on providers of services for individuals with developmental disabilities as described in HCR 170 of 2014.

Public Comments

Interested persons may submit written comments on the proposed changes (SG25219NI) until 4:30 p.m., December 11, 2024, by email to LOSFA.Comments@la.gov or to Sujuan Williams Boutté, Ed. D., Executive Director, Office of Student Financial Assistance, P.O. Box 91202, Baton Rouge, LA 70821-9202.

Robyn Rhea Lively
Senior Attorney

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES RULE TITLE: Scholarship/Grant Programs Exceptions

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

The proposed rule change will not impact costs or savings to state or local governmental entities. The change broadens a student's ability to request an exception when financial circumstances prevent them from enrolling in school. Students will still be required to provide documentation that

circumstances beyond their control caused them to fail to meet the Taylor Opportunity Program for Students (TOPS) continuation requirements; however, it will allow staff to consider only the student's income rather than requiring that the family's financial circumstances be the issue. In addition, students will be required to provide a plan for preventing such circumstances from interfering with their ability to attend school in the future.

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

No direct material increase in revenue is anticipated resulting from the proposed rule change.

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

The proposed change will not provide or impact economic benefits to directly affected persons, small businesses, or nongovernmental groups.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There are no anticipated effects on competition and employment resulting from the proposed rule change.

Robyn Rhea Lively
Senior Attorney
2411#019

Patrice Thomas
Deputy Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

Office of the Governor Board of Pardons

Clemency
(LAC 22:V.Chapter 2)

In accordance with the provisions of the Administrative Procedure Act (R.S. 49:950) and pursuant to R.S. 15:573.1, the Board of Pardons hereby gives notice of its intent to amend LAC V.Chapter 2. The amendment to §203 changes the eligibility criteria for inmates serving a life sentence. Inmates serving a life sentence for a non-violent offense must serve a minimum of 15 years to be eligible for a commutation of sentence, while inmates serving life for a violent offense (R.S. 14:2(B)) or a sex offense (R.S. 15:541), must serve a minimum of 25 years. The amendment to §205 changes the timeframe from four years to five for applications denied due to fraudulent documents or information and changes the process for favorable recommendations sent to the governor. The governor will take action on favorable recommendations prior to leaving office.

Title 22

CORRECTIONS, CRIMINAL JUSTICE AND LAW ENFORCEMENT

Part V. Board of Pardons

Chapter 2. Clemency

§201. Types of Clemency

A. Executive Pardon. An executive pardon is a full pardon that unconditionally releases a person from punishment and forgives guilt for any Louisiana convictions. It restores an applicant to all of the rights of citizenship possessed by the person before his or her conviction, including the right to own, possess, or use firearms. An executive pardon shall not be considered for an applicant who is imprisoned except when exceptional circumstances

exist. An executive pardon shall not be considered for an incarcerated applicant except when exceptional circumstances exist.

B. - F.6. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 15:572, 15:573.1, 15:574.12 and 44:1 et seq.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of Pardons, LR 39:2254 (August 2013), amended LR 51:

§203. Eligibility for Clemency Consideration

A. Eligibility

1. Pardon. A person may not apply for a pardon if the applicant has any outstanding detainers or any pecuniary penalties or liabilities totaling more than \$1,000 resulting from any criminal conviction or traffic infraction. In addition, no person is eligible to apply for a pardon unless the applicant has paid all court costs imposed in connection with the conviction of the offense for which the pardon is requested.

2. Commutation of Sentence. A person may not be considered for a commutation of sentence unless he or she has been granted a hearing by the Pardon Board and has had his or her case placed upon a Pardon Board agenda. A person who is serving a life sentence resulting from a commutation of sentence of death shall not thereafter be eligible to apply for commutation of sentence to a specific number of years. See §204 for Capital Case eligibility.

3. Remission of Fines and Forfeitures. A person may not apply for a remission of fines and forfeitures unless he or she has completed all sentences imposed and all conditions of supervision have expired or been completed, including, but not limited to, parole and/or probation.

A.4. - C. ...

1. An incarcerated applicant who is not serving a life sentence for a non-violent offense may request a commutation of sentence:

a. at any time; and

b. must have been disciplinary report free for a period of at least 36 months prior to the date of the application or at the time of the hearing; and

c. must not be classified to maximum custody status at the time of the application or at the time of the hearing; and

d. must possess a marketable job skill, either through previous employment history or through successful completion of vocational training while incarcerated.

2. An incarcerated applicant who is not serving a life sentence, but who is serving a sentence for a violent offense as defined in R.S. 14:2(B) or a sex offense as defined in R.S. 15:541 may request a commutation of sentence:

a. after having served a minimum of 10 years; and

b. must have been disciplinary report free for a period of at least 36 months prior to the date of the application or at the time of the hearing; and

c. must not be classified to maximum custody status at the time of the application or at the time of the hearing; and

d. must possess a marketable job skill, either through previous employment history or through successful completion of vocational training while incarcerated, unless deemed unable to work due to medical or mental health condition.

3. An incarcerated applicant who is serving a life sentence for a non-violent offense may request a commutation of sentence:

a. after having served a minimum of 15 years (The 15 years shall include periods of time prior to the imposition of the sentence in which the applicant was in actual custody for the offense for which he or she was sentenced to life imprisonment.); and

b. must have been disciplinary report free for a period of at least 36 months prior to the date of the application or at the time of the hearing; and

c. must not be classified to maximum custody status at the time of the application or at the time of the hearing; and

d. must possess a marketable job skill, either through previous employment history or through successful completion of vocational training while incarcerated, unless deemed unable to work due to medical or mental health condition.

4. An incarcerated applicant who is serving a life sentence for a violent offense as defined in R.S. 14:2(B) or a sex offense as defined in R.S. 15:541 may request a commutation of sentence:

a. after having served a minimum of 25 years (The 25 years shall include periods of time prior to the imposition of the sentence in which the applicant was in actual custody for the offense for which he or she was sentenced to life imprisonment.); and

b. must have been disciplinary report free for a period of at least 36 months prior to the date of the application or at the time of the hearing; and

c. must not be classified to maximum custody status at the time of the application or at the time of the hearing; and

d. must possess a marketable job skill, either through previous employment history or through successful completion of vocational training while incarcerated, unless deemed unable to work due to medical or mental health condition.

AUTHORITY NOTE: Promulgated in accordance with R.S.15:573.1, 15:574.12, and 44:1 et seq.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of Pardons, LR 39:2255 (August 2013), amended LR 42:1087 (July 2016), amended by the Office of the Governor, Board of Pardons and Committee on Parole, LR 44:574 (March 2018), amended by the Office of the Governor, Board of Pardons, LR 44:1006 (June 2018), LR 47:358 (March 2021), repromulgated LR 47:455 (April 2021), amended LR 50:1265 (September 2024), LR 51:

§204. Capital Cases

A. ...

B. No application for commutation of a death sentence to life without parole should be filed before the applicant's direct appeal of the conviction and sentence has been denied and the applicant has served 25 years from the date of sentence. The 25 years shall not include periods of time prior to the imposition of a sentence in which the applicant was in actual custody for the offense for which he or she was sentenced to death.

C. Applications for commutation of a death sentence to life without parole must be submitted on the form approved by the Board of Pardons and must also contain the following information:

1. - 2. ...
3. certified copies of the indictment, judgment, verdict of the jury, and sentence in the case;
4. a brief statement of the offense for which the applicant has been sentenced to death;
5. - 6. ...
7. a brief statement of the effect of the applicant's crime upon the family of the victim.

D. Timely applications for commutation of a death sentence to life without parole will be reviewed to determine eligibility. If an applicant is deemed eligible, the matter shall be set for public hearing, following the procedures in §211. If the applicant is not eligible, he or she will be notified in writing of the reason for ineligibility.

E. ...

F. Only one application for commutation of the death sentence to life without parole will be processed to completion. Successive or repetitious applications submitted on behalf of the same inmate may be summarily denied by the board without a meeting.

AUTHORITY NOTE: Promulgated in accordance with R.S. 15:572.4, 15:574.12 and 44:12 et seq.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of Pardons, LR 50:1266 (September 2024), amended LR 51:

§205. Application Filing Procedures

A. - A.1. ...

2. It is the applicant's responsibility to submit a complete application. The application shall not be processed until it is complete. If any required information does not apply, the response should be "N/A".

3. ...

4. Additional documentation relevant to the application may also be submitted, including letters of support on behalf of the applicant, military DD-214 if applicable, and other attachments that the applicant would like to include.

A.5. - B. ...

1. Incarcerated Applicants. Applicants currently confined in a facility must attach a current master prison record and have the signature of a classification officer verifying the applicant's conduct and a copy of the conduct report. Applicants sentenced to death must attach proof of direct appeal denial.

2. Parolees. Applicants who have completed parole supervision must attach a copy of their parole certificate, a certified judgment, and sentence on each conviction for which they are applying for a pardon; a certified statement from the clerk of court that all fines, fees, and court costs (including restitution and parole fees) have been paid in full; a current credit report (current within 90 days of date of application), proof of income, and proof of residence.

3. Probationers. Applicants who have completed the probationary period must attach a certified copy of sentencing minutes or copy of automatic first offender pardon, a certified judgment and sentence on each conviction for which they are applying for a pardon; a certified statement from the clerk of court that all fines, fees, and court costs (including restitution and probation fees) have been paid in full; a current credit report (current within 90 days of date of application), proof of income, and proof of residence.

4. ...

C. No additional information or documents may be submitted until the applicant has been notified that he or she qualifies for a hearing. The Board of Pardons will not be responsible for items submitted prior to notification that a hearing will be scheduled.

D. ...

1. Applicants with a life sentence may reapply five years after the initial denial and every five years thereafter. The applicant must also meet the criteria stated in §203.C.3. - 4d.

2. Applicants without a life sentence may reapply five years after the initial denial and every two years thereafter. If incarcerated, the applicant must also meet the criteria stated in §203.C.1-2.d.

3. Fraudulent Documents or Information. Any fraudulent documents or information submitted by an applicant will result in an automatic denial by the board and no new application will be accepted until five years have elapsed from the date of the letter of denial.

4. Favorable Recommendation. When the board notifies the governor that it has granted a favorable recommendation of an application for pardon or commutation of sentence, the board shall also provide simultaneous notice to the applicant that a favorable recommendation has been sent to the governor for consideration.

a. The governor will notify the following individuals at least 30 days before commuting a criminal sentence or granting a pardon to any person:

i. the attorney general, district attorney, the sheriff of the parish in which the applicant was convicted, and, in Orleans Parish, the superintendent of police; and

ii. the victim or the spouse or next of kin of the deceased victim.

E. Governor's Action. The law requires the governor to grant or deny a favorable recommendation for clemency prior to leaving office or upon expiration of their term of office.

1. The governor's office will notify an applicant if any clemency is granted. Any otherwise eligible person who has been granted any form of executive clemency by the governor may not reapply for further executive clemency for at least five years from the date that such action became final.

2. Denial by Governor after Favorable Recommendation.

a. The board shall notify an applicant after the governor's office notifies the board that its favorable recommendation was denied.

b. If the applicant is denied by the governor, the applicant may not reapply for clemency for at least five years from the date of the denial. The application filing procedures in Subsections A-D.3 of this Section shall apply.

AUTHORITY NOTE: Promulgated in accordance with R.S. 15:573.1, 15:574.12, and 44:1 et seq.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of Pardons, LR 39:2255 (August 2013), amended by the Office of the Governor, Board of Pardons, Committee on Parole, LR 41:42 (January 2015), amended by the Office of the Governor, Board of Pardons, LR 42:1087 (July 2016), LR 43:1161 (June 2017), LR 45:1063 (August 2019), LR 47:358 (March 2021), LR 51:

§209. Hearing Advertisement Requirements

A. After notice to an applicant that they are qualified for a hearing, the applicant must provide the Board of Pardons office with proof of advertisement within 90 days from the date of the notice. The advertisement must be published in the official journal of the parish where the offense occurred. This ad must state:

"I (applicant's name), (DOC number), have applied for clemency for my conviction of (offense). Please send any comments to PardonBoard@la.gov or call (225) 342-5421."

B. At this stage of the process, along with the proof of advertisement published in the local journal, the applicant may submit additional information (e.g., letters of recommendation and copies of certificates of achievement and employment/residence agreement).

AUTHORITY NOTE: Promulgated in accordance with R.S. 15:572.4, 15:574.12 and 44:1 et seq.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of Pardons, LR 39:2256 (August 2013), amended LR 43:1162 (June 2017), LR 51:

§211. Hearings before the Pardon Board

A. The board shall meet on regularly scheduled dates as determined by it and at such other times as the chairman may determine are necessary to review and take action on clemency applications before it and to transact such other business as it deems necessary. The meeting calendar shall be made available to the public. The hearing dates shall also be posted on the board's website. To the extent feasible, the board shall schedule hearings for clemency in the order in which the applications are completed.

B. ...

C. At least 90 days prior to the public hearing date, the board shall give written notice of the date, time, and place to the following:

1. - 2. ...

3. the victim, witness, guardian of the victim, or a close relative of the deceased victim. The notice is not required when the victim, witness, guardian of the victim, or the close relative of the deceased victim advises the board, in writing, that such notification is not desired;

4. - 5. ...

D. The victim, witness, guardian of the victim, or a close relative of the deceased victim shall have the right to make a written or oral statement as to the impact of the crime.

E. The victim, witness, guardian of the victim, a close relative of the deceased victim, a victim's advocacy group, and the district attorney or his representative may also appear before the panel by means of teleconference, telephone communication, or other electronic means.

1. All persons making oral presentations in favor of an applicant shall be allowed cumulatively no more than 10 minutes.

2. All persons making oral presentations against an applicant, including victims, shall be allowed cumulatively no more than 10 minutes.

3. The district attorney representing the State and the applicant's attorney will each be allowed a maximum of 10 minutes for oral presentation to the board.

F. There is no limit on written correspondence in favor of and/or opposition to the applicant's request.

G. The board shall notify the Department of Public Safety and Corrections and the Louisiana Victim Outreach Program at least 90 days prior to the public hearing.

H. If an applicant is requesting commutation of sentence and is released from custody and/or supervision prior to the public hearing date, the application will be closed without notice to the applicant. The applicant may reapply five years from the date of release.

I. The applicant's failure to attend and/or notify the board of his or her inability to participate in the hearing will result in an automatic denial. The applicant may reapply five years from the date of the denial.

J. - J.1. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 15:572.4, 15:574.12, and 44:1 et seq.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of Pardons, LR 39:2256 (August 2013), amended LR 42:1088 (July 2016), amended by the Office of the Governor, Board of Pardons and Committee on Parole, LR 43:46 (January 2017), LR 44:574 (March 2018), LR 44:2140 (December 2018), LR 47:359 (March 2021), LR 47:1107 (August 2021), LR 51:

Family Impact Statement

In compliance with R.S. 49:972, this amendment to the rules has no known impact on family formation, stability, or autonomy.

Poverty Impact Statement

In compliance with Act 854 of the 2012 Regular Session of the Louisiana Legislature, the impact of the proposed amendments on those that may be living at or below one hundred percent of the federal poverty line has been considered. It is not anticipated that the proposed amendments will have any impact on child, individual or family poverty in relation to individual or community asset development, as described in R.S. 49:973.

Small Business Analysis

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

Provider Impact Statement

The proposed Rule should not have any known or foreseeable impact on providers as defined by HCR 170 of the 2014 Regular Legislative Session.

Public Comments

Written comments may be addressed to Whitney Troxclair, Executive Management Officer, Board of Pardons & Committee on Parole, P.O. Box 94304, Baton Rouge, LA 70804, until 3:30 p.m. on December 10, 2024.

Public Hearing

A request pursuant to R.S. 49:953(A)(2) for a public hearing must be made in writing and received by the board within 20 days of the date of this notice. If a public hearing is requested to provide data, views, arguments, information, or comments orally in accordance with the Louisiana Administrative Procedure Act, the hearing will be held on December 20, 2024, starting at 9 a.m., at the Louisiana Board of Pardons & Committee on Parole Hearing Room, 504 Mayflower Street, Baton Rouge, LA 70802. Any person wishing to attend should call to confirm that a hearing is being held.

Sheryl M. Ranatza
Board Chair

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES
RULE TITLE: Clemency**

NOTICE OF INTENT

**Office of the Governor
Commission on Law Enforcement and Administration of
Criminal Justice**

Peace Officer Training (LAC 22:III.Chapter 47)

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

There may be an indeterminable increase in costs to the Department of Public Safety and Corrections, Corrections Services as a result of the proposed rule change, to the extent that those convicted of life sentences are incarcerated for a longer period of time while waiting to become eligible to apply for a sentence commutation or pardon. For those inmates housed in state facilities, the Department of Public Safety and Corrections, Corrections Services, will incur daily SGF expenses of \$107.60. For inmates housed in local facilities, the Department of Public Safety and Corrections, Corrections Services, will incur daily SGF expenses of \$26.39.

In accordance with the provisions of the Administrative Procedure Act (R.S. 49:950) and pursuant to (R.S. 15:573.1), the Board of Pardons hereby gives notice of its intent to amend LAC Title 22: Corrections, Criminal Justice and Law Enforcement, Part V. Board of Pardons, Chapter 2: Clemency, Sections 203, 205, and 211, in response to Act 660 of the 2024 Regular Session. Specifically, the rule as amended does the following:

Section 203 changes the eligibility criteria for inmates serving a life sentence. Inmates serving a life sentence for a non-violent offense must serve a minimum of 15 years to be eligible for commutation of sentence, while inmates serving life for a violent offense (R.S. 14:2(B)) or a sex offense (R.S. 15:541), must serve a minimum of 25 years.

Section 205 changes the timeframe from four years after receiving a letter of denial of a sentence commutation or pardon to five years after receiving a letter of denial of a sentence commutation or pardon for applications denied due to fraudulent documents or information, and changes the process for favorable recommendations sent to the governor. The governor will take action on favorable recommendations prior to leaving office.

**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 as a result of the proposed rule change.

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

There is no estimated cost and/or economic benefit to directly affected persons, small businesses, or non-governmental groups.

**IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT
(Summary)**

There is no estimated effect on competition and employment as a result of the proposed rule change.

Thomas C. Bickham, III.
Undersecretary
2411#029

Patrice Thomas
Deputy Fiscal Officer
Legislative Fiscal Office

In accordance with the provision of R.S. 40:2401, et. seq., the Peace Officer Standards and Training Act, and R.S. 40:905 et. seq., which is the Administrative Procedure Act, the Peace Officer Standards and Training Council hereby gives notice of its intent to promulgate rules and regulations relative to the training of peace officers.

Title 22

**CORRECTIONS, CRIMINAL JUSTICE AND LAW
ENFORCEMENT**

**Part III. Commission on Law Enforcement and
Administration of Criminal Justice**

Subpart 4. Peace Officers

Chapter 47. Standards and Training

§4703. Basic Certification

A. - B.4 ...

C.1. Students shall be required to pass the POST statewide written examination for peace officers as prescribed by state law. A score of seventy percent correct answers on the written exam shall constitute a passing score. The time limit for completing the statewide written examination is 150 minutes (2½ hours.) unless specifically modified by the council.

C.2 - D. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 15:1204 and R.S. 15:1207.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Commission on Law Enforcement and Administration of Criminal Justice, LR 13:434 (August 1987), amended LR 25:663 (April 1999), LR 27:49 (January 2001), LR 28:475 (March 2002), LR 31:2008 (August 2005), LR 35:1235 (July 2009), LR 36:992 (May 2010), LR 37:1606 (June 2011), LR 42:274 (February 2016), LR 44:1007 (June 2018), LR 46:693 (May 2020). LR 51:

§4715. Instructor Qualifications

A. - C.2. ...

D. POST Firearm Instructors

1. - 1.b. ...

2. Qualification Day for POST Firearms Instructor

a. Each agency is allowed to submit two names for consideration. The nomination form must be signed by the agency head.

b.i. The four courses of fire are:

(a). Bullseye (80 percent minimum score required); and

(b). Instructor Qualification Course (90 percent minimum score required); and

(c). POST Patrol Rifle Qualification Course (90 percent minimum score required); and

(d). POST Shotgun Qualification Course (80 percent minimum score required).

ii. Firearms used for Qualification Day must be agency issued/permitted as a duty weapon.

iii. No electronic sighting systems, optics, or magnification will be allowed, even if they are agency issued/permitted. They must be removed from all firearms used during the required courses of fire.

c. A written exam will be administered to each participant on Qualification Day (80 percent minimum score required), which will include basic firearms information as taught in the POST Basic Peace Officer curriculum.

d. Only one attempt at each course of fire and the written exam will be allowed—there will be no retests administered.

e. Safety violations are cause for immediate disqualification.

f. The POST designated Lead Instructor for Qualification will be the final judge on any and all scoring disputes. The POST designated Lead Instructor will resolve all scoring disputes, and there are no appeals. Once a target has been scored by the POST designated Lead Instructor, the rescored target is the final score.

3. POST Firearms Instructor School

a. The POST Firearms Instructor Course consists of two weeks of required attendance—the first week will be dedicated to Adult Learning Instructor Development (IDC), and the second week will focus on POST Firearms Curriculum.

b. Participants will be required to attend, actively participate in, and successfully complete all sessions of training, courses of fire, required exams, and assignments.

c. Participants who fail to attend, actively participate in, or successfully complete any sessions of training, courses of fire, required exams, or assignments during the course will be dismissed the course. The employing agency head will be notified of the participant's dismissal and reason(s) for the participant's dismissal.

E. Retrainers for POST Firearms Instructors

1. Annual attendance at the firearms retrainer is required to maintain POST firearms instructor certification.

2. If an instructor misses the retrainer, they will be deleted from the list of active POST Firearms Instructors. Any requests for excused absences must be requested in writing by the agency head.

3. Every POST Firearms Instructor will be required to qualify on three courses of fire at every retrainer, or during make-up qualifications. The three courses of fire will include: the POST Handgun Qualification Course (90 percent minimum score required), the POST Shotgun Qualification Course (80 percent minimum score required), and the POST Patrol Rifle Qualification Course (90 percent minimum score required).

4. Any POST Firearms Instructor who fails to meet the minimum required score (Handgun, Shotgun, and/or Patrol Rifle) the first time at the Retrainer MUST shoot again that course of firearm again, and the scores from both attempts will be averaged. If the average score from the two attempts does not meet the minimum required score, the instructor's certification will be suspended for 30 days. The suspended instructor will be allowed one opportunity to requalify by another POST Firearms Instructor upon

completion of suspension. If the instructor does not meet the minimum score at the attempt after the 30-day suspension, his/her firearms instructor certification will be revoked.

5. Any POST Firearms Instructor who shoots on another instructor's target during retrainer qualification's (Handgun, Shotgun, and/or Patrol Rifle) will receive a "DNQ" for that course of fire. A "DNQ" for any of the three required courses of fire will result in the instructor's certification being suspended for 30 days. The suspended instructor will be allowed one opportunity to requalify by another POST Firearms Instructor upon completion of the suspension. If the instructor does not meet the minimum score at the attempt after the 30-day suspension, his/her firearms instructor certification will be revoked.

6. If a POST Firearms Instructor is excused from the retrainer (letter from agency head), the instructor must be requalified on all three required courses of fire (Handgun, Shotgun, and Patrol Rifle) within 90-days by another POST Firearms Instructor. If a POST Firearms Instructor does not qualify with POST within the 90-day period, his/her firearms instructor certification will be suspended until the next retrainer.

7. If a POST Firearms Instructor is medically excused from the retrainer qualification, the Instructor must requalify on all three required courses of fire (Handgun, Shotgun, and Patrol Rifle) within 90-days by another POST Firearms Instructor, after released back to full-duty by their physician.

8. A POST Firearms Curriculum Committee member will be present at each retrainer session, and will serve as the "POST designated Lead Firearms Instructor" for the retrainer session they attend. The POST designated Lead Instructor will be the final judge on any and all scoring disputes. The POST designated Lead Instructor will resolve all scoring disputes, and there are no appeals.

F. - F.2.b. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 15:1204 and R.S. 15:1207.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Commission on Law Enforcement and Administration of Criminal Justice, LR 13:434 (August 1987), amended LR 25:664 (April 1999), LR 31:2008 (August 2005), LR 32:1043 (June 2006), LR 44:1008 (June 2018), LR 51:

§4725. POST Shotgun Qualification Course

A. - B.b. ...

*Note: During transition, the shooter must maintain physical control of the shotgun, by hand or sling.

C. - 2.b. ...

Target: POST qualification (LA P-1)

Possible Score:

Transition / Slug / Buckshot: 102 point possible*

Slug / Buckshot: 100 point possible

Scoring:

Slug: Five points for hit on green of P-1 target.

Transition: One point for hit on green of P-1 target

Buckshot: One 1 point for hit on green of P-1 target

*NOTE: The transition phase is not required for Level 3 and Non-POST Certified shooters. Without the transition phase scoring will be a 100 point course.

AUTHORITY NOTE: Promulgated in accordance with R.S. 15:1204 and R.S. 15:1207.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Commission on Law Enforcement and Administration of Criminal Justice, LR 30:435 (March 2004), amended LR 31:2009 (August 2005), LR 45:1068 (August 2019), LR 51:

§4729. POST Patrol Rifle Qualification Course

A. The shooter will report to the 100-yard line (or 50-yard line, see note) with an unloaded weapon. On command, the shooter will face down range and load their rifle with a magazine of 20 rounds and engage the safety; load handgun with 2 rounds. The shooter will have another magazine of 20 rounds on his/her person.

Stage I	100 yards	Shooter starting from Low Ready position On command, the shooter will assume the prone position and fire 4 rounds center mass of target. Shooter search, assess, engage safety and back to standing position. 4 rounds prone Time Limit: 60 seconds Shooter then assumes Port Arms carry and waits for instructions to move to the 50 yard line.
Note: This stage can be fired from the 50 yard line if a range does not have a 100-yard line—if fire from the 50 yard-line, reduce time limit to 30 seconds.		
Stage II	50 yards	Shooter starting from the High Ready position On command, the shooter will engage center mass of target. SAFETY CONSIDERATION: Shooter engages safety prior to changing positions 3 rounds standing 3 rounds kneeling 3 rounds sitting 3 rounds prone Time Limit 2 minutes Shooter then engage safety, return to standing position, assumes Port Arms carry and wait for instructions to move to the 25-yard line.
NOTE: This stage can be fired from the 25-yard line if a range does not have a 50-yard line – if fired from the 25-yard line, use a reduced size target.		
Stage III	25 yards	Shooter starting from the High Ready position. On command, the shooter will engage center mass of target. Shooter will search, assess and back to standing position. 4 rounds standing Mandatory Combat Reload – MUST be done in the kneeling position. 4 rounds kneeling Time Limit: 25 seconds Shooter then engage safety, return to standing position, assume Port Arms carry and wait for instructions to move to the 15-yard line.
Stage IV	15 yards	Shooter starting from the High Ready position. On command, the shooter will engage center mass of target. Shooter will search, assess and back to standing position. 2 rounds standing 2 rounds kneeling Time Limit: 10 seconds Shooter then engages safety, return to standing position, assume Port Arms carry and wait for instructions to move to the 7-yard line.
Stage V	7 yards	Shooter starting from the Ready position. On command, the shooter will engage 2 rounds center mass of target and 1 round to the head, and move right. Search and assess, then on command, 2 rounds center mass of target and 1 round to the

		head, move left, search and assess. 2 rounds body, 1 round head, step right, hold cover (3 seconds) 2 rounds body, 1 round head, step left (3 seconds) Shooter then engage safety, assume Port Arms carry and wait for instructions to move to the 4-yard line.
State VI	4 yards	Shooter starting from the High Ready position. On command, the shooter will engage 2 rounds center mass of target and 1 round to the head, and move right. Search and assess, then on command, 2 rounds center mass of target and 1 round to the head, move left and hold cover.
		Phase 1 2 rounds body, 1 round head, step right, hold cover (3 seconds) 2 rounds body, 1 round head, step left (3 seconds)
		Phase 2 With an empty rifle (magazine out, bolt forward), the shooter will attempt to fire one round, then transition to handgun. 2 rounds center mass of target with Handgun Time Limit: 5 seconds
NOTE: During transition, the shooter must maintain physical control of the patrol rifle, by hand or sling. NOTE: Upon completion of the course, the shooter will show a safe and empty handgun and re-holster. Engage safety on the rifle and show a safe and empty rifle.		

B. Target: LA P-1(2009)

C. Scoring

- i. All hits inside the scoring ring are 2 points; outside the scoring ring on the target is 1 point.
- ii. 42 round course of fire-Maximum score is 84 points.
- iii. The shooter must score 67 points (approx.80 percent) to qualify.

AUTHORITY NOTE: Promulgated in accordance with R.S. 15:1204 and R.S. 15:1207.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Commission on Law Enforcement and Administration of Criminal Justice, LR 51:

§4750. In Service Training and Certification

A. - D.2 ...

3. The training coordinator is responsible to verify the successful completion of approved courses and training hours required for each peace officer under §4750.B.

AUTHORITY NOTE: Promulgated in accordance with R.S. 15:1204 and R.S. 15:1207.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Commission on Law Enforcement and Administration of Criminal Justice, LR:37:1606 (June 2011), amended LR 43:316 (February 2017), LR 44:1009 (June 2018), LR 48:1276 (May 2022), LR 51:

Family Impact Statement

In compliance with Act 1183 of the 1999 Regular Session of the Louisiana Legislature, the impact of this proposed Rule has been considered. This proposed Rule will have no impact on family functioning, stability, or autonomy as described in R.S. 49:972 since it outlines the implementation of sexual assault awareness training for peace officers.

Poverty Impact Statement

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

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

Small Business Analysis

In compliance with Act 820 of the 2008 Regular Session of the Louisiana Legislature, the economic impact of this proposed Rule on small businesses has been considered. It is anticipated that this proposed Rule will have no impact on small businesses, as described in R.S. 49:978.1 et seq.

Provider Impact Statement

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

1. the effect on the staffing level requirement or qualifications required to provide the same level of service;
2. the total direct and indirect effect on the cost to the providers to provide the same level of service; or
3. the overall effect on the ability of the provider to the same level of service.

Public Comments

Interested persons may submit written comments on this proposed Rule no later than December 27, 2024 at 5 p.m. to Bob Wertz, Peace Officer Standards and Training Council, Louisiana Commission on Law Enforcement, Box 3133 Baton Rouge, LA 70821. An analysis of the proposed rule shows that it will have no impact on the family as described in R.S. 49.972, nor any impact on small business as defined by Act 820 of 2008.

Mr. Jim Craft
Executive Director

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES
RULE TITLE: Peace Officer Training**

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

The proposed rule change will not increase costs to the Louisiana Commission on Law Enforcement and the administration of Criminal Justice.

In accordance with the provisions of the Administrative Procedure Act (R.S. 49:950), the Louisiana Commission on Law Enforcement and the Administration of Criminal Justice proposes to amend LAC Title 22: Corrections, Criminal Justice and Law Enforcement, Part III: Commission on Law Enforcement and Administration of Criminal Justice, Subpart 4. Peace Officers, Chapter 47: Standards and Training, Section 4703 – Basic Certification and to modify the standards for certification as a POST firearm instructor. Specifically, the amendments increase the time permitted for a basic training

cadet to complete the POST examination for certification and updates existing policies regarding the qualifications for certification of a firearms instructor and adds the course of fire for the patrol rifle qualification course.

The rule change request follows changes made by the Peace Officer Standards and Training (P.O.S.T.) Council at its September 26, 2024, meeting.

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 as a result of the proposed rule change.

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

There may be non-monetary economic benefits for those who are provided additional time to complete a POST examination for certification, to the extent that the additional time provided yields a successful passing score on the examination. There may be a non-monetary economic cost to aspiring firearms instructors who are required to meet more stringent requirements to successfully obtain certification after completing the firearms instructor course, to the extent that the more stringent requirements yield a lower number of course participants that receive the certification.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no estimated effect on competition or employment in the public or private sector as a result of this proposed amendment.

Jim Craft
Executive Director
2411#021

Patrice Thomas
Deputy Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

**Office of the Governor
Division of Administration
Office of State Uniform Payroll**

State Uniform Payroll (LAC 4:III.Chapter 1)

In accordance with the provision of the Administrative Procedure Act, R.S. 49:953(A), the Office of State Uniform Payroll (OSUP) proposes to amend LAC 4:III, Chapter 1.

Currently, when statewide/supplemental insurance vendors make policy or rate changes, policyholders/employees must actively accept these changes in writing before they take effect. The new Rule will automatically apply these changes unless policyholders/employees specifically request in writing to cancel their policy. This makes the process similar to how the Office of Group Benefits (OGB) handles their insurance changes. The update also includes some formatting changes and removes Section 119, which was an outdated Rule from 2005 about vendor transitions.

**Title 4
ADMINISTRATION
Part III. Payroll**

Chapter 1. Payroll Deductions

§101. Definitions

Insurable Interest—as referenced herein shall be as defined in R.S. 22:901.C.(1) and (2), e.g., an individual related closely by blood or by law, or a lawful and

substantial economic interest in having the life, health or bodily safety of the individual insured continue.

* * *

Statutory Vendors—any entity having deductions mandated or permitted by federal or state statute which includes, but is not limited to union dues, credit unions, IRC §457 and §403(b) plans, health and life insurance products sponsored by the Office of Group Benefits (OGB), retirement systems, Student Tuition Assistance and Revenue Trust (START), and qualified charitable organization entities.

* * *

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:455.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of State Uniform Payroll, LR 12:763 (November 1986), amended LR 16:402 (May 1990), LR 19:318 (March 1993), LR 22:22 (January 1996), LR 26:1026 (May 2000), LR 32:84 (January 2006), LR 38:797 (March 2012), LR 51:

§103. Employee Payroll Benefits Committee (EPBC)

A. A committee comprised of 12 nominated and three ex-officio state employees of the departments of the executive branch of state government or the Office of the Governor, as defined under R.S. 36:4, and may include a representative from higher education, established by the commissioner of administration to fulfill the requirements of §106 and §112 of this Rule. Ex-officio members shall be: director or assistant director of OSUP, a designee of the commissioner of insurance, and a representative from OGB. Ex-officio members shall be non-voting members.

B. - D. ...

E. Prior to May 1, annually, the EPBC through OSUP shall submit, to the commissioner of administration, nominees for each of the four vacancies which will occur each year.

F. The commissioner of administration shall affirm or reject the nominations and submit such to OSUP prior to June 1 each year.

G. Any EPBC vacancy which occurs due to termination of employment or retirement of a member, and which creates a vacancy for a period of 12 months or more, shall be filled by appointment by the commissioner of administration.

1. Within 30 days of notice of the vacancy, the EPBC shall submit a nominee for replacement to the commissioner of administration.

2. The commissioner of administration shall affirm or reject the nomination within 30 days.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:455.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of State Uniform Payroll, LR 22:22 (January 1996), amended LR 26:1026 (May 2000), LR 32:85 (January 2006), LR 39:3271 (December 2013), LR 51:

§106. Statewide Vendor Annual Renewal and New Application Process

A. All currently approved statewide vendors shall file an annual renewal application with OSUP as scheduled by that office.

B. Written notice of requests for a new statewide vendor payroll deduction or for current vendors to add additional products or to add additional policy forms or service plans under the current products should be sent to the director of

OSUP prior to July 1 annually, in order for the vendor to receive an application form from OSUP. Applications for the purpose of providing deductions for IRA's, annuities, noninsurance investment programs or group plans are not permitted.

C. On or before August 1 annually, OSUP will provide deduction application forms along with instructions for completion to each renewal and new entity on file as of July 1.

D. On or before August 31 annually, renewal and new applications must be completed and submitted to OSUP in the manner indicated in the application instructions.

D.1. - 2.g. ...

E. On or before October 1 annually, OSUP will conduct a compliance review and shall notify vendors of any products that will be removed due to not meeting the participation requirements in §114.C.3. On or before October 1 annually, OSUP shall notify all vendors whether or not their annual application has been conditionally approved.

F. Between September and April annually, the EPBC shall conduct a thorough review of all products authorized for deduction and new applications.

F.1. - G. ...

H. OSUP shall provide the commissioner of administration recommendations from EPBC and information relative to vendor/product compliance with all other provisions of this Rule.

I - K. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:455.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of State Uniform Payroll, LR 32:86 (January 2006), amended LR 38:797 (March 2012), LR 51:

§112. Statewide Vendor Requests for Enhancements/Changes to Products

A. - B.1.a. ...

b. current policyholders shall be enrolled in the changed policy unless they terminate the policy in writing with their payroll office or the vendor; and

B.1.c. - E. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:455.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of State Uniform Payroll, LR 26:1027 (May 2000), amended LR 32:87 (January 2006), LR 38:798 (March 2012), LR 51:

§114. Statewide Vendor Requirements and Responsibility

A. - B.3. ...

4. provide to the commissioner of administration within 30 days of approval an irrevocable letter of credit in the amount of \$100,000, or an irrevocable pledge of a certificate of deposit in the amount of \$100,000 to protect the state and any officer or employee from loss arising out of participation in the program or plan offered by the vendor.

C. - C.5.h. ...

i. employee deduction authorization shall not be transferred by an approved vendor to another vendor without special approval from the commissioner of administration;

C.5.j. - I ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:455.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of State Uniform Payroll, LR 32:87 (January 2006), amended LR 38:798 (March 2012), LR 51:

§119. Rule Transition

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:455.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of State Uniform Payroll, LR 12:763 (November 1986), amended LR 16:402 (May 1990), LR 19:318 (March 1993), LR 22:22 (January 1996), LR 26:1029 (May 2000), LR 32:89 (January 2006), repealed LR 51:

§122. Statutory and Intra-Agency Vendor Information

A. - A.2. ...

a. Employee authorization agreements shall not stipulate any "contract" or "term of participation" requirements.

A.2.b. - B.3. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:455.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of State Uniform Payroll, LR 32:89 (January 2006), amended LR 51:

§137. Appeal Process

A. - B. ...

C. Any vendor and/or vendor representative who is not satisfied with this decision has the right to appeal to the commissioner of administration. Any such appeal must be in writing and received by the commissioner of administration within 10 days of receipt by the vendor. The commissioner of administration shall issue a written decision on the matter within 14 days of receipt of the written appeal.

D. The decision of the commissioner of administration shall be the final administrative review.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:455.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of State Uniform Payroll, LR 12:763 (November 1986), amended LR 16:402 (May 1990), LR 19:318 (March 1993), LR 22:22 (January 1996), LR 26:1031 (May 2000), LR 32:90 (January 2006), LR 51:

Family Impact Statement

The proposed amendments are not anticipated to have an impact on family formation, functioning, stability, or autonomy, as described in R.S. 49:972.

Poverty Impact Statement

The proposed amendments are not anticipated to have an impact on poverty, as described in R.S. 49:973.

Small Business Analysis

The proposed amendments are not anticipated to have an adverse effect or economic impact on small businesses in accordance with the Regulatory Flexibility Act.

Provider Impact Statement

The proposed amendments are not anticipated to have an impact on providers of services funded by the state as described in HCR 170 of the 2014 Regular Legislative Session.

Public Comments

Interested persons may submit written comments about the proposed Rules to the Office of State Uniform Payroll, Attn.: Paula Rotolo, P.O. Box 94095, Baton Rouge, LA 70804 or via fax (225) 342-1650. The deadline for receipt of written comments is Tuesday, December 10, 2024 by 4:30 p.m.

Public Hearing

A public hearing on the proposed amendments may be held on Friday, December 27, 2024, beginning at 9 a.m. in the Iowa Room (Room 1-153) on the first floor of the Claiborne Building, located at 1201 North Third Street, Baton Rouge, LA 70802, if such a hearing is requested by December 10, 2024 by 4:30 p.m. All interested persons will be afforded an opportunity to submit data, views, or arguments, orally or in writing, at the hearing. For assistance in determining if a hearing will be held, please call OSUP at 225-342-0713.

Nancy Keaton
Assistant Commissioner

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: State Uniform Payroll

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

There is no anticipated implementation costs on state agencies or local governmental units as a result of the proposed change to the administrative rule.

Currently, when statewide/supplemental insurance vendors make policy or rate changes, policyholders/employees must actively accept these changes in writing before they take effect. The new rule will automatically apply these changes unless policyholders/employees specifically request in writing to cancel their policy. This makes the process similar to how the Office of Group Benefits (OGB) handles their insurance changes. The update also includes some formatting changes and removes Section 119, which was an outdated rule from 2005 about vendor transitions.

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 as a result of this proposed action.

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

This change affects three groups: state employees, Human Resources (HR)/payroll staff, and insurance vendors who use payroll deductions. While there are no new costs for affected groups, the simpler process should save time and reduce paperwork for all involved.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no anticipated impact on competition and employment as a result of this proposed action.

Nancy Keaton
Asst. Commissioner
2411#022

Patrice Thomas
Deputy Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

Department of Health Bureau of Health Services Financing and Office of Aging and Adult Services

Home and Community-Based Services Waivers
Adult Day Health Care Providers
Cost Reporting (LAC 50:XXI.707 and 711)

The Department of Health, Bureau of Health Services Financing and Office of Aging and Adult Services propose to amend LAC 50:XXI.711 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This proposed Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq.

The Department of Health, Bureau of Health Services Financing and the Office of Aging and Adult Services propose to amend the provisions governing Adult Day Health Care providers in order to extend the due date for cost report filing from September 30 to November 30. This proposed Rule will also add language stating that the late filing penalty is non-refundable and subject to administrative appeal.

Title 50

PUBLIC HEALTH—MEDICAL ASSISTANCE Part XXI. Home and Community-Based Services Waivers

Subpart 1. General Provisions

Chapter 7. Reimbursement Methodology Subchapter B. Adult Day Health Care Providers

§707. General Provisions

A. The Department of Health (LDH) establishes reimbursement methodologies and cost reporting requirements for Adult Day Health Care (ADHC) providers of home and community-based services waiver programs.

B. - B.3. ...

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

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing, the Office for Citizens with Developmental Disabilities and the Office of Aging and Adult Services, LR 47:1113 (August 2021), amended by the Department of Health, Bureau of Health Services Financing and the Office of Aging and Adult Services, LR 51:

§711. Cost Reporting

A - C. ...

D. Annual Reporting. Cost reports are to be filed on or before November 30 following the close of the cost reporting period, which is five months after the state's fiscal year end (June 30). Should the due date fall on a Saturday, Sunday, or an official state or federal holiday, the due date shall be the following business day. The cost report forms and schedules must be filed with one copy of the following documents:

D.1. - M.2....

N. Delinquent Cost Report. When an ADHC provider fails to submit a cost report by the last day of September following the close of the cost reporting period, a penalty of 5 percent of the monthly payment for the first month and a

progressive penalty of 5 percent of the monthly payment for each succeeding month may be levied and withheld from the ADHC provider's payment for each month that the cost report is due, not extended and not received. If no claims are submitted for payment during the time of penalty implementation, the penalty will be imposed when the provider commences submitting claims for payment and will continue for the duration of the number of months the penalty would have been imposed. The late filing penalty is non-refundable and not subject to an administrative appeal.

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

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing, the Office for Citizens with Developmental Disabilities and the Office of Aging and Adult Services, LR 47:1114 (August 2021), amended by the Department of Health, Bureau of Health Services Financing and the Office of Aging and Adult Services, LR 51:

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

Family Impact Statement

In compliance with Act 1183 of the 1999 Regular Session of the Louisiana Legislature, the impact of this proposed Rule on the family has been considered. It is anticipated that this proposed Rule will have no impact on family functioning, stability or autonomy as described in R.S. 49:972.

Poverty Impact Statement

In compliance with Act 854 of the 2012 Regular Session of the Louisiana Legislature, the poverty impact of this proposed Rule has been considered. It is anticipated that this proposed Rule will have no impact on child, individual, or family poverty in relation to individual or community asset development as described in R.S. 49:973.

Small Business Analysis

In compliance with Act 820 of the 2008 Regular Session of the Louisiana Legislature, the economic impact of this proposed Rule on small businesses has been considered. It is anticipated that this proposed Rule will have no impact on small businesses, as described in R.S. 49:965.2 et seq.

Provider Impact Statement

In compliance with House Concurrent Resolution (HCR) 170 of the 2014 Regular Session of the Louisiana Legislature, the provider impact of this proposed Rule has been considered. It is anticipated that this proposed Rule will have no impact on the staffing level requirements or qualifications required to provide the same level of service, no direct or indirect cost to the provider to provide the same level of service, and will have no impact on the provider's ability to provide the same level of service as described in HCR 170.

Public Comments

Interested persons may submit written comments to Kimberly Sullivan, JD, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821-9030. Ms. Sullivan is responsible for responding to inquiries regarding this proposed Rule. The deadline for submitting written comments is at 4:30 p.m. on December 30, 2024.

Public Hearing

Interested persons may submit a written request to conduct a public hearing by U.S. mail to the Office of the Secretary ATTN: LDH Rulemaking Coordinator, Post Office Box 629, Baton Rouge, LA 70821-0629; however, such request must be received no later than 4:30 p.m. on, December 10, 2024. If the criteria set forth in R.S. 49:961(B)(1) are satisfied, LDH will conduct a public hearing at 9:30 a.m. on December 30, 2024 in Room 118 of the Bienville Building, which is located at 628 North Fourth Street, Baton Rouge, LA. To confirm whether or not a public hearing will be held, interested persons should first call Allen Enger at (225) 342-1342 after December 10, 2024. If a public hearing is to be held, all interested persons are invited to attend and present data, views, comments, or arguments, orally or in writing.

Michael Harrington, MBA, MA
Secretary

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES**

**RULE TITLE: Home and Community-Based Services
Waivers—Adult Day Health Care Providers
Cost Reporting**

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

It is anticipated that this proposed rule will have no programmatic fiscal impact to the state other than the cost of promulgation for FY 24-25. It is anticipated that \$648 (\$324 SGF and \$324 FED) will be expended in FY 24-25 for the state's administrative expense for promulgation of this proposed rule and the final rule.

The proposed rule amends the provisions governing Adult Day Health Care providers in order to extend the due date for cost report filing from September 30 to November 30. This proposed rule will also add language stating that the late filing penalty is non-refundable and subject to administrative appeal.

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

It is anticipated that the implementation of this proposed rule will have no impact on revenue collections other than the federal share of the promulgation costs for FY 24-25. It is anticipated \$324 will be collected in FY 24-25 for the federal share of the expense for promulgation of this proposed rule and the final rule.

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

The proposed rule amends the provisions governing Adult Day Health Care providers in order to extend the due date for cost report filing from September 30 to November 30. This proposed rule will also add language stating that the late filing penalty is non-refundable and subject to administrative appeal. This rule is not anticipated to result in any fiscal impact to providers or the Medicaid Program in FY 24-25, FY 25-26, or FY 26-27.

**IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT
(Summary)**

This rule has no known effect on competition and employment.

Kimberly Sullivan, JD
Medicaid Executive Director
2411#030

Patrice Thomas
Deputy Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

**Department of Health
Bureau of Health Services Financing
and
Office of Aging and Adult Services**

Home and Community-Based Services Waivers
Community Choices Waiver
(LAC 50:XXI.Chapters 81, 85, 86, 93, and 95)

The Department of Health, Bureau of Health Services Financing and the Office of Aging and Adult Services propose to amend LAC 50:XXI.Chapters 81, 85, 86, 93, and 95 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq.

The Department of Health, Bureau of Health Services Financing and the Office of Aging and Adult Services propose to amend the provisions governing the Community Choices Waiver (CCW). The amendments aim to add a new priority group, specify the requirements for criminal history background checks and database checks for employees, update the Organized Health Care Delivery System (OHCDS) language to reflect the additional CCW services, revise the reimbursement language to agree with the wage floor requirements, and modify the language regarding direct support/service worker wages, other benefits, and workforce retention bonus payments to indicate that Louisiana Department of Health is no longer establishing the criteria.

Title 50

**PUBLIC HEALTH—MEDICAL ASSISTANCE
Part XXI. Home and Community-Based Services
Waivers**

Subpart 7. Community Choices Waiver

Chapter 81. General Provisions

**§8105. Programmatic Allocation of Waiver
Opportunities**

A. ...

B. Community Choices Waiver opportunities shall be offered to individuals on the registry according to priority groups. The following groups shall have priority for Community Choices Waiver opportunities, in the order listed:

1. - 4. ...

5. individuals who require expedited waiver services, who are approved for the maximum amount of services allowable under LT-PCS and will require institutional placement, unless offered an expedited waiver opportunity;

6. individuals who are not presently receiving home and community-based services (HCBS) under another Medicaid program, including, but not limited to:

a. Program of All-Inclusive Care for the Elderly (PACE);

b. long term—personal care services (LT-PCS); and/or

c. any other 1915(c) waiver; and

7. all other eligible individuals on the CCW registry, by date of first request for services.

C. - D. ...

E. Notwithstanding the priority group provisions, up to 300 Community Choices Waiver opportunities may be

granted to qualified individuals who require expedited waiver services. These individuals shall be offered an opportunity on a first-come, first-served basis.

1. To be considered for an expedited waiver opportunity, the individual must, at the time of the request for the expedited opportunity, be approved for the maximum amount of services allowable under LT-PCS and require institutional placement, unless offered an expedited waiver opportunity.

2. The following criteria shall be considered in determining whether to grant an expedited waiver opportunity:

- a. ...
- b. the death or incapacitation of an informal caregiver leaves the individual without other supports;
- c. ...
- d. the individual lives alone and has no access to informal support; or
- e. for other reasons, the individual lacks access to adequate informal support to prevent nursing facility placement.

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 and the Office of Aging and Adult Services, LR 37:3517 (December 2011), amended LR 39:319 (February 2013), LR 39:1778 (July 2013), amended by the Department of Health, Bureau of Health Services Financing and the Office of Aging and Adult Services, LR 44:1896 (October 2018), LR 45:756 (June 2019), LR 50:785 (June 2024), LR 51:

Chapter 85. Self-Direction Initiative

§8501. Self-Direction Service Option

A. - C.2.d.vi. ...

D. Employee Qualifications. All employees under the self-direction option must:

1. ...
2. pass required criminal history background and database checks; and
3. ...

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 and the Office of Aging and Adult Services, LR 37:3523 (December 2011), amended LR 39:321 (February 2013), LR 39:1779 (July 2013), amended by the Department of Health, Bureau of Health Services Financing and the Office of Aging and Adult Services, LR 44:1900 (October 2018), LR: 49:1726 (October 2023), LR 50:787 (June 2024), LR 51:

Chapter 86. Organized Health Care Delivery System

§8601. General Provisions

A. - C. ...

D. Prior to enrollment, an OHCDs must demonstrate the ability to provide all of the CCW services.

1. For ADHC services, the OHCDs must show the ability to provide this service, only if there is a licensed ADHC provider in the service area.

2. - 8. 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 Hospitals, Bureau of Health Services Financing and the Office of Aging and Adult Services, LR 40:792 (April 2014), amended LR 41:2643 (December 2015), amended by the

Department of Health, Bureau of Health Services Financing and the Office of Aging and Adult Services, LR 44:1901 (October 2018), LR 50:787 (June 2024), LR 51:

Chapter 93. Provider Responsibilities

§9301. General Provisions

A. ...

B. All providers (with the exception of Home Delivered Meals providers), Self-Direction (SD) employers and/or Fiscal Employer Agencies (FEAs) must ensure that statewide criminal history background checks are performed on all unlicensed persons working for their agency in accordance with R.S. 40:1203.1 et seq. and/or other applicable state law upon hire.

1. Ensure that the provider or SD employer and/or FEA does not hire unlicensed persons who have a conviction that bars employment in accordance with R.S. 40:1203.3 or other applicable state law.

a. The provider, SD employer and/or FEA shall have documentation on the final disposition of all charges that bars employment pursuant to applicable state law.

2. Ensure that all employees, including contractors, have not been excluded from participation in the Medicaid programs by checking the databases upon hire and monthly thereafter.

a. The provider, SD employer and/or FEA must maintain documentation of the results of these database checks.

C. The provider shall not request payment unless the participant for whom payment is requested is receiving services in accordance with the Community Choices Waiver program provisions and the services have been prior authorized and actually provided.

D. Any provider of services under the Community Choices Waiver shall not refuse to serve any individual who chooses their agency unless there is documentation to support an inability to meet the individual's health and welfare needs, or all previous efforts to provide service and supports have failed and there is no option but to refuse services.

1. OAAS or its designee must be immediately notified of the circumstances surrounding a refusal by a provider to render services.

2. This requirement can only be waived by OAAS or its designee.

E. Providers must maintain adequate documentation to support service delivery and compliance with the approved POC and will provide said documentation at the request of the department, or its designee.

F. Any provider of services under the Community Choices Waiver shall not interfere with the eligibility, assessment, care plan development, or care plan monitoring processes with use of methods including, but not limited to:

1. harassment;
2. intimidation; or
3. threats against program participants, members of their informal support network, LDH staff or support coordination staff.

G. Any provider of services under the Community Choices Waiver shall have the capacity and resources to provide all aspects of any service they are enrolled to provide in the specified service area.

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 and the Office of Aging and Adult Services, LR 37:3524 (December 2011), amended LR 39:322 (February 2013), amended by the Department of Health, Bureau of Health Services Financing and the Office of Aging and Adult Services, LR 44:1901 (October 2018), LR 50:788 (June 2024), LR 51:

Chapter 95. Reimbursement

§9501. Reimbursement and Rate Requirements

A. - G. ...

H. Personal assistance service providers and Self-Direction employers must pay their direct services workers (DSW) a minimum of \$9 per hour.

I. ADHC providers must pay their ADHC direct support workers a minimum of \$9 per hour.

J. The state has the authority to set and change provider rates and/or provide lump sum payments to providers based upon funds allocated by the legislature.

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 and the Office of Aging and Adult Services, LR 37:3525 (December 2011), amended LR 39:322 (February 2013), LR 39:508, 508 (March 2013), repromulgated LR 39:1048 (April 2013), amended LR 39:1779 (July 2013), LR 40:793 (April 2014), LR 42:897 (June 2016), amended by the Department of Health, Bureau of Health Services Financing and the Office of Aging and Adult Services, LR 44:1902 (October 2018), LR 47:886 (July 2021), LR 49:487 (March 2023), LR 50:788 (June 2024), LR 51:

§9503. Direct Support/Service Worker Wages, Other Benefits, and Workforce Retention Bonus Payments

A. Direct Support/Service Worker Wage Floor and Other Benefits

1. Repealed.

2. - 3. ...

4. All PAS and ADHC providers affected by this rate increase shall be subject to passing 70 percent of their rate increases directly to the direct support/service worker in various forms. These forms include a minimum wage floor of \$9 per hour and other wage and non-wage benefits. These wage floor and wage and non-wage benefits are effective for all affected direct support/service workers, including contracted workers, of any working status, whether full-time or part-time.

5. Repealed.

6. ...

B. Direct Support/Service Worker Workforce Bonus Payments

1. Repealed.

2. The PAS and ADHC direct support/service worker who provided services from April 1, 2021 to October 31, 2022 to participants, must receive at least \$250 of this \$300 monthly bonus payment paid to the provider. This bonus payment is effective for all affected direct support/service workers, including contracted workers, of any working status, whether full-time or part-time.

C. - D.1.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, Bureau of Health Services Financing and the Office of Aging and Adult Services, LR 49:684 (April 2023), LR 51:

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

Family Impact Statement

In compliance with Act 1183 of the 1999 Regular Session of the Louisiana Legislature, the impact of this proposed Rule on the family has been considered. It is anticipated that this proposed Rule will have no impact on family functioning, stability and autonomy as described in R.S. 49:972.

Poverty Impact Statement

In compliance with Act 854 of the 2012 Regular Session of the Louisiana Legislature, the poverty impact of this proposed Rule has been considered. It is anticipated that this proposed Rule will have a no impact on child, individual, or family poverty in relation to individual or community asset development as described in R.S. 49:973.

Small Business Analysis

In compliance with the Small Business Protection Act, the economic impact of this proposed Rule on small businesses has been considered. It is anticipated that this proposed Rule will have no impact on small businesses.

Provider Impact Statement

In compliance with House Concurrent Resolution (HCR) 170 of the 2014 Regular Session of the Louisiana Legislature, the provider impact of this proposed Rule has been considered. It is anticipated that this proposed Rule will have no impact on the staffing level requirements or qualifications required to provide the same level of service, no direct or indirect cost to the provider to provide the same level of service, and will have no impact on the provider's ability to provide the same level of service as described in HCR 170.

Public Comments

Interested persons may submit written comments to Kimberly Sullivan, JD, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821-9030. Ms. Sullivan is responsible for responding to inquiries regarding this proposed Rule. The deadline for submitting written comments is at 4:30 p.m. on December 30, 2024.

Public Hearing

Interested persons may submit a written request to conduct a public hearing by U.S. mail to the Office of the Secretary ATTN: LDH Rulemaking Coordinator, Post Office Box 629, Baton Rouge, LA 70821-0629; however, such request must be received no later than 4:30 p.m. on December 10, 2024. If the criteria set forth in R.S. 49:961(B)(1) are satisfied, LDH will conduct a public hearing at 9:30 a.m. on December 30, 2024 in Room 118 of the Bienville Building, which is located at 628 North Fourth Street, Baton Rouge, LA. To confirm whether or not a public hearing will be held, interested persons should first call Allen Enger at (225) 342-1342 after December 10, 2024. If a public hearing is to be held, all interested persons are invited to attend and present data, views, comments, or arguments, orally or in writing.

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES
RULE TITLE: Home and Community-Based Services
Waivers—Community Choices Waiver**

NOTICE OF INTENT

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

Hospital Services
Inpatient Hospital Services
Other Rural Hospitals
(LAC 50:V.1201 and 1225)

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

It is anticipated that implementation of this proposed rule will have no programmatic fiscal impact to the state other than the cost of promulgation for FY 24-25. It is anticipated that \$1404 (\$702 SGF and \$702 FED) will be expended in FY 24-25 for the state's administrative expense for promulgation of this proposed rule and the final rule.

This proposed rule amends the provisions governing the Community Choices Waiver (CCW). The amendments aim to add a new priority group, specify the requirements for criminal history background checks and database checks for employees, update the Organized Health Care Delivery System (OHCDS) language to reflect the additional CCW services, revise the reimbursement language to agree with the wage floor requirements, and modify the language regarding direct support/service worker wages, other benefits, and workforce retention bonus payments to indicate that Louisiana Department of Health is no longer establishing the criteria.

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

It is anticipated that the implementation of this proposed rule will have no effect on revenue collections other than the federal share of the promulgation costs for FY 24-25. It is anticipated that \$702 will be collected in FY 24-25 for the federal share of the expense for promulgation of this proposed rule and the final rule.

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

This proposed rule amends the provisions governing the Community Choices Waiver (CCW). The amendments aim to add a new priority group, specify the requirements for criminal history background checks and database checks for employees, update the Organized Health Care Delivery System (OHCDS) language to reflect the additional CCW services, revise the reimbursement language to agree with the wage floor requirements, and modify the language regarding direct support/service worker wages, other benefits, and workforce retention bonus payments to indicate that Louisiana Department of Health is no longer establishing the criteria. Implementation of this proposed rule will not result in costs to providers and small businesses in FY 24-25, FY 25-26, and FY 26-27.

**IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT
(Summary)**

This rule has no known effect on competition and employment.

Kimberly Sullivan, JD
Medicaid Executive Director
2411#031

Patrice Thomas
Deputy Fiscal Officer
Legislative Fiscal Office

The Department of Health, Bureau of Health Services Financing proposes to adopt LAC 50:V.Chapter 12 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This proposed Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950, et seq.

Department of Health, Bureau of Health Services Financing proposes to adopt this Rule to continue to the provisions of a corresponding Emergency Rule adopted on September 16, 2024 and promulgated in the October 20, 2024 *Louisiana Register*. This proposed Rule adopts Chapter 12 in LAC Title 50, Part V, Subpart 1 to add new provisions for inpatient payments to qualifying other rural hospitals. The department will increase Medicaid inpatient hospital prospective per diem rates to qualifying hospitals for acute services, neonatal intensive care, nursery boarder baby, and inpatient psychiatric services to 85 percent of the applicable small rural hospital rate currently in effect.

This Rule is proposed to ensure the financial viability of rural hospitals. This measure aims to maintain and enhance access to medical care for Medicaid beneficiaries in their communities.

**Title 50
PUBLIC HEALTH—MEDICAL ASSISTANCE**

Part V. Hospital Services

Subpart 1. Inpatient Hospitals Services

Chapter 12. Other Rural Hospitals

Subchapter A. General Provisions

§1201. Qualifying Criteria

A. To qualify as an other rural, non-state hospital, the hospital shall meet the following criteria:

1. is a non-state owned hospital;
2. has no more than 60 licensed beds as of October 1, 2024, excluding distinct part psychiatric unit beds, distinct part rehabilitation unit beds, and nursery bassinets;
3. does not qualify as a *rural hospital* as defined in R.S. 40:1189.3;
4. is not located within one of Louisiana's metropolitan statistical areas (MSA) as delineated in OMB Bulletin No. 23-01;
5. has an operational emergency room; and
6. is located in a municipality with a population of less than 23,000 as measured by the 2020 United States Census Bureau.

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

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing, LR 51:

Subchapter B. Reimbursement Methodology

§1225. Other Rural Hospitals

A. The inpatient hospital per diem rates paid to other rural, non-state hospitals shall be as follows.

1. Acute Care Services. The per diem rate for acute care services shall be 85 percent of the small rural hospital acute per diem rate in effect.

2. Psychiatric Services. The per diem rate for psychiatric services shall be 85 percent of the small rural hospital psychiatric per diem rate in effect.

3. Neonatal Intensive Care Unit (NICU) Services. The per diem rate for NICU services shall be 85 percent of the small rural hospital NICU per diem rate in effect.

4. Nursery Boarder Baby Services. The per diem rate for nursery boarder baby services shall be 85 percent of the small rural hospital nursery boarder baby per diem rate in effect.

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

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing, LR 51:

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

Family Impact Statement

In compliance with Act 1183 of the 1999 Regular Session of the Louisiana Legislature, the impact of this proposed Rule on the family has been considered. It is anticipated that this proposed Rule will have no impact on family functioning, stability and autonomy as described in R.S. 49:972.

Poverty Impact Statement

In compliance with Act 854 of the 2012 Regular Session of the Louisiana Legislature, the poverty impact of this proposed Rule has been considered. It is anticipated that this proposed Rule will have no impact on child, individual, or family poverty in relation to individual or community asset development as described in R.S. 49:973.

Small Business Analysis

In compliance with the Small Business Protection Act, the economic impact of this proposed Rule on small businesses has been considered. It is anticipated that this proposed Rule will have no impact on small businesses.

Provider Impact Statement

In compliance with House Concurrent Resolution (HCR) 170 of the 2014 Regular Session of the Louisiana Legislature, the provider impact of this proposed Rule has been considered. It is anticipated that this proposed Rule will have no impact on the staffing level requirements or qualifications required to provide the same level of service, no direct or indirect cost to the provider to provide the same level of service, and will have positive impact on the provider's ability to provide the same level of service as described in HCR.

Public Comments

Interested persons may submit written comments to Kimberly Sullivan, JD, Bureau of Health Services

Financing, P.O. Box 91030, Baton Rouge, LA 70821-9030. Ms. Sullivan is responsible for responding to inquiries regarding this proposed Rule. The deadline for submitting written comments is December 30, 2024.

Public Hearing

Interested persons may submit a written request to conduct a public hearing by U.S. mail to the Office of the Secretary ATTN: LDH Rulemaking Coordinator, Post Office Box 629, Baton Rouge, LA 70821-0629; however, such request must be received no later than 4:30 p.m. on December 10, 2024. If the criteria set forth in R.S. 49:961(B)(1) are satisfied, LDH will conduct a public hearing at 9:30 a.m. on December 30, 2024 in Room 118 of the Bienville Building, which is located at 628 North Fourth Street, Baton Rouge, LA. To confirm whether or not a public hearing will be held, interested persons should first call Allen Enger at (225) 342-1342 after December 10, 2024. If a public hearing is to be held, all interested persons are invited to attend and present data, views, comments, or arguments, orally or in writing.

Michael Harrington, MBA, MA
Secretary

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Hospital Services—Inpatient Hospital Services—Other Rural Hospitals

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

It is anticipated that implementation of this proposed rule will result in increased state costs of approximately \$3,699,038 for FY 24-25, \$4,060,382 for FY 25-26, and \$4,060,382 for FY 26-27. It is anticipated that \$648 (\$324 SGF and \$324 FED) will be expended in FY 24-25 for the state's administrative expense for promulgation of this proposed rule and the final rule.

This proposed rule continues the provisions of the September 16, 2024 Emergency Rule, which amended the provisions governing inpatient hospital services to ensure that other rural hospitals remain financially viable so that the access to medical care that they provide to Medicaid beneficiaries in their communities will continue to be available and will improve in the future. (*Louisiana Register*, Volume 50, Number 9).

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

It is anticipated that implementation of this proposed rule will increase federal revenue collections by approximately \$12,591,714 for FY 24-25, for \$13,926,191 for FY 25-26, and \$13,926,191 for FY 26-27. It is anticipated that \$324 will be collected in FY 24-25 for the federal share of the expense for promulgation of this proposed rule and the final rule.

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

This proposed rule continues the provisions of the September 16, 2024 Emergency Rule, which amended the provisions governing inpatient hospital services to ensure that other rural hospitals remain financially viable so that the access to medical care that they provide to Medicaid beneficiaries in their communities will continue to be available and will improve in the future. (*Louisiana Register*, Volume 50, Number 9). Providers will benefit from implementation of this proposed rule, since it is anticipated to increase Medicaid

payments for inpatient services by approximately \$16,290,104 for FY 24-25, \$17,986,573 for FY 25-26, and \$17,986,573 for FY 26-27.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

This proposed rule has no known effect on competition and employment.

Kimberly Sullivan, JD
Medicaid Executive Director
2411#042

Patrice Thomas
Deputy Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

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

Hospital Services
Outpatient Hospital Services
Other Rural Hospitals
(LAC 50:V.Chapter 79)

The Department of Health, Bureau of Health Services Financing proposes to adopt LAC 50:V.Chapter 79 in the Medical Assistance program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This proposed Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq.

The Department of Health, Bureau of Health Services Financing proposes to adopt this Rule to continue the provisions of a corresponding Emergency Rule adopted on September 16, 2024 and promulgated in the October 20, 2024 *Louisiana Register*. This proposed Rule adopts Chapter 79 in LAC Title 50, Part V, Subpart 5 to add new provisions for outpatient payments to qualifying other rural hospitals. The department will increase Medicaid outpatient hospital payments to qualifying hospitals for outpatient hospital services to 95 percent of allowable cost as determined per the Medicare/Medicaid hospital cost report. A provision is included to limit the percentage of increase from the initial year of implementation to 3 percent per encounter cumulative for each subsequent year.

This Rule is proposed to ensure the financial viability of rural hospitals. This measure aims to maintain and enhance access to medical care for Medicaid beneficiaries in their communities.

Title 50

PUBLIC HEALTH—MEDICAL ASSISTANCE

Part V. Hospital Services

Subpart 5. Outpatient Hospital Services

Chapter 79. Other Rural Hospitals

§7901. Qualifying Criteria

A. In order to qualify as an other rural, non-state hospital, the hospital shall meet the following criteria:

1. is a non-state owned hospital;
2. has no more than 60 licensed beds as of October 1, 2024, excluding distinct part psychiatric unit beds, distinct part rehabilitation unit beds, and nursery bassinets;
3. does not qualify as a *rural hospital* as defined in R.S. 40:1189.3;
4. is not located within one of Louisiana's metropolitan statistical areas (MSA) as delineated in the OMB Bulletin No. 23-01;

5. has an operational emergency room; and
6. is located in a municipality with a population of less than 23,000 as measured by the 2020 United States Census.

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

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing, LR 51:

§7903. Reimbursement Methodology

A. The reimbursement rates paid to other rural, non-state hospitals for outpatient hospital services shall be as follows.

1. **Surgery Services.** The reimbursement amount for outpatient hospital surgery services shall be an interim payment equal to the Medicaid fee schedule amount on file for each service, and a final reimbursement amount of 95 percent of allowable Medicaid cost as calculated through the cost report settlement process.

2. **Clinic Services.** The reimbursement amount for outpatient hospital facility fees for clinic services shall be an interim payment equal to the Medicaid fee schedule amount on file for each service, and a final reimbursement amount of 95 percent of allowable Medicaid cost as calculated through the cost report settlement process.

3. **Laboratory Services.** The reimbursement amount for outpatient clinical diagnostic laboratory services shall be the Medicaid fee schedule amount on file for each service.

4. **Rehabilitation Services.** The reimbursement amount for outpatient rehabilitation services shall be an interim payment equal to the Medicaid fee schedule amount on file for each service, and a final reimbursement amount of 95 percent of allowable Medicaid cost as calculated through the cost report settlement process.

5. **Other Outpatient Hospital Services.** The reimbursement amount for outpatient hospital services other than surgery services, clinic services, clinical diagnostic laboratory services, and rehabilitation services shall be an interim payment equal to 95 percent of allowable Medicaid cost as calculated through the cost report settlement process.

B. If a qualifying hospital's outpatient cost is greater in subsequent cost reporting periods than the initial implementation year cost report period's cost, outpatient costs shall be subjected to a cap prior to determination of cost settlement amount. Calculation of reimbursable costs shall be as follows.

1. An average cost per Medicaid outpatient unduplicated encounter per day shall be established using Medicaid cost report and paid claims data from the initial cost report period of implementation. The average unduplicated encounter cost per day shall be calculated by dividing the total outpatient allowable costs for all Medicaid outpatient services by the number of paid unduplicated encounters per day. Clinical diagnostic laboratory services and vaccines are not included in this calculation.

2. To determine the capped limit for each subsequent year's allowable cost settlement reimbursement, the base year outpatient unduplicated encounter per day cost shall be multiplied by the unduplicated encounters from the applicable subsequent cost reporting period's Medicaid paid claims data and then increased by 3 percent cumulatively for each year subsequent to the initial implementation year.

3. Final reimbursement shall be 95 percent multiplied by the lesser of capped cost amount calculated per

§7903.B.2 or allowable reimbursable cost calculated per §7903.A.

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

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing, LR 51:

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

Family Impact Statement

In compliance with Act 1183 of the 1999 Regular Session of the Louisiana Legislature, the impact of this proposed Rule on the family has been considered. It is anticipated that this proposed Rule will have no impact on family functioning, stability and autonomy as described in R.S. 49:972.

Poverty Impact Statement

In compliance with Act 854 of the 2012 Regular Session of the Louisiana Legislature, the poverty impact of this proposed Rule has been considered. It is anticipated that this proposed Rule will have no impact on child, individual, or family poverty in relation to individual or community asset development as described in R.S. 49:973.

Small Business Analysis

In compliance with the Small Business Protection Act, the economic impact of this proposed Rule on small businesses has been considered. It is anticipated that this proposed Rule will have no impact on small businesses.

Provider Impact Statement

In compliance with House Concurrent Resolution (HCR) 170 of the 2014 Regular Session of the Louisiana Legislature, the provider impact of this proposed Rule has been considered. It is anticipated that this proposed Rule will have no impact on the staffing level requirements or qualifications required to provide the same level of service, no direct or indirect cost to the provider to provide the same level of service, but may have a positive impact on the provider's ability to provide the same level of services as described in HCR 170.

Public Comment

Interested persons may submit written comments to Kimberly Sullivan, JD, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821-9030. Ms. Sullivan is responsible for responding to inquiries regarding this proposed Rule. The deadline for submitting written comments is at 4:30 p.m. on December 30, 2024.

Public Hearing

Interested persons may submit a written request to conduct a public hearing by U.S. mail to the Office of the Secretary Attn: LDH Rulemaking Coordinator, Post Office Box 629, Baton Rouge, LA 70821-0629; however, such request must be received no later than 4:30 p.m. on, December 10, 2024. If the criteria set forth in R.S. 49:961(B)(1) are satisfied, LDH will conduct a public hearing at 9:30 a.m. on December 30, 2024 in Room 118 of the Bienville Building, which is located at 628 North Fourth Street, Baton Rouge, LA. To confirm whether or not a public hearing will be held, interested persons should first call Allen Enger at (225) 342-1342 after December 10, 2024. If a public hearing is to be held, all interested persons are invited

to attend and present data, views, comments, or arguments, orally or in writing.

Michael Harrington, MBA, MA
Secretary

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES RULE TITLE: Hospital Services Outpatient Hospital Services—Other Rural Hospitals

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

It is anticipated that implementation of this proposed rule will result in increased state cost of approximately \$3,083,052 for FY 24-25, \$3,358,499 for FY 25-26, and \$3,358,499 for FY 26-27. It is anticipated that \$756 (\$378 SGF and \$378 FED) will be expended in FY 24-25 for the state's administrative expense for promulgation of this rule and the final rule.

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

It is anticipated that implementation of this proposed rule will increase federal revenue collections by approximately \$10,408,056 for FY 24-25, \$11,457,354 for FY 25-26, and \$11,457,354 for FY 26-27. It is anticipated that \$378 will be collected in FY 24-25 for the federal share of the expense for promulgation of this proposed rule and the final rule.

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

This proposed rule continues the provisions of the September 16, 2024 Emergency Rule, which ensures that other rural hospitals remain financially viable so that the access to medical care that they provide to Medicaid beneficiaries in their communities will continue to be available and will improve in the future (*Louisiana Register*, Volume 50, Number 9). This proposed rule is being promulgated to continue the provisions of the September 16, 2024 Emergency Rule.

It is anticipated that providers will benefit from implementation of this proposed rule as Medicaid payments to other rural hospitals are anticipated to increase by approximately \$13,490,352 for FY 24-25, \$14,815,853 for FY 25-26, and \$14,815,853 for FY 26-27.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

This proposed rule has no known effect on competition and employment.

Kimberly Sullivan, JD
Medicaid Executive Director
2411#041

Patrice Thomas
Deputy Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

Department of Health Office of Public Health

Imported Crawfish and Shrimp; Notice to Patrons of Food Service Establishments (LAC 51:I.127)

Under the authority of R.S. 40:4 and 40:5, and in accordance with R.S. 49:950 et seq., the Administrative Procedure Act, notice is hereby given that the surgeon general, acting through the Department of Health, Office of Public Health (LDH-OPH), intends to amend Part I (General Provisions) of Title 51. These amendments are being

proposed to comply with the provisions of Act 148 of the 2024 Regular Legislature.

Title 51

PUBLIC HEALTH—SANITARY CODE

Part I. General Provisions

Chapter 1. General

§127. Imported Crawfish and Shrimp; Notice to Patrons of Food Service Establishments

A. Any violation of R.S. 40:5.5.4 shall constitute a violation of this Code. The state health officer acting through the Office of Public Health shall issue fines for violations of R.S. 40:5.5.4 as follows:

1. for a first offense, a fine of \$500 per violation. The state health officer, in his/her discretion, may provide an opportunity for corrective action in lieu of a fine for a first offense;
2. for a second offense, a fine of \$1000 per violation; and
3. for a third and subsequent offense, a fine of \$2000 per violation.

B. Notwithstanding any provision of law to the contrary, including R.S. 40:6(D), prior issuance of a notice of violation or compliance order shall not be a prerequisite to imposing the fines authorized by this Section, which shall be imposed by issuance of a notice and order of imposition of penalties. The notice shall state with specificity the nature of the violation, shall be served on the violator by any means authorized by this Code, and shall be subject to the same administrative appeal procedures and delays as provided for compliance orders in this Code. Fines authorized by this Section shall not be subject to mitigation.

AUTHORITY NOTE: Promulgated in accordance with the provisions of R.S. 40:4, R.S. 40:5, and 40:5.5.

HISTORICAL NOTE: Promulgated by the Department of Health, Office of Public Health, LR 51:

Family Impact Statement

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

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

Poverty Impact Statement

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

1. the effect on household income, assets, and financial security;
2. the effect on early childhood development and preschool through postsecondary education development;
3. the effect on employment and workforce development;
4. the effect on taxes and tax credits;

5. the effect on child and dependent care, housing, health care, nutrition, transportation, and utilities assistance.

Small Business Analysis

The proposed Rule should have no adverse impact on small businesses as defined in the Regulatory Flexibility Act.

Provider Impact Statement

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

1. the effect on the staffing level requirements or qualifications required to provide the same level of service;
2. the total direct and indirect effect on the cost to the providers to provide the same level of service; or
3. the overall effect on the ability of the provider to provide the same level of service.

Public Comments

Interested persons may submit written comments on the proposed Rule. Such comments must be received no later than Tuesday, December 10, 2024 at close of business, 4:30 pm, and should be addressed to Tiffany Meche, Director, Sanitarian Services, P.O. Box 4489, Baton Rouge, LA 70821.

Public Hearing

Interested persons may submit a written request to conduct a public hearing either by U.S. mail to the Office of the Secretary ATTN: LDH Rulemaking Coordinator, Post Office Box 629, Baton Rouge, LA 70821-0629; however, such request must be received no later than 4:30 p.m. on Tuesday, December 10, 2024. If the criteria set forth in R.S. 49:953(A)(2)(a) are satisfied, LDH will conduct a public hearing at 10 am on Monday, December 30, 2024, in Room 118 of the Bienville Building, which is located at 628 North Fourth Street, Baton Rouge, LA. To confirm whether or not a public hearing will be held, interested persons should first call Allen Enger at (225) 342-1342 after Tuesday, December 10, 2024. If a public hearing is to be held, all interested persons are invited to attend and present data, views, comments, or arguments, orally or in writing. In the event of a hearing, parking is available to the public in the Galvez Parking Garage which is located between North Sixth and North Fifth/North and Main Streets (cater-corner from the Bienville Building). Validated parking for the Galvez Garage may be available to public hearing attendees when the parking ticket is presented to LDH staff at the hearing.

Dr. Ralph Abraham
Surgeon General
and
Michael Harrington, MBA, MA
Secretary

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Imported Crawfish and Shrimp; Notice to Patrons of Food Service Establishments

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

The proposed rule change is anticipated to increase expenditures for the Office of Public Health (OPH) by approximately \$266.25 in FY 24-25 for the publication of the

proposed rule. It is not anticipated that any other state or local governmental units will incur costs or savings as a result of this rule change.

The proposed rule adds new fines and penalties for imported seafood menu labeling required by Act 148 of the 2024 Louisiana Legislature.

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 as a result of this proposed rule.

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

It is anticipated that this proposed rule will add a nominal cost to the business owners of the retail food establishment who serve imported seafood and don't label their menus correctly.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The adoption of this proposed rule should not engender or have any effect on competition among retail food establishment owners.

Tonya Joiner
Assistant Secretary
2411#044

Patrice Thomas
Deputy Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT
Department of Health
Office of Public Health

Marine and Fresh Water Animal Food Products
(LAC 51:IX.135)

Under the authority of R.S. 40:4 and 40:5, and in accordance with R.S. 49:950 et seq., the Administrative Procedure Act, notice is hereby given that the surgeon general, acting through the Department of Health, Office of Public Health (LDH/OPH), intends to amend certain Section 135 of Chapter 1 of Part IX (Marine and Fresh Water Animal Food Products) of Title 51 (Public Health—Sanitary Code).

Title 51

Public Health—Sanitary Code

Part IX. Marine and Fresh Water Animal Food Products

Chapter 1. Shellfish Growing Areas

§135. Fees for Services

[formerly paragraph 9:002-17]

A. ...

B. Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4.A.(1) , R.S. 40:5.A.(2)(3)(5)(7)(9)(15)(17)(19)(20), R.S. 40:5.3 and R.S.40:31:35.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 28:1300 (June 2002), amended by the Department of Health, Office of Public Health, LR 48:1850 (July 2022), repromulgated LR 48:2138 (August 2022), amended LR 51:

Family Impact Statement

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

1. the stability of the family;

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

Poverty Impact Statement

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

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

Small Business Analysis

The proposed Rule should have no adverse impact on small businesses as defined in the Small Business Protection Act.

Provider Impact Statement

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

1. the staffing level requirements or qualifications required to provide the same level of service;
2. the total direct and indirect effect on the cost to the providers to provide the same level of service; or
3. the overall effect on the ability of the provider to provide the same level of service.

Public Comments

Interested persons may submit written comments on the proposed Rule. Such comments must be received no later than Tuesday, December 10, 2024 at COB, 4:30 pm, and should be addressed to Tiffany Meche, Director, Sanitarian Services, P.O. Box 4489, Baton Rouge, LA 70821.

Public Hearing

Interested persons may submit a written request to conduct a public hearing either by U.S. mail to the Office of the Secretary ATTN: LDH Rulemaking Coordinator, Post Office Box 629, Baton Rouge, LA 70821-0629; however, such request must be received no later than 4:30 p.m. on Tuesday, December 10, 2024. If the criteria set forth in R.S. 49:953(A)(2)(a) are satisfied, LDH will conduct a public hearing at 10 am on Monday, December 30, 2024, in Room 118 of the Bienville Building, which is located at 628 North Fourth Street, Baton Rouge, LA. To confirm whether or not a public hearing will be held, interested persons should first call Allen Enger at (225) 342-1342 after Tuesday, December 10, 2024. If a public hearing is to be held, all interested persons are invited to attend and present data, views, comments, or arguments, orally or in writing. In the event of a hearing, parking is available to the public in the Galvez

Parking Garage which is located between North Sixth and North Fifth/North and Main Streets (cater-corner from the Bienville Building). Validated parking for the Galvez Garage may be available to public hearing attendees when the parking ticket is presented to LDH staff at the hearing.

Dr. Ralph Abraham
Surgeon General
and
Michael Harrington, MBA, MA
Secretary

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Marine and Fresh Water Animal Food Products

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

LDH will no longer be required to obtain a laboratory contract, collect and transport statewide samples. LDH anticipates savings \$5200 in expenses. LDH anticipates \$266.25 in costs related to publishing of the rule.

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

The LDH Commercial Seafood Program will no longer collect the \$100 Imported Seafood Safety Fee from processors and distributors of imported seafood. ACT No. 667 has reassigned the fee to Louisiana Department of Culture, Recreation, and Tourism. In addition to the removal of fees, LDH will no longer collect imported seafood permit fees which is an estimated total fee reduction in collection of \$5200 for FY 2025.

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

LDH will no longer be receiving permit fees, nor be required to obtain a laboratory contract, collect and transport statewide samples. Affected businesses will now pay fees to the Louisiana Department of Culture, Recreation and Tourism.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

No effect.

Tonya Joiner
Assistant Secretary
2411#043

Patrice Thomas
Deputy Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

Department of Insurance Office of the Commissioner

Regulation 48—Standardized Claim Form (LAC 37:XIII.Chapter 23)

The Department of Insurance, pursuant to the authority of the Louisiana Insurance Code, R.S. 22:1 et seq., and in accordance with the Administrative Procedure Act, R.S. 49:950, et seq, hereby gives notice of its intent to repeal Regulation 48—Standardized Claims Forms.

The purpose of Regulation 48 was to standardize the forms used in the billing and reimbursement of health care, reduce the number of forms utilized, and increase efficiency in the reimbursement of health care through standardization.

The statute is obsolete as other provisions of law have amended claim requirements. Therefore, Regulation 48 is being repealed in its entirety.

Title 37 INSURANCE

Part XIII. Regulations

Chapter 23. Regulation 48—Standardized Claim Forms

§2301. Purpose

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:10, 22:213(A)(14), and 22:3016(C) of the Insurance Code.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 20:195 (February 1994), amended LR 20:1126 (October 1994), repealed LR 51:

§2303. Definitions

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:10, 22:213(A)(14), and 22:3016(C) of the Insurance Code.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 20:195 (February 1994), amended LR 20:1126 (October 1994), repealed LR 51:

§2305. Applicability and Scope

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:10, 22:213(A)(14), and 22:3016(C) of the Insurance Code.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 20:195 (February 1994), amended LR 20:1126 (October 1994), repealed LR 51:

§2307. Requirements for Use of HCFA Form 1500

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:10, 22:213(A)(14), and 22:3016(C) of the Insurance Code.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 20:195 (February 1994), amended LR 20:1126 (October 1994), repealed LR 51:

§2309. Requirements for Use of HCFA Approved Form UB92

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:10, 22:213(A)(14), and 22:3016(C) of the Insurance Code.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 20:195 (February 1994), amended LR 20:1126 (October 1994), repealed LR 51:

§2311. Requirements for Use of J512 Form

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:10, 22:213(A)(14), and 22:3016(C) of the Insurance Code.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 20:195 (February 1994), amended LR 20:1126 (October 1994), repealed LR 51:

§2313. General Provisions

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:10, 22:213(A)(14), and 22:3016(C) of the Insurance Code.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 20:195 (February 1994), amended LR 20:1126 (October 1994), repealed LR 51:

Family Impact Statement

1. Describe the Effect of the Proposed Regulation on the Stability of the Family. The proposed repealed regulation should have no measurable impact upon the stability of the family.

2. Describe the Effect of the Proposed Regulation on the Authority and Rights of Parents Regarding the Education and Supervision of Their Children. The proposed repealed regulation should have no impact upon the rights and authority of parents regarding the education and supervision of their children.

3. Describe the Effect of the Proposed Regulation on the Functioning of the Family. The proposed repealed regulation should have no direct impact upon the functioning of the family.

4. Describe the Effect of the Proposed Regulation on Family Earnings and Budget. The proposed repealed regulation should have no direct impact upon family earnings and budget.

5. Describe the Effect of the Proposed Regulation on the Behavior and Personal Responsibility of Children. The proposed repealed regulation should have no impact upon the behavior and personal responsibility of children.

6. Describe the Effect of the Proposed Regulation on the Ability of the Family or a Local Government to Perform the Function as Contained in the Rule. The proposed repealed regulation should have no impact upon the ability of the family or a local governmental unit to perform the function as contained in the rule.

Poverty Impact Statement

1. Describe the Effect on Household Income, Assets, and Financial Security. The proposed repealed regulation should have no effect on household income assets and financial security.

2. Describe the Effect on Early Childhood Development and Preschool through Postsecondary Education Development. The proposed repealed regulation should have no effect on early childhood development and preschool through postsecondary education development.

3. Describe the Effect on Employment and Workforce Development. The proposed repealed regulation should have no effect on employment and workforce development.

4. Describe the Effect on Taxes and Tax Credits. The proposed repealed regulation should have no effect on taxes and tax credits.

5. Describe the Effect on Child and Dependent Care, Housing, Health Care, Nutrition, Transportation and Utilities Assistance. The proposed repealed regulation should have no effect on child and dependent care, housing, health care, nutrition, transportation, and utilities assistance.

Small Business Analysis

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

1. Identification and Estimate of the Number of the Small Businesses Subject to the Proposed Rule. The proposed repealed regulation should have no measurable impact upon small businesses.

2. The Projected Reporting, Record Keeping, and Other Administrative Costs Required for Compliance with the Proposed Rule, Including the Type of Professional Skills Necessary for Preparation of the Report or Record. The proposed repealed regulation should have no measurable impact upon small businesses.

3. A Statement of the Probable Effect on Impacted Small Businesses. The proposed repealed regulation should have no measurable impact upon small businesses.

4. Describe any Less Intrusive or Less Costly Alternative Methods of Achieving the Purpose of the Proposed Rule. The proposed repealed regulation should have no measurable impact on small businesses; therefore, there is no less intrusive or less costly alternative method of achieving the purpose of the proposed regulation.

Provider Impact Statement

1. Describe the Effect on the Staffing Level Requirements or Qualifications Required to Provide the Same Level of Service. The proposed repealed regulation will have no effect.

2. The Total Direct and Indirect Effect on the Cost to the Provider to Provide the Same Level of Service. The proposed repealed regulation will have no effect.

3. The Overall Effect on the Ability of the Provider to Provide the Same Level of Service. The proposed repealed regulation will have no effect.

Public Comments

Interested persons who wish to make comments may do so by writing to Jacob Carter, Staff Attorney, Louisiana Department of Insurance, P.O. Box 94214, Baton Rouge, LA 70804-9214, or by faxing comments to (225) 342-1632, or electronically at regulations@ldi.la.gov. Comments will be accepted through the close of business, 4:30 p.m., December 10, 2024.

Timothy J. Temple
Commissioner

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES RULE TITLE: Regulation 48—Standardized Claim Form

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

The proposed rule change is not anticipated to result in implementation costs or savings to the state or local governmental units. The proposed rule is being repealed due to insufficient legal authority to support this regulation.

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

The proposed rule will have no impact on state or local governmental revenues.

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

The proposed rule change will have no impact on economic costs or benefits to directly affected persons, small businesses, or non-governmental groups.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rule will have no impact upon competition and employment in the state.

NOTICE OF INTENT

Department of Insurance Office of the Commissioner

Rule 7—Legal Expense Insurers (LAC 37:XI.Chapter 19)

The Department of Insurance, pursuant to the authority of the Louisiana Insurance Code, R.S. 22:1 et seq., and in accordance with the Administrative Procedure Act, R.S. 49:950, et seq, hereby gives notice of its intent to repeal Rule 7—Legal Expense Insurers.

The purpose of Rule 7 was to adopt uniform guidelines and requirements applicable to legal expense insurers that do business in this state. Rule 7 is obsolete and is no longer used as guidance by the Department of Insurance. Therefore, it is being repealed in its entirety.

Title 37 INSURANCE Part XI. Rules

Chapter 19. Rule 7—Legal Expense Insurers

§1901. Purpose

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:2.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Commissioner of Insurance, LR 8:235 (May 1982), repealed LR 51:

§1903. Applicability

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:2.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Commissioner of Insurance, LR 8:235 (May 1982), repealed LR 51:

§1905. Definitions

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:2.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Commissioner of Insurance, LR 8:235 (May 1982), repealed LR 51:

§1907. Exemptions

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:2.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Commissioner of Insurance, LR 8:235 (May 1982), repealed LR 51:

§1909. Qualifications as Insurer Required

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:2.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Commissioner of Insurance, LR 8:235 (May 1982), amended LR 47:1537 (October 2021), repealed LR 51:

§1911. Licensing of Agents Required

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:2.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Commissioner of Insurance, LR 8:235 (May 1982), repealed LR 51:

§1913. Compliance Required

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:2.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Commissioner of Insurance, LR 8:235 (May 1982), repealed LR 51:

§1915. Penalty for Non-Compliance

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:2.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Commissioner of Insurance, LR 8:235 (May 1982), repealed LR 51:

§1917. Severability

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:2.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Commissioner of Insurance, LR 8:235 (May 1982), repealed LR 51:

§1919. Effective Date

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:2.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 47:1537 (October 2021), repealed LR 51:

Family Impact Statement

1. Describe the Effect of the Proposed Regulation on the Stability of the Family. The proposed repealed Rule should have no measurable impact upon the stability of the family.

2. Describe the Effect of the Proposed Regulation on the Authority and Rights of Parents Regarding the Education and Supervision of Their Children. The proposed repealed Rule should have no impact upon the rights and authority of parents regarding the education and supervision of their children.

3. Describe the Effect of the Proposed Regulation on the Functioning of the Family. The proposed repealed Rule should have no direct impact upon the functioning of the family.

4. Describe the Effect of the Proposed Regulation on Family Earnings and Budget. The proposed repealed Rule should have no direct impact upon family earnings and budget.

5. Describe the Effect of the Proposed Regulation on the Behavior and Personal Responsibility of Children. The proposed repealed Rule should have no impact upon the behavior and personal responsibility of children.

6. Describe the Effect of the Proposed Regulation on the Ability of the Family or a Local Government to Perform the Function as Contained in the Rule. The proposed repealed Rule should have no impact upon the ability of the family or a local governmental unit to perform the function as contained in the rule.

Poverty Impact Statement

1. Describe the Effect on Household Income, Assets, and Financial Security. The proposed repealed Rule should have no effect on household income assets and financial security.

2. Describe the Effect on Early Childhood Development and Preschool through Postsecondary Education Development. The proposed repealed Rule should have no effect on early childhood development and preschool through postsecondary education development.

3. Describe the Effect on Employment and Workforce Development. The proposed repealed Rule should have no effect on employment and workforce development.

4. Describe the Effect on Taxes and Tax Credits. The proposed repealed Rule should have no effect on taxes and tax credits.

5. Describe the Effect on Child and Dependent Care, Housing, Health Care, Nutrition, Transportation and Utilities Assistance. The proposed repealed Rule should have no effect on child and dependent care, housing, health care, nutrition, transportation, and utilities assistance.

Small Business Analysis

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

1. Identification and Estimate of the Number of the Small Businesses Subject to the Proposed Rule. The proposed repealed rule should have no measurable impact upon small businesses.

2. The Projected Reporting, Record Keeping, and Other Administrative Costs Required for Compliance with the Proposed Rule, Including the Type of Professional Skills Necessary for Preparation of the Report or Record. The proposed repealed rule should have no measurable impact upon small businesses.

3. A Statement of the Probable Effect on Impacted Small Businesses. The proposed repealed rule should have no measurable impact upon small businesses.

4. Describe any Less Intrusive or Less Costly Alternative Methods of Achieving the Purpose of the Proposed Rule. The proposed repealed rule should have no measurable impact on small businesses; therefore, there is no less intrusive or less costly alternative method of achieving the purpose of the proposed rule.

Provider Impact Statement

1. Describe the Effect on the Staffing Level Requirements or Qualifications Required to Provide the Same Level of Service. The proposed repealed Rule will have no effect.

2. The Total Direct and Indirect Effect on the Cost to the Provider to Provide the Same Level of Service. The proposed repealed Rule will have no effect.

3. The Overall Effect on the Ability of the Provider to Provide the Same Level of Service. The proposed repealed Rule will have no effect.

Public Comments

Interested persons who wish to make comments may do so by writing to Jacob Carter, Staff Attorney, the Louisiana Department of Insurance, P.O. Box 94214, Baton Rouge, LA 70804-9214, or by faxing comments to (225) 342-1632, or electronically at regulations@ldi.la.gov. Comments will be accepted through the close of business, 4:30 p.m., December 10, 2024.

Timothy J. Temple
Commissioner

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES RULE TITLE: Rule 7—Legal Expense Insurers

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

The proposed rule is not anticipated to result in implementation costs or savings to the state or local governmental units. The proposed rule change repeals Rule 7 – Legal Expense Insurers, which was implemented to standardize the forms used in the billing and reimbursement of healthcare, reduce the number of forms utilized, and increase efficiency in the reimbursement of healthcare through standardization. There is insufficient legal authority at this time to support Rule 7; therefore, it is obsolete and being repealed in its entirety.

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

The proposed rule change will have no impact on revenue collections of state or local governmental units.

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

The proposed rule change will not result in any costs and/or economic benefits to directly affected persons, small businesses, or non-governmental groups.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rule will have no impact upon competition and employment in the state.

Chris Cerniauskas
Chief of Staff
2411#034

Alan M. Boxberger
Legislative Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

Louisiana Economic Development Office of the Secretary

Louisiana Economic Development Procurement Code
(LAC 34:XV.Chapters 1, 3, 5, 7, 9, and 11)

Louisiana Economic Development (LED), as authorized by and pursuant to the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., R.S. 36:104 and Act 590 of the 2024 Regular Session, hereby provide notice of their intent to promulgate rules to be used by LED in place of state procurement law in R.S.39: 1551-1755.

The proposed LED Procurement Code provides flexibility in the selection of methods to be used for the procurement of goods and services, establishes competitive thresholds, outlines exceptions to competitive selection process, sets forth dispute resolution processes, establishes standards for

integrity in procurements and provides a broad range of processes and procedures to be followed by LED and those seeking and doing business with LED.

Title 34

GOVERNMENT CONTRACTS, PROCUREMENT AND PROPERTY CONTROL

Part XV. Louisiana Economic Development

Procurement Code

Chapter 1. Purpose, Applicability and Definitions

§101. Purpose and Legislative Authority

A. Goal. It is the goal of LED to procure goods and services in a manner that is open, fair, encourages competition, and affords vendors equal opportunities to compete.

B. Purpose. The purpose of this LED Procurement Code is to establish parameters of a procurement program designed to support and facilitate the mission of LED by applying best methods and business practices to the procurement of goods and services and to structure other business arrangements by LED. This LED Procurement Code is intended to promote the development and use of procurement processes which promote the pursuit of excellence and the best interests of LED while maintaining the highest possible integrity, broad based competition, fair and equal treatment of the business community and increased economies and efficiencies for LED.

C. Communication.

1. LED intends to continue as a LaGov agency, using the state's enterprise resource planning, a fully integrated computer system that includes financials, logistics, human resources, payroll and business intelligence, feeding into the Louisiana Checkbook for transparency. Similar workflow and approval processes to other LaGov agencies will be followed, with the exception of individual transactional approvals required by the Office of State Procurement (OSP).

2. LED is to be exempt from OSP's central purchasing authority and individual transactional approval requirements.

3. LED will communicate and collaborate with the Division of Administration, the Office of Planning and Budget, the Office of Statewide Reporting and Accounting Policy, Civil Service, the Department of Revenue, the Office of the Attorney General, and any other state agencies or public entities as may be applicable.

D. Authority. This LED Procurement Code is adopted in compliance with the Administrative Procedure Act, R.S. 49:950 et. seq., including the authority for review of LED rules by the House Committee on Commerce, the Senate Committee of Commerce, Consumer Protection, and International Affairs, the House Committee on Appropriations and the Senate Committee on Finance, and pursuant to R.S. 36:104 and Act 590 of the 2024 Regular Session and subject to the approval of the Commissioner of Administration.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:104 and R.S. 39:1554.

HISTORICAL NOTE: Promulgated by Louisiana Economic Development, LR 51:

§103. Applicability

A. Applicability. This LED Procurement Code applies to the acquisition by the LED of all goods and services paid with public funds, and shall be used in place of the Louisiana Procurement Code, R.S. 39:1551-1755 and the

procurement authority of the chief information officer and Office of Technology Services provided for in R.S. 39:15.1 et. seq.

B. Revocation. If LED's authority to use this LED Procurement Code should be revoked by the Division of Administration or otherwise by operation of law, LED shall end use of these provisions in keeping with the revocation notice and shall resume procurements pursuant to applicable law.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:104 and R.S. 39:1554.

HISTORICAL NOTE: Promulgated by Louisiana Economic Development, LR 51:

§105. Definitions

Chief Procurement Officer—the secretary of LED, or their designee, will designate and may change from time to time, one LED staff person to act as LED's Chief Procurement Officer.

Commissioner—the Commissioner of Administration (COA), the head executive of the Division of Administration.

Consulting Service—work, other than professional, personal or social service, rendered by an independent contractor who possesses specialized knowledge, experience, and expertise to investigate assigned problems or projects and to provide counsel, review, design, development, analysis, or advice in formulating or implementing programs or services, including but not limited to, such areas as management, data processing, advertising and public relations.

Contract—a written agreement between parties with binding legal effect, for the procurement or disposal of goods and services for LED. Contract types may include but not be limited to: (AGY) Interagency, (CON) Consulting, (COP) Cooperative Endeavors, (MIS) Miscellaneous, (OTH) Other, (PO) Purchase Orders, (PER) Personal Services, (PRO) Professional Services and (SOC) Social Services.

Emergency Procurement—a purchase made after a written determination by the Secretary that there exists an emergency condition which creates a threat to public health, welfare, safety or public property, or conservation of public resources, and the emergency condition creates an immediate and serious need for goods or services that cannot be met through the normal procurement methods.

Goods—moveable property, including but not limited to, equipment, materials, supplies, insurance and license agreements for software, and excluding immovable property. Goods are not services.

Governmental Body—any department, office, division, commission, council, board, bureau, committee, institution, agency, government corporation, or other establishment or official of the executive branch of government, For purposes of procurement of personal, professional, consulting, and social services contracts, governmental shall not include the judicial branch of state government.

Governmental Entity—any governmental unit which is not included in the definition of "governmental body" in this Section.

LaPAC—Louisiana's internet based system for posting vendor opportunities and award information.

LED—Louisiana Economic Development, formerly known as the Department of Economic Development.

LED Procurement Code (LPC)—the rules adopted pursuant to the authority granted by Act 590 of the 2024 Regular Session, for use by LED, in lieu of state procurement statutes when LED procures goods or services or enters other contracts.

Louisiana Authorized Dealer—a company that satisfies the requirements of a resident business as defined in R.S. 39:1556 and is specifically authorized by the manufacturer to sell and/or provide service for its products,

OSP—Office of State Procurement, located within the Division of Administration.

Person—any business, individual, union, committee, club, or other organization or group of individuals.

Personal Service—work rendered by individuals which requires use of creative or artistic skills, such as but not limited to graphic artists, sculptors, musicians, photographers, and writers, or which use requires use of highly technical or individual skills or talents, such as, but not limited to, paramedics, therapists, foreign representatives, and expert witnesses for adjudications or other court proceedings. A *foreign representative* shall mean a person to represent LED in such foreign country.

Professional Service—work rendered by an independent contractor who has a professed knowledge of some department of learning or science used by its practical application to the affairs of others or in the practice of an art founded on it, which independent contractor shall include but not be limited to lawyers, doctors, dentists, veterinarians, architects, engineers, landscape architects, accountants and claims adjusters. A profession is a vocation founded upon prolonged and specialized intellectual training which enables a particular service to be rendered.

Request for Proposal (RFP)—the RFP process is a procurement method used for the procurement of supplies, services, highly technical equipment or complex services. RFP responses are evaluated based on the relative merits of each proposer compared to others. An award is to be made to the responsible proposer whose proposal is the most advantageous to LED, with consideration to other evaluation criteria as well as to cost.

Request for Qualifications (RFQ) —the RFQ process is a procurement method used for the procurement of services on a basis of competence and qualifications for a fair and reasonable price. An award is to be made at the discretion of LED to the most qualified proposer(s), whose proposal is the most advantageous to LED.

Secretary—the secretary of Louisiana Economic Development, or their designee.

Services—the furnishing of labor, time or effort by a vendor which may involve, to a lesser degree, the delivery or supply of a product, incidental to the required performance.

Small Entrepreneurship—a business currently certified as a small entrepreneurship by LED in accordance with R.S. 39:2006 (The Hudson Initiative) or a business currently certified as a small and emerging business by LED, in accordance with R.S. 51:941, et.seq. (SEBD Program).

Social Service—work rendered by a person, firm, corporation, organization, governmental body, or governmental entity in furtherance of the general welfare of the citizens of Louisiana, including but not limited to rehabilitation and health support, improvement of living conditions and health.

Sole Source Procurement—a purchase made when there is only one source for a good or service and only one vendor or supplier has the sole ability to meet the requirement of the procurement.

Veteran-Owned Small Entrepreneurship—a business currently certified as a veteran or service-connected disabled veteran owned small entrepreneurship by LED, in accordance with R.S. 39:2176 (The Veteran Initiative).

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:104 and R.S. 39:1554.

HISTORICAL NOTE: Promulgated by Louisiana Economic Development, LR 51:

Chapter 3. Contracts

§301. General provisions

A. In order to ensure LED and the state are properly protected when entering into contracts, all LED contracts shall be reviewed by legal staff, processed by a contract reviewer familiar with state guidelines, approved and executed by the secretary or their designee, as may be applicable.

B. LED staff shall attend periodic state training to ensure knowledge and competencies of any applicable regulations, policies and processes.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:104 and R.S. 39:1554.

HISTORICAL NOTE: Promulgated by Louisiana Economic Development, LR 51:

§303. Contractual provisions

A. Clauses providing for the following may be included in contracts, except upon a written determination by the Secretary or their designee that the interests of LED are best served by omitting the clause. Standard clauses may include but not be limited to:

1. beginning and ending dates;
2. description of work and goals and objectives;
3. maximum amount and schedule of payments to be made;
4. deliverables;
5. performance measures;
6. monitoring plan;
7. termination clauses, for cause and convenience;
8. remedies for default;
9. legislative auditor right to audit;
10. assignability clause;
11. travel requirements in accordance with ppm 49, if applicable;
12. multi-year fiscal funding clause, if the duration of the contract crosses a fiscal year;
13. anti-discrimination clause, if applicable;
14. an itemized budget for cost-reimbursement contracts;
15. a clause requiring that Louisiana law shall apply to all disputes, and that venue for any actions brought against LED arising out of the contract shall be only in the Nineteenth Judicial District Court in East Baton Rouge Parish;
16. responsibility for payment of taxes, when applicable;
17. advance payments on all contracts except those for professional services are allowable if limited to less than or equal to 20 percent of the contract and if necessary to provide for the lowest cost delivery of service. If federal

funds are to be advanced, federal guidelines shall prevail on the conditions and amount of the advance. Specific state statutory authority may override the 20 percent limit for certain contracts;

18. prohibition of Discriminatory Boycotts of Israel;

19. any additional clause required by an Executive Order.

B. Contracts funded fully or in part by federal funds, in addition to meeting all state requirements, shall meet all applicable federal standards and shall contain all necessary clauses required by federal statutes, rules or regulations.

C. In addition to any required contractual clauses, proof of review and approval by other agencies may be required as follows:

1. Contracts for private legal counsel to represent LED must have attorney general approval, with the concurrence of the Commissioner of Administration, in accordance with R.S. 49:258.

2. All contracts must have Civil Service approval, unless exempted.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:104 and R.S. 39:1554.

HISTORICAL NOTE: Promulgated by Louisiana Economic Development, LR 51:

§305. Non-competitive contracts

A. LED shall have express authority to enter into the following contracts:

1. contracts with values under \$75,001;

2. standardized template contracts, with minimal contractual modifications project to project, such as varying vendor names and financial award amounts. These may include but not be limited to:

a. the Louisiana Economic Development Award Program (EDAP);

b. certain Social Service and Personal Service contracts relative to the LED FastStart Program, with individual values less than \$250,001 within a 12-month period (FastStart);

c. the Economic Development Readiness Program (EDRED);

d. the Tier 1 Program with the Regional Economic Development Organizations (Tier 1);

e. the Louisiana Entertainment Development Fund Program (EDF);

f. the State Trade Expansion Program (STEP).

3. Personal and Professional Service contracts;

4. Consulting Service contracts with values under \$100,001.

B. Except that any contracts for Information technology equipment, related services and software purchasing shall be governed by the provisions of Chapter 13.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:104 and R.S. 39:1554.

HISTORICAL NOTE: Promulgated by Louisiana Economic Development, LR 51:

§307. Competitive contracts

A. Contracts exceeding the amounts provided in Section 305 shall be awarded as provided for in this Chapter.

B. Contracts for \$100,001 or more and Social Service contracts for \$250,001 or more, within a 12-month period, shall be awarded in accordance with regulations issued by LED in Chapter 5 of this *LPC*, unless it is determined, in

writing by the Secretary, that any one of the following conditions is present:

1. Sole Source Procurement. A determination by the secretary, supported by documentation, that only one source exists for the services rendered;

2. Emergency Procurement. A determination by the secretary, supported by, documentation, that an emergency exists which will not permit the delay in procurement necessitated by the RFP procedure;

3. the state legislature has made an appropriation for that particular contractor or contractors via the appropriation bill or other statutes;

4. local matching funds of greater than ten percent of the contract amount are required to be contributed by the contractor;

5. the contract is with another governmental entity or government body;

6. funds are specifically designated by the federal government for a particular private or public contractor or political subdivision.

C. Except that any contracts for information technology equipment, related services and software purchasing shall be governed by the provisions of Chapter 11.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:104 and R.S. 39:1554.

HISTORICAL NOTE: Promulgated by Louisiana Economic Development, LR 51:

Chapter 5. Competitive Solicitations

§501. General Provisions

A. The secretary shall determine the appropriate solicitation methods to be used in procuring goods and services for LED. Among those methods are:

1. request for proposals (RFP);

2. request for qualifications (RFQ).

B. Other procurement methods. Other procurement methods may be utilized where there is a written determination by the secretary that it is in the best interest of LED to do so.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:104 and R.S. 39:1554.

HISTORICAL NOTE: Promulgated by Louisiana Economic Development, LR 51:

§503. Specifications.

A. Specifications shall be developed in a manner which are most likely to result in the broadest possible competition while securing quality goods and services which meet the need and expectations of LED.

B. Specifications shall include the following:

1. specifically define the task and desired results of the project.

2. identify LED liaison personnel and resources available to the contractor.

3. specify applicable procedures concerning billing, documentation requirements, progress reports, and final results, if applicable.

4. inform the potential contractors of the criteria and the selection methodology and the weight which will be applied to each significant evaluation criteria to be used in evaluating responses.

5. require potential contractors to include a description of the firm's qualifications and resumes for each of the key personnel.

6. specify the date and time not later than which proposals must be received by LED.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:104 and R.S. 39:1554.

HISTORICAL NOTE: Promulgated by Louisiana Economic Development, LR 51:

§505. Public notification.

A. Public notification shall be made by the following methods:

1. RFQ's shall be advertised by posting on LED's website.

2. RFP's shall be advertised through a centralized electronic interactive environment administered by the Division of Administration, and in addition, shall be advertised in the official journal of the state at least once. The advertisement shall appear at least 10 calendar days before the last day that proposals will be accepted.

3. In addition, at the discretion of LED, written notice of RFP and RFQs may be provided to persons, firms or corporations who are known by LED to be in a position to furnish such services, at least 10 calendar days before the last day that proposals will be accepted.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:104 and R.S. 39:1554.

HISTORICAL NOTE: Promulgated by Louisiana Economic Development, LR 51:

§507. Right to Reject

A. LED reserves the right to reject any or all responses to a solicitation in whole or in part and to award by items, parts of items, or by any group of items specified.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:104 and R.S. 39:1554.

HISTORICAL NOTE: Promulgated by Louisiana Economic Development, LR 51:

§509. Evaluation and Award

A. Responses to solicitations shall be evaluated in keeping with the criteria, specifications, terms and conditions set forth in the solicitation.

B. The final selection of a contractor shall be made by LED in accordance with the selection criteria established in the RFP or RFQ. An award is to be made to the responsible proposer whose proposal is the most advantageous to LED.

C. Written notice of the award of a contract shall be provided to all proposers.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:104 and R.S. 39:1554.

HISTORICAL NOTE: Promulgated by Louisiana Economic Development, LR 51:

§511. Dispute Resolution

A. Right to Protest. Any person who is aggrieved in connection with the solicitation or award of a contract issued by LED shall protest to the secretary. Protests with respect to a solicitation shall be submitted in writing at least two calendar days prior to the opening of bids on all matters. Protests with respect to the award of a contract shall be submitted in writing within fourteen calendar days after contract award.

B. Authority to Resolve Protests. The secretary shall have authority, prior to the commencement of an action in court concerning the controversy, to settle and resolve a protest of an aggrieved person concerning the solicitation or award of a contract.

C. Decision. If the protest is not resolved by mutual agreement, the Secretary shall, within fourteen calendar days, issue a decision in writing. The decision shall:

1. state the reasons for the action taken.

2. inform the protestant of its right to judicial review in the Nineteenth Judicial District Court.

D. Notice of Decision. A copy of the decision under Subsection C of this Section shall be submitted or otherwise furnished to the protestant and any other party intervening.

E. Finality of Decision. A decision under Subsection C of this Section shall be final and conclusive unless one of the following applies:

1. the decision is fraudulent.

2. the person adversely affected by the decision has timely appealed to the court in accordance with R.S. 39:1691(A).

F. Stay of Procurements during Protests. In the event of a timely protest under Subsection A of this Section, LED shall not proceed further with the solicitation or with the awarding of the contract unless the secretary makes a written determination that the awarding of the contract is necessary without delay to protect the substantial interests of LED. Upon such determination by the secretary, no court shall enjoin progress under the award except after notice and hearing.

G. Award of Costs to Protestants. In addition to any other relief, when the protest is administratively or judicially sustained and the protesting bidder or proposer should have been awarded the contract but is not, the protesting bidder or proposer shall be entitled to the reasonable costs incurred in connection with the solicitation, including bid or proposal preparation costs other than attorney fees, provided that any administrative determination of such costs shall be subject to the written concurrence of the attorney general.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:104 and R.S. 39:1554.

HISTORICAL NOTE: Promulgated by Louisiana Economic Development, LR 51:

Chapter 7. Cooperative Procurement

§701. General Provisions

A. Where practical and beneficial to LED, a cooperative arrangement may be employed for the procurement of goods and/or services.

B. LED is eligible to procure any goods or services under the Louisiana State Contract. The items that are available for purchase through state contract have been subjected to a competitive process conducted by OSP. The lists saves LED time and money that would otherwise be spent on performing required competitive procedures.

C. Under certain conditions and as part of the state's cooperative procurement efforts, LED may be able to utilize the General Service Administration (GSA) schedules.

D. If LED elects to make cooperative purchases outside the state contract, documentation will be maintained in LED's procurement files.

1. Any item so purchased, with a price 20 percent or more in excess of state contract pricing, shall require justification for the proposed purchase.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:104 and R.S. 39:1554.

HISTORICAL NOTE: Promulgated by Louisiana Economic Development, LR 51:

Chapter 9. Travel, Small Purchases and La Carte

§901. Travel

A. The Office of State Travel (OST), located within the Division of Administration, is responsible for setting Louisiana's general travel regulations, known as Policy and Procedure Memorandum 49 (PPM49).

B. LED shall continue to follow PPM49 for its travel purchases.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:104 and R.S. 39:1554.

HISTORICAL NOTE: Promulgated by Louisiana Economic Development, LR 51:

§903. Small Purchases

A. Unless otherwise provided by law, "small purchases" means any procurement of supplies or operating services not exceeding \$25,000.

B. Except as otherwise provided by this Chapter, all small purchases shall be made in accordance with the following minimum procedures:

1. No competitive process is required for purchases not exceeding \$10,000 per single transaction.

2. Price quotations shall be solicited from three or more bona fide, qualified vendors for purchases exceeding \$10,000 but not exceeding \$20,000.

a. Quotations may be made by telephone, facsimile, written, or other means and shall be awarded on the basis of the lowest responsive quotation unless such quotation is impracticable or unreasonable. Whenever possible, at least one of the bona fide, qualified vendors shall be a certified small entrepreneurship or a certified veteran owned small entrepreneurship.

i. LED files shall document and list all solicited vendors and each vendor's contact person, summarize quotations received, indicate the successful vendor and state the reason why any lower quotation was rejected. LED files shall also contain written confirmation of the quotation from the successful vendor.

b. When the price is determined by the secretary to be reasonable, the requirement to solicit three quotations may be waived when purchasing from a certified small entrepreneurship or a certified veteran owned small entrepreneurship. Reasonable is a best value determination based on price, delivery, service, and/or any other related factors. This determination is to be maintained in LED's file.

c. The requirement to solicit at least one certified small entrepreneurship or certified veteran owned small entrepreneurship may be waived for procurements posted on LaPAC.

3. Price quotations shall be solicited from five or more bona fide, qualified vendors for purchases exceeding \$20,000 but not exceeding \$25,000.

a. Quotations may be made by facsimile or written means and shall be awarded on the basis of the lowest responsive price quotation received unless such quotation is impracticable or unreasonable. Whenever possible, at least two of the bona fide, qualified vendors shall be certified small entrepreneurship or certified veteran owned small entrepreneurship. LED files shall document and list all solicited vendors and each vendor's response, summarize quotations received, indicate the awarded quotation, and state LED's reason for any rejection of lower quotations.

b. When the price is determined by the secretary to be reasonable, the requirement to solicit five quotations may be waived when purchasing from a certified small entrepreneurship or certified veteran owned small entrepreneurship. Reasonable is a best value determination based on price, delivery, service, and/or any other related factors. This determination is to be maintained in the LED file.

c. The requirement to solicit at least two certified small entrepreneurship or certified veteran owned small entrepreneurship may be waived for procurements posted on LaPac.

d. A minimum of three working days shall be allowed for receipt of quotations.

e. All written or facsimile solicitations shall include the closing date, time, and all pertinent competitive specifications, including quantities, units of measure, packaging, delivery requirements, ship-to location, terms and conditions, and other information sufficient for a supplier to make an acceptable quotation. Precautionary measures shall be taken to safeguard the confidentiality of vendor responses prior to the closing time for receipt of quotations. No quotation shall be evaluated using criteria not disclosed in the solicitation.

C. The following items are considered small purchases and no competitive process is required for the following:

1. repair parts for equipment obtained from the original equipment manufacturer or an authorized dealer. A Louisiana authorized dealer shall be used if practicable. This provision does not apply to the stocking of parts.

2. Equipment repairs obtained from the original equipment manufacturer or an authorized dealer. A Louisiana authorized dealer shall be used if practicable;

3. vehicle repairs not covered by a competitive state contract or the state fleet maintenance repair contract obtained from an authorized dealer. A Louisiana authorized dealer shall be used if practicable.

4. vehicle body repairs covered by insurance recovery and in accordance with insurance requirements;

5. purchasing or selling transactions between LED and other state budget units or governmental agencies;

6. publications, including electronic publications, subscriptions, and web-based subscription services, and/or copyrighted materials purchased directly from the publisher of copyright holder;

7. publications and/or copyrighted materials purchased by libraries or text rental stores from either subscription services or wholesale dealers which distribute for publishers and/or copyright holders;

8. public utilities and services;

9. non-customized training, including educational instructor fees, and related resources (except equipment) used to enhance the performance of LED employees and good standing of LED, including memberships in and accreditations by professional societies and organizations;

10. materials, supplies, exhibitor fees, and exhibit booths for conferences, seminars, and workshops, or similar events (business, educational, promotional, cultural etc.) for participants in promotional activities which enhance economic development or further LED's mission, duties and/or functions, with the approval of the secretary, if not covered by competitive state contract;

11. wire, related equipment, time and material changes to accomplish repairs, adds, moves, and/or changes to telecommunication systems;

12. food, materials, and supplies for teaching and per course training not exceeding \$25,000, where the purchasing, preparing, and serving of food are part of the regularly prescribed course;

13. renewal of termite service contracts;

14. commercial internet service not exceeding \$1,500 per subscription per year;

15. advertising, where permitted by law and the Secretary certifies that specific media is required to reach targeted audiences;

16. publication of articles, manuscripts etc. in professional scientific, research of educational journals/media and/or the purchase of reprints;

17. royalties and license fees for use rights to intellectual property, such as but not limited to: patents, trademarks, service marks, copyrights, music, artistic works, trade secrets, industrial designs, domain names, etc.;

18. equipment moves by the original equipment manufacturer or authorized dealer to ensure equipment operation to original equipment manufacturer specifications, calibration, warrant, etc.;

19. mailing lists;

20. art exhibition rentals and/or loan agreements and associated costs of curatorial fees, transportation, and installation;

21. parcel services, including but not limited to Federal Express, United Parcel Service, Airborne Express, and Express Mail, when not covered by a competitive state contract.

D. For the following items, when the purchase is in excess of \$10,000 per single transaction, telephone, written, or facsimile price quotation shall be solicited, where feasible, from at least three bona fide, qualified vendors. Whenever possible, at least one of the bona fide, qualified vendors shall be a certified small entrepreneurship or a certified veteran owned small entrepreneurship:

1. convention and meeting facilities including security services if applicable, provided that any associated food or lodging must be in accordance with PPM 49;

2. gasoline and fuel purchases not covered by competitive state contract;

3. air and bus charters in accordance with PPM 49, including group travel that does not qualify for commercial rates available to individual travelers.

E. In the absence of a good faith business basis, no purchase or procurement shall be artificially divided within a cost center, or its equivalent, to avoid the competitive process.

F. Methods of payment for small purchases may include, but not be limited to:

1. P-Card;

2. Purchase Orders;

3. P-1 (ACH or check).

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:104 and R.S. 39:1554.

HISTORICAL NOTE: Promulgated by Louisiana Economic Development, LR 51:

§905. La Carte

A. Louisiana “La Carte” purchasing cards are credit cards issued for use by state agencies and state employees

for the purpose of making purchases on behalf of their departments. It provides an alternative method of payment.

B. Such a card may be issued to an individual LED employees and known as a P-Card, or may be issued to LED itself, and known as a CBA (Controlled Billed Account.)

C. The Office of State Travel (OST), located within the Division of Administration, is responsible for setting regulations on the overall use of the La Carte cards.

D. LED shall continue to follow OST guidelines for use of the La Carte cards, except that the single transaction limit for both CBA and P-cards shall be a maximum of five thousand dollars, or in an amount as otherwise approved in writing by the Secretary or their designee.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:104 and R.S. 39:1554.

HISTORICAL NOTE: Promulgated by Louisiana Economic Development, LR 51:

Chapter 11. Information Technology Equipment, Related Services and Software Purchasing

§1101. General Provisions

A. The purchase, lease, and rental of all information technology equipment, related services, and software by LED shall be exempt from the requirements of R.S. 39:1551-1755, R.S. 39:196-200, and the oversight and procurement authority of the Chief Information Officer and Office of Technology Services (OTS) provided for in R.S. 39:15.1 et. seq., except that LED shall be required to continue as a LaGov agency for use of the enterprise resource planning.

B. LED shall work collaboratively with OTS to establish a transition plan to be completed by June 30, 2025.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:104 and R.S. 39:1554.

HISTORICAL NOTE: Promulgated by Louisiana Economic Development, LR 51:

§1103. Competitive Thresholds

A. Single procurements of information technology equipment, software, installation, license, modifications, integration, training, hosted software, software subscriptions, support etc., collectively known as “IT”, and hardware/software maintenance estimated to cost less than \$250,001 during a twelve month period shall be made using procedures approved by the secretary.

B. Procurements of information technology equipment, software, installation, license, modifications, integration, training, hosted software, software subscriptions, support etc., collectively known as “IT”, and hardware/software maintenance estimated to cost at least \$250,001 but less than \$1 million during a twelve-month period shall be made using the competitive methods of an RFQ.

C. Procurements of information technology equipment, software, installation, license, modifications, integration, training, hosted software, software subscriptions, support etc., collectively known as “IT”, and hardware/software maintenance estimated to cost \$1 million or more during a twelve month period shall be made using the competitive methods of an RFP.

D. LED IT Procurement Support Team. A LED procurement support team may be formed for IT contracts in an amount greater than \$1 million, with the approval of the Commissioner. The LED IT procurement support team may include, but not be limited to, one representative per agency

from the following: LED; the Attorney General's Office (AG); and the Legislative Fiscal Office (LFO). At least two of the members of each procurement support team should have formal training in computer contract negotiations. The LFO and the AG shall each designate in writing to LED the names of a primary and an alternate team member. At least three members, one from each agency designated, must be present to constitute a quorum.

E. The individual agencies represented on the LED IT procurement support teams will have the following primary responsibilities:

1. Legislative Fiscal Office. The LFO shall have primary responsibility for the financial analysis of RFP's, and review of funding procedures, and certification of specific appropriation for the proposed purpose prior to the final contract award.

2. Attorney General's Office. The AG's Office shall have primary responsibility for developing the legal terms and conditions of draft contracts, evaluating the legal impact of substantive terms and conditions, reviewing to ensure compliance with statutes and regulations, and legal negotiations.

3. Louisiana Economic Development. LED shall have primary responsibility for the determination of the compliance of proposals with the functional requirements, drafting of RFP's, the evaluation of RFP's, the award of the contract and for all management decisions of the procurement process.

F. The LED IT Procurement Support Team shall operate as a super-evaluator, following an initial evaluation by LED's team, and, as a minimum, the LED IT Procurement Support Team shall review the RFP proposals, review LED evaluations of proposals, and review draft contract terms. There will be at least one group meeting to review proposals and it shall make a written group recommendation to LED.

G. LED shall review and consider any group recommendations, however, the final determination of an award shall be made by the secretary, in writing, which shall be considered the final agency determination.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:104 and R.S. 39:1554.

HISTORICAL NOTE: Promulgated by Louisiana Economic Development, LR 51:

Family Impact Statement

The proposed Rule is not anticipated to have an impact on family formation, stability, and autonomy as described in R.S. 49:972.

Poverty Statement

The proposed Rule is not anticipated to have an impact on poverty as described in R.S. 49:973.

Small Business Analysis

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

Provider Impact Statement

The proposed Rule is not anticipated to have an impact on providers of services as described in HCR 170 of the 2014 Regular Legislative Session.

Public Comments

Interested persons should submit written comments on the proposed Rules to Stephanie Le Grange through the close of business on Thursday, January 2, 2025 at the Louisiana Economic Development, 617 North 3rd Street, 11th Floor, Baton Rouge, LA 70802 or via email to Stephanie.LeGrange@la.gov.

Public Hearing

A meeting for the purpose of receiving the presentation of oral comments will be held at 10 a.m. on Friday, January 3, 2025 at the La Salle Building, 617 North Third Street, Griffon Room, Baton Rouge, LA 70802.

Anne G. Villa
Deputy Secretary

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES RULE TITLE: Louisiana Economic Development Procurement Code

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

The proposed rule change is not anticipated to result in significant costs or savings for Louisiana Economic Development (LED), but could result in a decrease in costs for services provided by Ancillary agencies. Act 590 of the 2024 Regular Session exempts LED from centralized state and IT procurement rules. The proposed changes outline the new procurement rules LED will follow, which have been reviewed and approved by the Commissioner of Administration. The proposed rule changes will allow LED to improve operational efficiency and effectiveness by reducing the inefficiency of multiple levels of bureaucratic reviews and approvals, but are not anticipated to result in any direct material effect on governmental expenditures or savings at the department. Currently LED transfers an estimated \$500,000-\$800,000 annually to the Office of Technology Services (OTS) for technology services and \$50,000 to the Office of State Procurement (OSP). LED anticipates that it will be able to procure and maintain the same services and cost efficiencies within these same funding limitations and utilizing existing personnel.

There are no anticipated costs or savings to local governmental units resulting from the proposed rule change.

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

The proposed rule change is not expected to impact revenue collections of state or local governmental entities.

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

There is no anticipated impact on businesses due to the proposed rule change and implementation of the LED Procurement Code. LED will continue to award contracts on a competitive basis and all businesses will be encouraged to continue to participate in all solicitation events.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no anticipated effect on competition and employment resulting from the proposed rule change.

Anne G. Villa
Deputy Secretary
2411#037

Patrice Thomas
Deputy Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

Department of Public Safety and Corrections Corrections Services

Emergency Plan for Sex Offenders on Probation and Parole Supervision in the Event of an Emergency/Disaster (LAC 22:I.405)

In accordance with the provisions of the Administrative Procedure Act (R.S. 49:950), the Department of Public Safety and Corrections, Corrections Services, hereby gives notice of its intent to amend the contents of §405, Emergency Plan for Sex Offenders on Probation and Parole Supervision in the Event of an Emergency/Disaster.

The Department of Public Safety and Corrections, Corrections Services, proposes to delete the provision requiring that sex offenders under supervision must carry at all times a sex offender identification card provided by the division containing the offender's name, DOC number, offense, supervision expiration date, toll-free telephone number, and department's website address. Because there is no law that currently requires sex offenders to carry a sex offender identification card, the Division of Probation and Parole requested removal of this provision. Other minor revisions were also made.

Title 22

CORRECTIONS, CRIMINAL JUSTICE AND LAW ENFORCEMENT

Part I. Corrections

Chapter 4. Division of Probation and Parole

§405. Emergency Plan for Sex Offenders on Probation and Parole Supervision in the Event of an Emergency/Disaster

A. Purpose. To establish the secretary's policy regarding the temporary and/or permanent displacement of sex offenders under the supervision of the Division of Probation and Parole in times of an emergency/disaster in accordance with applicable law.

B. Applicability: deputy secretary, assistant secretary, director of probation and parole, deputy director of probation and parole, regional directors, district administrators, and district supervisors of the Division of Probation and Parole. The Director of the Division of Probation and Parole shall ensure that appropriate unit written policy and procedures are in place to comply with the provisions of this regulation and that all appropriate staff and that all sex offenders currently under supervision are notified.

C. Policy. It is the secretary's policy to ensure public safety by establishing a uniform emergency procedure relative to the temporary and/or permanent displacement of sex offenders under the supervision of the Division of Probation and Parole.

D. Procedures

1. Requirements of the Division of Probation and Parole

a. The division shall establish a toll-free telephone number for sex offenders to call in the event of an emergency/disaster which results in their evacuation or temporary displacement.

b. In the event of an emergency/disaster resulting in the opening of shelters and/or other temporary housing in the state, the local probation and parole district office will post notices in any and all shelters within their geographical area. The notice shall include contact information for the local district office, the probation and parole toll-free telephone number and the department's website address.

c. Each district office will post notices in their office providing contact information in the event of an emergency/disaster resulting in the temporary displacement of sex offenders under supervision.

d. In the event a sex offender is evacuated/temporarily displaced from his approved in-state residence to a shelter/facility out of state, the supervising district will immediately notify all appropriate agencies through the interstate compact of the offender's location and take whatever action is appropriate in the case.

2. Requirements of the Sex Offender

a. Each sex offender under supervision will provide their probation and parole officer with at least one alternate address and telephone number in the event of an emergency/disaster that would require the offender to evacuate his approved residence. The sex offender is to evacuate to this alternate address in the event of an emergency/disaster unless he is prevented from doing so for a legitimate, bona fide reason.

b. In the event a sex offender is evacuated/temporarily displaced from his approved residence due to an emergency/disaster he is to contact either the local probation and parole district office or the headquarters office via the sex offender toll-free telephone number and advise of his new location. The sex offender is also to contact the local sheriff's office and chief of police and inform those agencies of the following: he is a sex offender; his name; date of birth; social security number; new residence location; and last address of registration prior to the emergency. These contacts are to be made as soon as possible and no later than 24 hours after arriving at the new location. This process is to be repeated every time the offender moves to a new location. This process applies to all sex offenders no matter where they are displaced to, both within the state and out of state.

c. In the event a sex offender is evacuated/temporarily displaced due to an emergency/disaster to an emergency shelter, temporary housing, private residence or hotel the sex offender shall immediately notify the management of the facility or home owner of their sex offender status. The sex offender will adhere to all registration and notification requirements when appropriate.

d. A sex offender shall not be housed in shelters, hotels, Federal Emergency Management Agency (FEMA) trailer parks or any other housing funded by FEMA where the general population of evacuees is staying. The sex offender shall be provided shelter or housing in an alternative location separate and apart from where the general population of evacuees is staying.

e. These requirements shall be included in the sex offender contract signed by the sex offender. Failure of the sex offender to comply with the provisions of this regulation shall be considered a violation of supervision and subject the offender to revocation proceedings.

AUTHORITY NOTE: Promulgated in accordance with R.S. 15:543.1.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Corrections Services, LR 34:1423 (July 2008), amended LR 51:

Family Impact Statement

Amendment to the current Rule should not have any known or foreseeable impact on family formation, stability or autonomy, as described in R.S. 49:972

Poverty Impact Statement

The proposed Rule should not have any known or foreseeable impact on poverty as described in R.S. 49:973.

Small Business Analysis

The proposed Rule should not have any known or foreseeable costs and/or benefits to directly affected persons, small business, or non-governmental groups.

Provider Impact Statement

The proposed Rule should not have any known or foreseeable impact on providers as defined by HCR 170 of the 2014 Regular Legislative Session.

Public Comments

Written comments may be addressed to Jonathan Vining, Executive Counsel, Department of Public Safety and Corrections, P.O. Box 94304, Baton Rouge, LA 70804 until 4:30 p.m. on December 10, 2024.

Gary E. Westcott
Secretary

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Emergency Plan for Sex Offenders on Probation and Parole Supervision in the Event of an Emergency/Disaster

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

The proposed rule change will not impact costs or savings to state or local governmental units.

In accordance with the provisions of the Administrative Procedure Act (R.S. 49:950), the Department of Public Safety and Corrections, Corrections Services, hereby gives notice of its intent to amend LAC Title 22: Corrections, Criminal Justice and Law Enforcement, Part I. Corrections, Chapter 4. Division of Probation and Parole, Section 405 - Emergency Plan for Sex Offenders on Probation and Parole Supervision in the Event of an Emergency/Disaster. The rule, as amended, deletes the provision requiring sex offenders under supervision to carry at all times a sex offender identification card provided by the division containing the offender's name, DOC number, offense, supervision expiration date, toll-free telephone number, and department's website address. The proposed rule makes other minor revisions, including:

- adding new language requiring the policy to be in accordance with applicable law;
- adding the Deputy Secretary, Director of Probation and Parole, and Deputy Director of Probation and Parole as persons to whom the rule applies;
- adding the requirement that each district office post notices in their office providing contact information in the event of an emergency disaster resulting in temporary displacement of sex offenders.

Because there is no law that currently requires sex offenders to carry a sex offender identification card, the Division of Probation and Parole requested removal of this provision.

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 as a result of the proposed rule change.

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

There is no estimated cost and/or economic benefit to directly affected persons, small businesses, or non-governmental groups.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no estimated effect on competition and employment as a result of the proposed rule change.

Thomas C. Bickham
Undersecretary
2411#039

Patrice Thomas
Deputy Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

Department of Public Safety and Corrections Gaming Control Board

Weapons in the Designated Gaming Area
(LAC 42:III.2905)

The Department of Public Safety and Corrections, Louisiana Gaming Control Board, in accordance with R.S. 27:15, R.S. 27:24, and the provisions of the Administrative Procedures Act, R.S. 49:950 et seq., hereby gives notice that it intends to amend LAC 42:III.2905. The Rule change allows for LAC 42:III.2905 to comply with newly enacted SB233, Act No. 38, and to allow for qualified law enforcement officers and qualified retired law enforcement officers to bring a firearm in the designated gaming area of a casino.

Title 42

LOUISIANA GAMING

Part III. Gaming Control Board

Chapter 29. Operating Standards

§2905. Weapons in the Designated Gaming Area

A. No weapons are permitted in the designated gaming area other than those in the possession of any of the following individuals:

1. qualified law enforcement officers as defined in R.S. 40:1379.1.3, who provide valid identification proving their status;
2. qualified retired law enforcement officers as defined by R.S. 40:1379.1.4, who provide valid identification proving their status; or
3. on-duty gaming security personnel who are licensed by the Louisiana State Board of Private Security Examiners.

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 38:1657 (July 2012), amended LR 51:

Family Impact Statement

Pursuant to the provisions of R.S. 49:972, the Gaming Control Board, through its chairman, has considered the potential family impact of the proposed Rule.

The proposed Rule has no known impact on the following:

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

Poverty Impact Statement

Pursuant to the provisions of R.S. 49:973, the Gaming Control Board, through its chairman, has considered the potential poverty impact of the proposed Rule.

The proposed Rule has no known impact on impact on the following:

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

Small Business Analysis

Pursuant to the provisions of R.S. 49:974.2-974.8, the Regulatory Flexibility Act, the Louisiana Gaming Control Board, through its chairman, has concluded that the proposed Rule is not anticipated to have an adverse impact on small business; therefore, a Small Business Impact Statement has not been prepared.

Provider Impact Statement

Pursuant to the provisions of HCR170 of 2014, the Gaming Control Board, through its chairman, has considered the potential provider impact of the proposed Rule.

The proposed Rule has no known impact on impact on the following:

1. The effect on the staffing level requirements or qualifications required to provide the same level of service.
2. The total direct and indirect effect on the costs to the provider to provide the same level of service.
3. The overall effect on the ability of the provider to provide the same level of service.

Public Comments

Interested persons may submit written comments to Cathryn E. Gits, Assistant Attorney General, Louisiana Department of Justice, Gaming Division, 1885 North Third Street, Fifth Floor, Baton Rouge, LA 70802. All comments must be submitted no later than the end of business day, central time zone, of December 10, 2024.

Christopher B. Hebert
Chairman

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES
RULE TITLE: Weapons in the Designated
Gaming Area**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)
The proposed rule is not anticipated to result in any costs or savings for the Louisiana Gaming Control Board.

In compliance with Act 38 and 59 of the 2024 RS, the Gaming Control Board proposes to amend Section 2905 of Part III, Chapter 29 (Weapons in the Designated Gaming Area), Title 42 (Louisiana Gaming) of the Louisiana Administrative Code. Specifically, the proposed rule broadens who is permitted to possess a weapon in designated gaming areas by:

- Requiring law enforcement officials to provide valid identification proving their status.
- Removing the requirement of being a full-time commissioned law enforcement officer.
- Removing the requirement of being an on-duty law enforcement officer.
- Removing the requirement of being within the officer’s respective jurisdiction.
- Establishing the qualifications for both active and retired law enforcement officers as defined in Title 40 of Revised Statutes.

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

There is no anticipated effect on revenue collections of state or local governmental units.

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

There are no anticipated costs or economic benefits to directly affected persons, small business, or non-governmental groups.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

Implementation of this proposed rule is not anticipated to have an effect on competition and employment.

Christopher B. Hebert
Chairman
2411#023

Patrice Thomas
Deputy Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

**Department of Public Safety and Corrections
Office of Motor Vehicles**

Ignition Interlock Devices
(LAC 55:III.Chapter 4)

In compliance with Act 462 of the 2023 legislative session, the Office of Motor Vehicles proposed to amend sections 403, 411, and 451 of Part III, Chapter 4 (Ignition Interlock Devices), and to adopt a new section, §419, Title 55 (Public Safety) of the *Louisiana Administrative Code*. Specifically, this Rule will amend the requirements for ignition interlock providers to report records regarding the installation and removal of ignition interlock devices as well as reporting violations of ignition interlock requirements. The Office of Motor Vehicles intends for this Rule to be effective February 20, 2025.

Title 55

PUBLIC SAFETY

Part III. Motor Vehicles

Chapter 4. Ignition Interlock Devices

Subchapter A. Specifications for Electronic Reporting Of Ignition Interlock Device Installation/Removal

§403. Definitions

Authorized Manufacturer—name of manufacturers approved by State Police Applied Technology.

Authorized Removal—a removal at the end of the lease term for the ignition interlock device, or in cases in which

the motor vehicle in which the device is installed is sold or otherwise transferred to a licensed new or used motor vehicle dealer. An authorized removal also includes private sales except in cases where the motor vehicle is sold or otherwise transferred to person who resides in the same household as the person who is required to have an ignition interlock device, or is sold or otherwise transferred to a person who is related to the person who is required to have an ignition interlock device. An authorized removal includes the removal of the ignition interlock devices from a vehicle which has been declared a total loss as defined in the state's title law.

Business Days—business days are Monday through Friday, between 8 a.m. and 4:30 p.m. central time. *Business days* do not include Saturday, Sunday or state holidays, any other holiday declared by the governor, or days when state offices in East Baton Rouge Parish are declared closed by the Commissioner of Administration.

Department—Department of Public Safety and Corrections, Office of Motor Vehicles.

Edit Error—a record submitted by an authorized manufacturer unacceptable for filing purposes due to the absence of information in a required field or the presence of invalid information in the key data fields is an *edit error*. Key data fields are identified and detailed in §405. A record which is returned to an authorized manufacturer as an *edit error* is not a filing. The record shall be corrected and re-reported within 15 business days of the return-date.

Return Filing Report—a report prepared by the department for an authorized manufacturer following completion of processing and editing of data. The report will contain any error records or, if no errors are found, a message stating “No Errors in File”. It is the responsibility of the authorized manufacturer to review and take the necessary corrective action as required by these rules and regulations. If the file cannot be processed, no return report will be sent. The file must be corrected and all of the filing records must be resubmitted. None of the filing records submitted with an incomplete or incorrect header record will be accepted.

Test File Indicator—if the submitted file is a test file, the test file indicator must be set in the header record to insure that the test records are not uploaded to the database. The IT staff must be contacted to schedule a test prior to the test file being uploaded to the server.

Unauthorized Removal—the ignition interlock device is removed prior to the expiration of the lease or the time period for which the person is required to have an ignition interlock device, whichever is later. An unauthorized removal does not include instances where the ownership of the vehicle is transferred as provided in “Authorized Removal.”

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:378.2(H).

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of Motor Vehicles, LR 40:2604 (December 2014), amended LR 51:

§411. Interlock Filing Record

A. - A.13. ...

14. reporting type—reporting types are “1” = Authorized Removed, “2” = Tampered, “3” = Failed to start test, “4” = Rolling retest failed, “5” = Install (required), 6 =

failure to have interlock serviced two or more times, 7 = Unauthorized Removal, 8 = circumventing the device;

15. record type—record type is “1” (required).

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:378.2(H).

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of Motor Vehicles, LR 40:2605 (December 2014), amended LR 51:

§419. Authorized Removal

A. An authorized removal as defined in this Chapter, other than an authorized removal at the end of the lease term, is not an authorization to operate a motor vehicle without an ignition interlock device. The operation of a motor vehicle without an ignition interlock install during the period of a restricted license is a violation and will be sanctioned as directed in the relevant statute.

B. An authorized removal as defined in this Chapter, other than an authorized removal at the end of the lease term, during any period of ignition interlock required as a condition of reinstatement as provided in R.S. 32:667(I) is not an authorization to operate a motor vehicle without an ignition interlock device during the time period specified in R.S. 32:667(I). If the removal of the ignition interlock devices was authorized in this subchapter, the individual shall promptly have an approved ignition interlock device installed in a substitute vehicle no later than five business days after the authorized removal. If the individual is unable to provide proof of installation of an approved ignition interlock device by the close of business on the fifth day after the authorized removal, the individual shall surrender his driver's license to the department until such time as the individual can provide proof of installation of an approved ignition interlock device.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:378.2(H).

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of Motor Vehicles, LR 51:

Subchapter B. Credit for Suspension Time or Condition of Reinstatement Time for Installation of an Ignition Interlock Device

§451. Requirements to Receive Credit toward Suspension Time or Condition of Reinstatement Time

A. - B.3. ...

4. Submit the completed form from the ignition interlock manufacturer verifying two or more of the following violations have not occurred within a 30-day period:

- a. tampering with the ignition interlock device;
- b. circumventing the ignition interlock device;
- c. failure to bring the ignition interlock device in for required service more than two times during the period of installation;
- d. failure to take or pass a re-test;
- e. failure to pass a breath test;
- f. use of the emergency override feature without justification;
- g. unauthorized removal of the device.

C. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:378.2(M)

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of Motor Vehicles, LR 46:187 (February 2020); amended LR 51:

Family Impact Statement

The proposed Rule is not anticipated to have an impact on family formation, stability, and autonomy as described in R.S. 49:972.

Poverty Impact Statement

The proposed Rule is not anticipated to have an impact on poverty as defined by R.S. 49:973.

Small Business Analysis

Pursuant to R.S. 49:965.6, methods for reduction of the impact on small business, as defined in the Regulatory Flexibility Act, have been considered when creating this proposed Rule.

This proposed Rule is not anticipated to have an adverse impact on small businesses; therefore, a Small Business Economic Impact Statement has not been prepared.

Provider Impact Statement

The proposed Rule is not anticipated to have an impact on providers of services funded by the state as described in HCR 170 of the 2014 Regular Legislative Session.

Public Comments

All interested persons may submit written comments through December 16, 2024, to Stephen A. Quidd, Executive Management Officer, Office of Motor Vehicles, Louisiana Department of Public Safety and Corrections, at Mailing Address: P. O. Box 64886, Baton Rouge, LA 70896, Physical Address: 7979 Independence Blvd., Ste. 301 Baton Rouge, LA 70806, or faxed to (225)925-6303.

Public Hearing

A public hearing on the proposed Rule will be held on December 27, 2024, at the Louisiana Department of Public Safety and Corrections, Office of Motor Vehicles Headquarters, 7979 Independence Blvd., Suite 301, Baton Rouge, La. 70806, (225) 925-6281, beginning 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 above number at least seven working days in advance of the hearing. For assistance, call (225) 925-6281 (voice and TDD). Any interested person should call before coming to the public hearing as the hearing will be cancelled if the requisite number of comments, as provided in R.S.49:961(B), are not received.

Daniel Casey
Commissioner

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Ignition Interlock Devices

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

The proposed rule is not anticipated to result in any costs or savings for the Office of Motor Vehicles (OMV).

In compliance with Act 462 of the 2023 RS, OMV proposed to amend Title 55 (Public Safety), Part III, Chapter 4 (Specifications for Electronic Reporting of Interlock Device Installation/Removal), Section 403, 411, 419, and 451 of the Louisiana Administrative Code. Specifically, this proposed rule:

- Provides for the definition of “Authorized Removal” and “Unauthorized Removal.”

- Updates and adds options to be selected under the ‘reporting type’ field required on interlock filing records.

- Establishes that individuals shall promptly have an approved ignition interlock device installed in a substitute vehicle no later than five business days after the authorized removal.

- Provides that restricted drivers receive no credit towards suspension time or any reinstatement requirements if the restricted operator fails more than two times during the period of installment to have the ignition interlock device serviced every thirty days.

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

There is no anticipated effect on revenue collections of state or local governmental units.

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

There are no anticipated costs or economic benefits to directly affected person, small businesses, or non-governmental groups.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

Implementation of this proposed rule is not anticipated to have an effect on competition and employment.

Daniel Casey
Commissioner
2411#036

Patrice Thomas
Deputy Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

Department of State Elections Division

Procurement and Certification of Voting Equipment (LAC 31.III.Chapter 3)

Under the authority of R.S. 18:1353, 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 Department of State regulations, LAC 31.III.Chapter 3.

The revisions are necessary to comply with Act 480 of the Regular Session of the 2021 Louisiana Legislature. The proposed amendments update rules that are outdated or have been superseded by statute and remove provisions that simply restate statutes. They also add rules regarding standards and procedures for usability, accessibility, durability, accuracy, efficiency, and capacity of voting systems to be procured and used in Louisiana, as well as for the control and auditability of voter-verified paper records.

Title 31

ELECTIONS

Part III. Procurement

Chapter 3. Certification and Procurement of Voting Systems

Subchapter A. Competitive Sealed Bidding

§301. Procurement and Use of Voting Systems in Louisiana

A. All voting systems or system components for use in connection with voting or elections in Louisiana must be procured by the Secretary of State in accordance with R.S. 18:1362(A).

B. Voting systems or system components offered for bid in Louisiana must be certified in accordance with the provisions of R.S. 18:1361(A) and Section 303 of this Chapter. Such certification must be completed prior to any award pursuant to any procurement for voting systems or system components for use in connection with voting or elections in Louisiana.

C. All versions of voting systems and system components certified under previous rules and statutes and currently in use in Louisiana prior to the adoption of these rules shall be considered certified.

D. Election supporting technologies, including voter registration portals and databases, election night reporting systems, electronic poll books, and ballot delivery systems, may be used in the state at the discretion of the secretary of state.

AUTHORITY NOTE: Promulgated in accordance 18:1353, R.S. 18:1361, and R.S. 36:742.

HISTORICAL NOTE: Promulgated by the Department of Elections and Registration, Commissioner of Elections, LR 19:176 (February 1993), amended by the Department of State, Elections Division, LR 51:

§303. Voting System Certification Standards and Procedures

A. In accordance with R.S. 18:1361(A) of the Louisiana Election Code, the secretary of state will examine voting systems or system components for certification and use in the state as to usability, accessibility, durability, accuracy, efficiency, and capacity, and for the control and auditability of voter-verified paper records.

1. If the voting system or system component complies with the certification standards herein, that voting system or system component will be approved for use in this state and the secretary of state will issue a certificate of approval thereof.

2. Upon request of the maker or supplier, or at the direction of the secretary of state, the Department of State will set a date and time for the examination, which will include a system demonstration, review of documentation, and functionality testing.

3. Technical advisors and qualified independent experts selected by the Secretary of State pursuant to R.S. 18:1361(C) will assist in making the examination and will provide the Secretary of State with a report and recommendation for or against certification.

4. Each maker or supplier shall pay a one-time uniform fee for each application for certification. This fee will include all fees and expenses of independent experts and shall be paid prior to the examination by the person applying for certification.

5. Each maker or supplier shall provide documentation and demonstrations sufficient to show that the voting system or system component meets or exceeds the standards in Subsection B of this Section for certification and use in this state.

6. Upon written request of the maker or supplier, or at the direction of the secretary of state, the Department of State may examine for administrative certification any minor modification to a previously certified voting system that is in use in the State. The request shall contain sufficient information to identify the modifications to the previously

certified voting system. The secretary of state retains sole discretion in determining whether the proposed minor modification may be examined by the Department of State for administrative certification without payment of a certification fee.

B. The Secretary of State sets the following standards for any new voting system to be tested and certified for use in Louisiana.

1. The voting system shall:

a. comply with all applicable federal and state laws and administrative rules, including but not limited to R.S. 18:1366;

b. be capable of producing a manually auditable voter verified paper record. For purposes of this Section, "manually auditable" means capable of being audited by humans by hand, without use of electronic devices;

c. provide a combined report of early voting results and absentee results, with the capability to report results by voting method and by precinct;

d. provide a combined report of all election day precinct results as one total;

e. provide for customization of unofficial and official reports, including absentee voting, early voting, election day voting, and total vote counts;

f. provide the ability to produce custom designed reports or tests as required by the Secretary of State. Provide that each portion of data is imported and assigned to the corresponding data field on the applicable components of the voting system, then propagated to the removable memory devices used at a voting location;

g. create redundant backups of election definitions, ballot images, cast vote record, and necessary logs to eliminate loss of data due to the failure of a data storage device. These redundant backups must be recorded to more than one persistent storage system;

h. prevent and detect tampering of hardware, software, election configuration, and election results during any period of the election cycle. It must also supply evidence of attempted and actual unauthorized access;

i. provide for the customizable import from the statewide voter registration system into the Election Management System (EMS) before programming begins as required by the Secretary of State; and

j. provide password protection and multi-factor user authentication on every device used for tabulation.

2. The Election Management System (EMS) shall:

a. provide that the import process can be done during election programming and does not require repetitive manual entry;

b. be able to export a results file compatible with the statewide voter registration system. This results file shall have the ability to be encrypted and sent electronically by each parish to the statewide voter registration system through an existing private network;

c. run on an operating system that falls under mainstream support and allow for critical security patches at request of the Secretary of State; and

d. be capable of uploading bulk audio files.

3. Any ballot marking device or voter-facing vote capture device shall:

- a. secure secrecy of the ballot throughout the in-person voting process;
 - b. be capable of printing multiple zero reports at the opening of polls and multiple results reports after polls are closed;
 - c. provide functionality for voting for or against a question or proposition included on a ballot;
 - d. provide functionality to allow a voter to vote for as many persons for an office as he is lawfully entitled to vote for, but no more. However, when a voter is allowed to cast a vote for multiple candidates in one race, the system must also count each vote cast for an individual candidate in the event the voter chooses to vote for fewer candidates than permitted by law;
 - e. provide each voter an opportunity to modify their selections before the voter's ballot is cast only by first de-selecting the incorrect vote and then making the corrected selection;
 - f. notify the voter of undervotes before his ballot is cast;
 - g. prevent the voter from overvoting or casting a blank ballot;
 - h. have the ability to exclude any contest from a given ballot style in which the voter is prohibited from voting because of residence address or political party registration;
 - i. accurately register, record, and count all votes cast for each candidate and for or against each question;
 - j. be capable of complying with La. R.S. 18:1259 for presidential general elections;
 - k. contain a sound creating device which will audibly indicate that a voter has cast their ballot or a clear visual cue that the ballot has been cast;
 - l. must prevent unauthorized applications from being installed and executed;
 - m. be capable of printing for each voter the voter's selections to a voter verified paper record for the voter to view the printed selections before casting a ballot;
 - n. be capable of physically securing, retaining, and preserving the voter-verified paper record;
 - o. be configurable such that write-in voting is disabled and not visible to voters;
 - p. be accessible for individuals with disabilities, including nonvisual accessibility for voters who are blind or visually impaired in a manner that provides the same opportunity for access and participation (including privacy and independence) as for other voters;
 - q. provide alternative language accessibility, if required at a future date;
 - r. prevent printing of election results prior to the closing of polls; and
 - s. include securely closed cases for transportation, storage, and prevention of damage and tampering.
4. The tabulation software must:
- a. be capable of processing at least 200 contests, at least 250 candidates per contest, 1000 different ballot types, and 1000 precincts in each parish;
 - b. support manual data entry of the election definition to define the ballot tabulation criteria for a specific election;
 - c. be capable of producing pre-marked or hand-marked logic and accuracy test ballots and be able to

complete a logic and accuracy test to ensure full system accuracy;

- d. be capable of manual entry of results;
 - e. remove, during the early voting tally process, challenged or voided ballots cast on early voting machines as required by law and in a way that protects the secrecy of that ballot;
 - f. be capable of scanning each ballot, creating a signed digital image file containing an image of both sides of the ballot, and a record indicating how the ballot was read by the software;
 - g. be capable of producing the following on one report: summary totals for printing, accumulation of blank and over-votes for each contest (which must be available for optional printing on reports), and the percentage of votes cast for each selection in a contest;
 - h. be capable of producing a full ballot processing audit trail, indicating for each precinct processed, the total number of each type of ballot and other relevant statistics;
 - i. be capable of operating multiple tabulating devices without experiencing system degradation; and
 - j. be capable of re-scanning ballots and separately storing the ballot images for auditing, recounts, or other necessary election integrity measures.
5. An absentee ballot tabulation system shall utilize a document scanner and software capable of:
- a. scanning all ballots;
 - b. reading marks on the ballot made with a pencil or with a blue or black ink pen;
 - c. scanning both sides of the ballot in a single pass through the scanner;
 - d. automatically feeding ballots through the scanner from an input tray that holds at least 100 ballot pages;
 - e. reading at least 60 ballot pages per minute;
 - f. automatically detecting the feeding of two or more ballot pages simultaneously;
 - g. recognizing, flagging, and segregating for adjudication of blank ballots, ballots containing ambiguous marks by the voter, and ballots containing overvotes. The state must be able to dictate and adjust parameters for ambiguous marks; and
 - h. being easily transported and stored.

AUTHORITY NOTE: Promulgated in accordance with R.S. 18:1353, R.S. 18:1361, R.S. 18:1366, and R.S. 36:742.

HISTORICAL NOTE: Promulgated by the Department of Elections and Registration, Commissioner of Elections, LR 19:176 (February 1993), amended by the Department of State, Elections Division, LR 51:

Family Impact Statement

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

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

Poverty Impact Statement

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

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

Small Business Analysis

The proposed Rule should have no adverse impact on small businesses as defined in the Regulatory Flexibility Act.

Provider Impact Statement

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

1. the effect on the staffing level requirements or qualifications required to provide the same level of service;
2. the total direct and indirect effect on the cost to the providers to provide the same level of service; or
3. the overall effect on the ability of the provider to provide the same level of service.

Public Comments

Interested persons may submit written comments, data, opinions and arguments regarding the proposed Rule via U.S. Mail, hand-delivery, or email. Written submissions must be directed to Tray Wood, General Counsel, legal@sos.la.gov, Department of State, P.O. Box 94125, Baton Rouge, Louisiana 70804-9125 and must be received no later than 4:30 p.m. on January 3, 2025. All written comments must be signed and dated.

Public Hearing

A hearing on the proposed Rule will be held on January 3, 2025 at 10 a.m. at the Division of Administrative Law, located at 1020 Florida Street, Baton Rouge, Louisiana 70802. Interested persons are invited to attend and present data, views, comments, or arguments, orally or in writing.

Nancy Landry
Secretary of State

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES RULE TITLE: Procurement and Certification of Voting Equipment

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

The proposed rule change may intermittently increase the workload of Department of State Elections Division staff and other election officials involved in voting system certification

examinations, which may result in state or local governmental unit liability for payment of overtime or accrual of compensatory leave. These potential costs will be offset, however, by the fees paid by the voting system makers or suppliers requesting certification.

Pursuant to Act 480 for the 2021 RS, the proposed rule removes outdated language and updates the process for the certification and procurement of voting systems. The proposed rule change provides for the following:

- Removes and/or updates references to revised statute.
- Updates the procedures for the procurement of voting systems and system components.
- Provides that the use of election support technologies is at the discretion of the Secretary of State.
- Updates voting system certification standards and procedures.
- Requires the Secretary of State to examine voting systems or system components for certification and use in the state for usability, accessibility, durability, accuracy, efficiency, and capacity, and for the control and auditability of voter-verified paper records.
- Allows for makers or suppliers to request an examination of the systems, which will require a one-time fee from the maker or supplier to cover the expenses of independent experts.
- Codifies various requirements for new voting systems.

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

The proposed rule change may result in an increase in fee collections by the Secretary of State to offset the costs of voting system examination. The fee amounts are indeterminable at this time, but will be uniform once expert contracts are finalized. The fees are intended to cover the necessary expenses to retain independent experts to assist in the voting system certification, as authorized by R.S. 18:1362. Such fees depend on several factors that can only be evaluated at the time requests for examination are received. Such factors include but are not limited to type of equipment to be tested, testing duration, preparation of reports and recommendations, and travel and lodging expenses.

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

Voting system makers or suppliers applying for certification will be charged a certification fee. Although the certification fees are indeterminable at this time, they are intended to cover the necessary expenses to retain independent experts to assist in the voting system certification. Such fees depend on several factors that can only be evaluated at the time requests for certification are received, including but not limited to the type of equipment to be tested, testing duration, preparation of reports and recommendations, and travel and lodging expenses.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rule change is not anticipated to have any impacts on competition and employment.

Shanda R. Jones
Undersecretary
2411#035

Patrice Thomas
Deputy Fiscal Officer
Legislative Fiscal Office

Potpourri

POTPOURRI

Department of Energy and 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
Culoco, Inc.	Vinton	L	Gulf Fee	001	50157
Culoco, Inc.	Vinton	L	F H Gray A	005	52180
Culoco, Inc.	Vinton	L	F H Gray	009	55431
Culoco, Inc.	Vinton	L	F H Gray	018	140539
Culoco, Inc.	Vinton	L	F G Bowers Est Et Al	001	191026
Culoco, Inc.	Vinton	L	F G Bowers Est Et Al	002	191342
Culoco, Inc.	Vinton	L	F H Gray Swd	001	201531
Culoco, Inc.	Vinton	L	F H Gray	007	201532
Culoco, Inc.	Vinton	L	F H Gray	011	201780
Culoco, Inc.	Vinton	L	F H Gray	012	201781
Culoco, Inc.	Vinton	L	F H Gray	006	202591
Culoco, Inc.	Vinton	L	F H Gray	002	203158
Culoco, Inc.	Vinton	L	F H Gray A	003	203218
Culoco, Inc.	Vinton	L	F H Gray	010	203463
Culoco, Inc.	Vinton	L	F H Gray A	002	203672
Culoco, Inc.	Vinton	L	F H Gray	016	206177
Culoco, Inc.	Vinton	L	F H Gray A	008	206178
Culoco, Inc.	Vinton	L	F H Gray A	009	206179
Culoco, Inc.	Vinton	L	F H Gray	017	206626
D.C. Carnes	Caddo Pine Island	S	Crystal Oil & Ref Co	014	38566
D90 Energy, Llc	Lake Arthur	L	BOL P Ra SUA; N T Lanthier Et Al	001	230024

Operator	Field	District	Well Name	Well Number	Serial Number
D90 Energy, Llc	Lake Arthur	L	BOL P Ra SUA;; Nt Lanthier Et Al	002	230578
D90 Energy, Llc	Lake Arthur	L	Lanthier Er Al SWD	001	973614
D-Ram Conctruction Co. Inc.	Standard	M	McCants A	001	178913
Exodus Energy, Inc.	Fields	L	Fields SWD	001	970753 (30) - tanks
L&L Oil Co.	Jennings	L	Sweeney - Fremeaux	001	123757
Lanoco, Inc.	Barataria	L	8050 RA SUA; Fleming Plant	039	167006 (30) - flowlines
Lanoco, Inc.	Barataria	L	7600 RA SUC; Fleming Plant	C-7	25891 - casing stub
Little River Lodge Llc	Nebo-Hemphill	M	WX A RD SUT; Hailey	003	233839
Little River Lodge Llc	Nebo-Hemphill	M	Dayton-Hailey	001	240715
Little River Lodge Llc	Nebo-Hemphill	M	Dayton-Hailey	002	241753
Little River Lodge Llc	Nebo-Hemphill	M	Dayton-Hailey	004	241767
Little River Lodge Llc	Nebo-Hemphill	M	S L Dayton SWD	001	973479
R. D. Briscoe, Inc.	Grand Cane	S	Burch	001	233402
Richland Exploration Company	Big Creek	M	Spruell	001	183498
Tana Exploration Company Llc	Timbalier Bay Onshore	L	SL 1772	141	236289 (30) - flowlines
Tana Exploration Company Llc	Timbalier Bay Onshore	L	SL 21585	001	241580 (30) - platform

Operator	Field	District	Well Name	Well Number	Serial Number
The Gehrig Company Of Arkansas	Caddo Pine Island	S	Ark Fuel Oil Co	D-4	36561 - casing stub
The Gehrig Company Of Arkansas	Caddo Pine Island	S	Ark Fuel Oil Co	B-3	36804 - casing stub
The Gehrig Company Of Arkansas	Caddo Pine Island	S	Ark Fuel Oil Co	D-10	37247 - casing stub
United Carbon Company	Wildcat-No La Monroe Dist	M	C Puckett	003	13288 - casing stub
W. O. Weaver	Wildcat-No La Shreveport Dist	S	Swanner	001	97297 - casing stub
Ziegin Et Al	Wildcat-No La Shreveport Dist	S	HH Huckaby	002	4387 - casing stub

Benjamin C. Bienvenu
Commissioner

2411#018

POTPOURRI

**Department of Environmental Quality
Office of the Secretary
Legal Affairs Division**

Final Updates to the Water Quality Management Plan
Volume 3: Permitting Guidance Document for
Implementing Louisiana Surface Water Quality Standards

Under the authority of the Environmental Quality Act, R.S. 30:2071 et seq., the secretary gives notice that revisions to Volume 3 of the Louisiana Water Quality Management Plan (WQMP) have been finalized. (2411Pot1)

Volume 3 is a component of the WQMP, as required by Sections 208 and 303(3) of the federal Clean Water Act, and establishes procedures to effectively incorporate water quality standards into wastewater discharge permits. Volume 3 of the WQMP provides a consistent approach to the application of narrative and numerical water quality standards, derivation of water quality based effluent limitations, and implementation of Total Maximum Daily Loads (TMDLs).

In accordance with LDEQ’s Continuing Process Plan (CPP) and 40 CFR 130.5, draft revisions to the WQMP,

Volume 3 were public noticed in the *Louisiana Register* through Potpourri Notice 2405Pot1 on May 20, 2024. Public comments, requesting minor revisions to Appendix H, were received from EPA Region 6. The requested revisions were incorporated into the final version of Volume 3. This notice serves as notification of the final revisions to the WQMP, Volume 3, Version 10.

You may access the final revisions to Volume 3 by entering Document ID number 14439300 into the search engine in LDEQ’s Electronic Document Management System (EDMS): <https://edms.deq.louisiana.gov/edmsv2/advanced-search>.

Aurelia S. Giacometto
Secretary

2411#015

POTPOURRI

Department of Justice

Occupational Licensing Review Program
Accepting Participants for FY 2024-2025
Period of January 1, 2024- June 30, 2026

The Department of Justice is currently accepting occupational licensing boards into the Department of Justice Occupational Licensing Review Program (OLRP) established by R.S. 49:260. This program provides for active state supervision and was established to ensure that participating boards and board members will avoid liability under federal antitrust laws. Participants for the January 1, 2025—June 30, 2026 period will be accepted into the program through December 31, 2024. For information about participating in the program, contact Jessica Weimer, Section Chief, OLRP- Public Protection Division, Louisiana Department of Justice at olrp@ag.louisiana.gov.

Jessica Weimer
OLRP - Section Chief
Public Protection Division
Louisiana Department of Justice

2411#012

POTPOURRI

**Workforce Commission
Office of Workers' Compensation Administration**

Notice of the Maximum Weekly Benefit Amount for
Unemployment Insurance

The Workforce Commission is required, under R.S. 23:1474(G)(3)(b), to annually publish the formula for computation of benefits. The following table shall be applied by the administrator subsequent to his determination of comparative balance, and applied trust fund balance range:

Procedure	Applied Trust Fund Balance Range	Maximum Dollar Amount of "wages" under R.S. 23:1474	Formula for Computation of Benefits	Maximum Weekly Benefit Amount
1	Less than seven hundred fifty million dollars	Eight thousand five hundred dollars	Apply R.S. 23:1592 without seven percent discount under R.S. 23:1592(C) to formula for computation of benefits	Two hundred forty-nine dollars
2	Equal to or greater than seven hundred fifty million dollars but less than one billion one hundred fifty million dollars	Seven thousand seven hundred dollars	Apply R.S. 23:1592 without seven percent discount under R.S. 23:1592(C) and without five percent discount under R.S. 23:1592(D), to formula for computation of benefits	Two hundred seventy-five dollars
3	Equal to or greater than one billion one hundred fifty million dollars but less than one billion four hundred million dollars	Seven thousand dollars	Apply R.S. 23:1592 without seven percent discount under R.S. 23:1592(C) and without five percent discount under R.S. 23:1592(D), to formula for computation of benefits	Two hundred eighty-two dollars
4	Greater than one billion four hundred million dollars	Seven thousand dollars	Apply R.S. 23:1592 without seven percent discount under R.S. 23:1592(C) and without five percent discount under R.S. 23:1592(D), to formula for computation of benefits	Three hundred twelve dollars

Susana Schowen
Secretary

2411#002

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